

## Access to Land in Sundanese Community: A Case Study of Upland Peasant Households in Kemang Village, West Java, Indonesia

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### Abstract

This paper reports on a case study that explores women's access to land, especially among peasant households with a bilateral kinship system in a Sundanese community in an upland village of West Java. Based on values of equity in gender, locally called *sanak*, the parents treat their sons and daughters equally as children and tend to allocate their land based on the customary law. This law supports gender equality in land ownership, which falls into three categories applicable both for paddy field (*sawah*) and dry land (*pasir*). The three categories of land ownership are (a) land solely owned by the husband, (b) land solely owned by the wife, and (c) land with joint ownership (locally called *gono-gini*). Of the total 98.29 ha of the land belonging to households studied, about 50.6% is in *gono-gini*, while the percentage owned solely by the husband is 28.4% and solely by the wife is 21.0%.

Of the 111 households owning land, about 90.1% of them obtained the land either through inheritance, grant or by purchasing after their marriage. The facts show that the owners of the household's land are predominantly women, reaching 43% compared to only 38% owned by men. The gender equality in land ownership is also evident in the inheritance system that passes through both male and female lines. Based on 20 cases (households), the total land obtained from the mother is 6.389 ha (39.23%), while that obtained from the father is 7.496 ha (46.04%) and that from both parents is 2.398 ha (14.73%). Both women and men, including widows/widowers, have control over their land, not only over their inherited/granted/purchased land, but also over to other land that is used in sharecropping, rented and mortgaged. This phenomenon has been recognized by the community and by the external authority at the village level as documented in the *Letter C*.

**Keywords:** Sundanese community, *sanak* values, equality land ownership, *gono-gini*.

### I Introduction

Since the publication of Ester Boserup's book on *Women's Role in Economic Development* in 1970,<sup>1)</sup> there has been a growing recognition of the role of women in the agricultural

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1) Ester Boserup [1970: 35] investigated the role of women in three categories of farming; i. e., male farming, female farming and mixed farming. The first is farming with low female ↗

sector. Despite high awareness among the scholars, there has been too little effort devoted to reveal the condition of women's access to and their control over land, especially in Indonesia.

Different scholars have conducted a considerable number of studies on women's role in the agricultural and rural development of Indonesia at different times. Among those, Sajogyo [1983] and Hastuti *et al.* [2000] deserve special mention due to their potential from an academic perspective. The emphasis of these studies has lain more on the dynamics of women's role in agricultural production, focusing on time allocation without explaining the women's access to land and their control over it.

Studies on the land systems of Indonesia, especially of Java, have a long history. A number of scholars studied in depth the landholding or land ownership patterns in the community and at the village level in order to understand rural economics as well as social structure in Java villages. Based on the survey conducted by the colonial government throughout Java during 1868-69, Kano [1977: 3] reported that the heritable individual possession of land was found in Java. In West Java and Preanger especially, such right is called *milik*, and it was found for *sawah* and also for *lahan kering*. During the 1980s, a number of researchers conducted studies on issues relating to land in Java villages. Among them van der Kroef, Hüsken, White and Wiradi are noteworthy. While van der Kroef [1984] was primarily concerned with landholding patterns and social structures in Java villages, Hüsken and White [1989] focused on social differentiation, food production and agrarian control in Java. Meanwhile, the study by White and Wiradi [1989] dealt with issues relating to agrarian transformation, especially the changes in farming technology, land tenure, land market, and the distribution of operated *sawah* holdings and labor used in the three provinces in Java from 1971 to 1981. Excepting van der Kroef, the researchers noted the impact brought by the changes of technology in the field of absorption of female labor in rice transplanting, harvesting and post harvesting work [Hüsken and White 1989: 254; White and Wiradi 1989: 273].

Curiously enough, no attention was given to the gender aspects of land ownership, except by Kano, who briefly described opportunities for the widow and daughter on land among farmer households [Kano 1977: 12, 15]. Such results were only natural, because of the fact that researches were conducted mainly by using the household data as the unit of analysis, as found in Hüsken and White [1989: 256-257] and White and Wiradi [1989: 268]. Further, these results occur because many researchers treat the household as a single entity in relation to production; and assume that all household resources including land must be owned and controlled by the husband.

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↙ participation associated with extensive plough cultivation; the second is characterized by shifting cultivation with high female participation combined with low technology; and the third is characterized by sharing of farm work between women and men associated with intensive cultivation in irrigated land, land scarcity and small farm size.

In contrast, by referring to an Indonesian anthropologist, Koentjaraningrat [1981],<sup>2)</sup> it can be seen that land ownership and its distribution among household members are in fact influenced by the kinship. Unfortunately, most of the studies conducted on land ownership did not at all mention the influence of the kinship system on land distribution among household members, irrespective of men and women. Kinship is an entry point to the study of social institutions, including land ownership, since it examines the statuses and roles of the individuals who make up a community.

There is some evidence that kinship system influences land allocation among household members. Simbolon [1998]<sup>3)</sup> conducted a study on peasant women and their access to land in a patrilineal kinship system in the Batak Toba, North Sumatra, while Quisumbing and Otsuka [2001]<sup>4)</sup> studied matrilineal kinship. In terms of bilateral kinship, especially in West Java, there are two groups of scholars having different opinions on women's access to land and their control over it in the Sundanese community.

The first group is those scholars who found that women and men in the Sundanese community of West Java have equal access to land [Soepomo 1982; Hardjono 1987]. According to Soepomo [1982: 1 ], the people of West Java generally acknowledge and take into account the kinship through both father's as well as mother's lines, and men (husbands) and women (wives) have equal rights in their marriage, in terms of individual rights and property rights. Equal individual rights means that men (husbands) and women (wives) have their own control over their children. In the case of divorce, either husband or wife has the right to take care of the children. Soepomo's finding was supported by Hardjono who studied land ownership pattern in an irrigated village of West Java. Hardjono [1987: 62] adds that in terms of land ownership, a distinction was made between the land that husband and wife inherited from their respective parents and the land purchased during the marriage. However, neither of them mentioned the values that cause the Sundanese women to have access to land.

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- 2) There are four types of kinship: patrilineal, matrilineal, bilineal and bilateral principles of descent. In the patrilineal descent, the male line gets the inheritance and for the matrilineal descent, the female line gets the inheritance. In the bilineal descent, the male line gets a certain number of rights, while the female gets the other rights. Meanwhile in the bilateral descent, the inheritance system passes through the male as well as the female lines [Koentjaraningrat 1981: 129-130].
  - 3) She reports that despite the control and limitations over the rights to use and alienate land imposed by the *adat* (customs), in reality there are various ways for men and women to get the right of access to land. The embeddedness of gender, kinship and economic status in the end determines how one is aided and at the same time constrained in strategizing access rights to land [Simbolon 1998: 133].
  - 4) Their study in South Sumatra found that the adoption of agro forestry and the individualization of land rights resulted in a change in the traditional inheritance system. The inheritance system is evolving from a strictly matrilineal system to a more egalitarian system in which sons and daughters inherit the type of land that is more appropriate for their own intensive work [Quisumbing and Otsuka 2001: 84].

Ekadjati [1995: 202], a historian, states that the inheritance system of the Sundanese is based on the concept of “*lalaki nanggung, awewe nyuhun*” (the man is carrying something on his shoulders—because of heaviness—and woman is carrying something on her head—because of lightness). This caused a son to inherit twice as much as a daughter. Nevertheless, his statement was not supported by the empirical data. It seems that his opinion is based on a perception presuming that as the majority of the Sundanese is Muslim, the inheritance system practiced among their households would be strongly influenced by the Islamic Law of Inheritance<sup>5)</sup> and the Hadiz.<sup>6)</sup>

Soepomo’s study was mainly based on court cases or cases recorded by the village officials who spread out around West Java during the colonial era. In contrast, Hardjono’s study used households and the holding as the base of her analysis. Although she mentioned women’s access to land among peasant households, there are no further elaborations on gender in land ownership as she did not present sex-disaggregated data at the household level. Moreover, there is a lack of information, especially in terms of formal recognition toward individual land ownership in respect to gender at the village level. Therefore, it is imperative to conduct a study on the values that have offered the Sundanese men and women an opportunity to have an equal access to land, on the dynamics of their relation to land ownership at the household level, as well as on the evidence on formal recognition of individual land ownership in respect to gender.

Such findings are very important not only to gain a better understanding of women’s access to land among peasant households in bilateral kinship, but also to support the availability of sex-disaggregated data on land ownership. Such data may help the policy makers<sup>7)</sup> to value women and men equally as the owners of agricultural resources, which in turn would be important for implementing the Presidential Instruction Number 9 of 2000 (*Inpres* No 9 Tahun 2000) regarding Gender Mainstreaming in Development.<sup>8)</sup> This

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5) “There is a share for men and a share for women from what is left by parents and those nearest related, whether the property be small or large—a legal share” [the Holy Quran, An-Nisaa: 7]; and “Allah commands you as regard your children’s (inheritance): to the male, a portion equal to that of two females. . . . (These fixed shares) are ordained by Allah. And Allah is Ever All-Knower, All-Wise” [The Holy Quran, An-Nisaa: 11] in Al-Hilali and Khan [1997: 108].

6) Prophet of Muhammad stated: You are all leaders and each of you will be asked to account for your leadership. A man is a leader for his household and will be asked to account for his leadership. A woman is a leader in her husband’s house and she will be asked to account for her leadership [Zaini 1994: 88].

7) As most of the agricultural production systems in rural area are run by the households, most of the policy makers of the Ministry of Agriculture in Indonesia tend to use household approach in implementing their programs, and most of the programs for rural women are conducted by using Women in Development (WID) approach, excepting some projects that are funded by international agencies where gender perspectives are used.

8) President instructed all Ministries, Local Government and non department institutions to include gender equity and equality dimensions in all policies, programs, or activities of development programs, including agricultural development [Anonymous 2001].

study is also important as a preliminary study for further research on gender and agrarian transformation, as Hart *et al.* [1989: 10] states that a principal challenge of future research in agrarian transformation is to link the analysis of changing relations between genders and generations with the emerging process of differentiation.

By using a gender perspective, the objectives of the study are to clarify the existence of values internalized by peasant household members in land allocation among the Sundanese community with bilateral kinship system, and to explain their influence on the practice of land rights with regard to landowner category. Along with these, the origin of land rights recognition, especially by the household, community, and external authority at the village level, will be discussed.

## II Research Methodology

### *Conceptual Framework*

Many scholars and institutions are working on gender perspective. Gender refers to the social, economic and cultural roles and relations between women and men, including their different responsibilities in a given culture or location and in different population groups. As a social construct, gender can change over time and vary according to geographic location and social context [ILO 2000: 47; Wood 2001: 22; FAO 2003: 5]. According to Moser [1993: 3] the focus on gender rather than women makes it critical to look not only at the category “women,” but at women in relation to men, and at the way in which relations between these categories are socially constructed.

There are two concepts that are central to analyzing gender in land ownership: access to and control over the land. Haggis *et al.* [2000: 18] defined “access” as the opportunity to make use of resources, but without the authority of taking decisions on how to use them. While the word “control” was defined as the complete authority to make decisions on the use of resources. According to Agarwal [1994: 19], “the concept of access to land can be through not only rights of ownership and use but also informal concessions granted by individuals to kin or friends.” She stated that rights are defined as claims that are legally and socially recognized and enforceable by an external authority, be it a village level institution or some higher-level judicial or executive body of the State. Further, she defined control over the land as the ability to decide how the land is used, whether it can be leased out, mortgaged, bequeathed, and sold and so on. She also emphasized that when speaking of the importance of women having “independent rights in land,” it should be an effective right, which means “having a right not just in law but also in practice.”

By referring to the concept of bilateral kinship and the above discussion, this study attempts to show that in the bilateral kinship system, the land inheritance system is

based on the customary law which is strongly influenced by gender equity<sup>9)</sup> values and this, in turn, leads to gender equality<sup>10)</sup> in terms of land allocation and control at the household level. Based on this hypothesis, this study will try to find information on the values regarding gender equity which are internalized among peasant households; and to elaborate further how these values are reflected in the nature and the dynamic of customary law which directs the land rights and the system of land inheritance that have been practiced by the members of the peasant household.

With regard to Agarwal's concepts stated above, this study needs to find data on land ownership of households in terms of size of land and categorize the owners of the land with respect to gender. In order to understand the origin of land that belongs to the household members of the cases under survey, data on two generations are needed. This is also helpful for identifying the mechanisms of land distribution at the household level. Data on land ownership are also important for mapping out the land distribution pattern at the community level with respect to gender. Realizing that the peasant households are heterogeneous in land size, access and control, this paper attempts to give an explanation of women's access to and control over land by looking at the stratification of household in terms of land ownership.

Furthermore, given the heterogeneous pattern of households and the nature of interrelationships among them, this study is also concerned with the data on the dynamics of land tenure among the peasant households, data on other factors in the village that shed light on rights to land in the form of usufruct, such as leasing/renting; sharecropping and mortgaging in respect to gender. Empirical data partly supports the rights in land in the community level. Further, with a view to examining the legal aspects of recognition of women's rights in land at the community or village level, other types of data or historical corpuses available in the village office, especially the "Letter C"<sup>11)</sup> document, are used.

#### *Methodology of Field Research*

This study used several research methodologies to collect the primary and secondary

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- 9) Gender equity means fairness of treatment for women and men, according to their respective needs. This may include equal treatment or treatment that is different but which is considered equivalent in terms of rights, benefits, obligations and opportunities [ILO 2000: 48].
  - 10) Gender equality entails the concept that all human beings, both men and women, are free to develop their personal abilities and make choices without the limitations set by stereotypes, rigid gender roles and prejudices. The different behaviours, aspirations and needs of women and men are considered, valued and favored equally [ILO 2000: 48].
  - 11) Letter C (*Buku Letter C*) is a book that deals with the judgment on land classification and size of holdings made by the village officials for determining the classification for imposing Regional Development Levy (Iuran Pembangunan Daerah) for each landowner [Kano 1984: 239-240].

data. The primary data collected by the full enumeration survey will be used along with detailed interviews of the upland peasant households in two adjacent hamlets of Kemang Village i. e., Beber and Cikupa. These two hamlets have been selected because they represent the general conditions of the village with regard to social, economic and agro-ecological factors. The full enumerated survey of the household was conducted in September and October 1998, while the collection of documents and extensive interviews were taken in April 2002, especially to complete the qualitative data. Based on the full enumerated survey result, the number of households selected for studying the land ownership is 165. From these households, 20 sample households were selected for in-depth interview. The questionnaires include demographical aspects, the pattern of land ownership, the size of paddy field and dry land owned, the location of land, the way the land was obtained, the kind of usufruct, and others. The in-depth interviews were conducted particularly to collect information on values, inheritance and kinship systems.

To show the dynamics of land ownership pattern at the community level based on landholding, the peasant households were differentiated into the following four strata, determined based on focused group discussion.

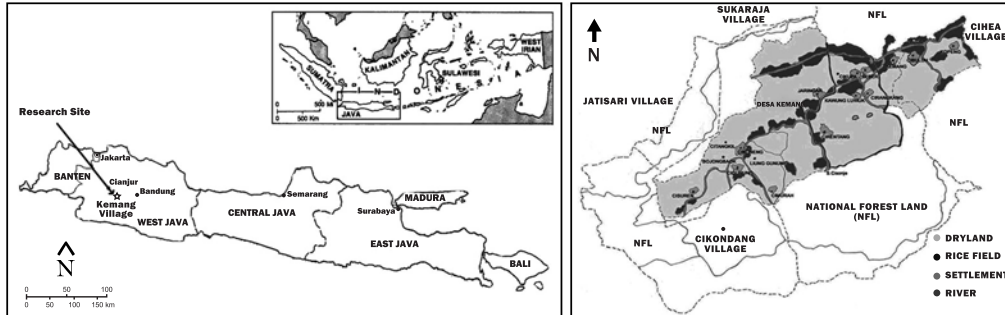
<b>Stratum</b>	<b>Size of Landholding</b>
Stratum A (upper stratum)	More than 1.5 ha
Stratum B (medium stratum)	0.7 ha–1.5 ha
Stratum C (lower stratum)	0.1 ha but less than 0.7 ha
Stratum D (lowest stratum)	Landless households

The secondary data that are used in this study include the data on monographs of Kemang Village and the “Letter C” document. Since the data of the “Letter C” in 1998 are not available, the data on 1976 have been used instead, particularly for obtaining figures on the recognition of women’s and men’s rights to land.

### III Research Site: General Condition

Kemang Village is one of the villages of the Sub-district of Bojong Picung, Cianjur District, which is located in the southern part of West Java. The village is situated between Sukaratu Village to the north, Cililin Subdistrict (Bandung District) to the south, Sukarame village to the west and Cihea Village to the east. Administratively, the village is divided into three *dusun* (sub-villages); and like other upland Sundanese villages, each *dusun* consists of a number of hamlets (*kampung*), which are scattered over the whole village territory and linked by foot tracks. There are 22 hamlets which are unevenly distributed into the three sub-villages (*dusun*): 7 hamlets in Dusun I, 5 hamlets in Dusun II, and 10 hamlets in Dusun III (see Map 1 ).





**Map 1** Location of Research Site and of Kemang Village, Cianjur District

Source: Location map is modified from the Map of Indonesia and Java in Hüsken and White [1989: 234].

Note: Map of Kemang Village is drawn by E. Kusumah, an extension agent of PMDHT (Integrated Forest Village Community Development Program), Kemang Village (1998).

Kemang Village represents the upland area, which is surrounded by the National Forest Land (Perhutani's Land). Of the total village area, which is around 2,529 ha, 43.5% (around 1,040 ha) is Perhutani's Land, consisting of 135 ha as conservation forest and 905 ha as production forest. As an upland village, there are two types of agricultural land that are important to peasant households in the village: paddy field or *sawah*, and the dry land or *pasir* (these local names are used in this paper).

The land that belongs to the Kemang people is around 963 ha, consisting of 87.8 ha of *sawah* (3.5%) and 878.6 ha of *pasir* (35.9%) [Anonymous 1998]. The *pasir* owned by the Kemang people is distributed throughout the hamlets in Kemang Village; while the *sawah* owned by the Kemang people is located not only in the village but also in the low-land areas surrounding Kemang such as Bojong Picung and Cibarengkok.

Similar to the upland villages in West Java, there is no communal land such as *tanah bengkok*<sup>12)</sup> in this village. However, there is about 13.5 ha of village land called *tanah titisara*, which is all in the form of *pasir*. Besides being allocated for building the elementary school in Baranangsiang hamlet and the village cooperative, the village land is also allocated for the cemetery. Interestingly, about eight landless households—including two widows—also use parts of this land for non-permanent houses.<sup>13)</sup>

The population of the village was 4,346 people, with males slightly outnumbering females, i.e. 50.9%, and the number of the households was 1,398 [*ibid.*]. The major occupations include farmers of *sawah* and *pasir*, agricultural wage laborers, traders, artisans, and transportation workers. About 1,378 out of 4,335 are reported as landowners,

12) *Tanah bengkok* is *sawah* assigned to village officials for their private use [Kano 1977: 21]

13) There is an agreement between the village organization and the villagers who occupied the *tanah titisara*. The households could occupy the *tanah titisara* as long as the land has not been used for cemetery.



while the rest is landless [*ibid.*]. The Kemangs are all Muslims.

Of the 165 enumerated households, males headed 95.5% of the households whereas 4.5% of the households were headed by females. The low number of female headed households occurred due to the fact that among the Sundanese Muslim community, the status of the head of household (*kepala keluarga* or *kk*) is determined *de jure*. By the type of family, about 80% of the enumerated households are the nuclear type of family, made up of parent(s) with or without children, and the rest (20%) are the extended type of family, which consists of husband and wife with either married or unmarried adult children or grandchildren. Polygamy was found in two cases among the enumerated households (about 1%).

The 165 households studied there were 644 household members. By marriage status, almost 50% were married (couple), 46% had not married yet, and the rest were widows or widowers. Most of the couples consisted of people who were born in different hamlets of the same village, but some of the younger people were married to a wife/husband from a different sub-district and/or district in West Java. Therefore, the marriage system is hamlet exogamy. Of the 80 couples, about 92% choose their wife/husband by their own decision, and the rest had the choice made by their parents. The residential system of new couples is to live with either the husband's or wife's family or alternatively to have the opportunity to choose to live far from both families. This depends on the availability of land that can be used for building the couple's house and/or the job of the husband. Of the total interviewed couples, about 50% live in the wife's land, 46% in the husband's land; while the rest is in a new location (as the husband works in another village or in an urban area). The average age of first marriage among those who are currently married was about 21 years for men and 16.4 years for women, while for widows and widowers, the average age of first marriage was about 15 years for the women and about 18.8 years for the men. With regard to marriage frequency, generally, the male household members who had married had been married 1.6 times, with the equivalent figure for women being slightly lower, about 1.4 times.

#### IV The Values of *Sanak* and Its Relation to the Customary Law of Inheritance System

As already mentioned earlier, Ekadjati pointed out the values of *lalaki nanggung-awewe nyuhun*. This concept implies gender inequity, with values of treating men and women differently in any aspect of household life. On the contrary, we found that the values that govern life among the peasant households in Kemang are based on the gender equity. The values concerning children among the Kemang households are called *sanak*, which gives sons and daughters the same status as children (*anak*). Having these values, the parents treat the children equitably with regard to property including land that is bought

during their marriage as well as to the property/land that was owned by them at the time of their marriage.

Although the Kemang people are all Muslims, customs related to land allocation in the household deviated from the scriptural text (the Holy Quran) rules. The inheritance system that has been implemented by most of the Kemang people is bilateral, where the land is allocated through the nucleus household based on equality of division among all children.

In general, the ownership right of land in Kemang is such that the owner, mother and/or father, can dispose of her/his land to her/his/their children according to personal or joint will. However, this should be done prior to the death and this is called *hibah* (grant). In the case where the mother or the father dies before allocation of the land, usually the land would be allocated by the surviving spouse. In a case where both the father and mother die before their children reach adulthood, the eldest daughter/son distributes the land among the siblings based on the customary inheritance system. In the case when they have to allocate land according to Islamic law of inheritance, they tend to allocate land in two stages. At first, by implementing the Islamic law or what they call Faroid, the son gets twice as much as the daughter. In the second stage, the brother shares a half of his inherited land by dividing it into two parts and giving a part to his sisters. The first stage is conducted to express his obedience to the Islamic law of inheritance, and the second stage is to express his respect and solidarity to his sister/s. The brother tends to share the land equally with his sister, as he is aware that in reality his sister also needs land for her livelihood. Therefore, there is a distinction between the land that a husband and wife inherit from their respective parents and the land purchased during the marriage, which is called as *tepung kaya* or *gono-gini*.

There is fairness between wife and husband regarding the land, and marriage does not bring ownership rights to the land of the spouse, so in all situations a woman/man retains her/his rights to her/his own land, as pointed out by Hardjono [1987: 78]. As far the couple has children, the couple's siblings (aunt and/or uncle) have no rights to inherit the land. Interestingly, in the case that the couple does not have any children, the land is equally allocated to their siblings. In the case that all the couple's siblings died earlier, the husband's and wife's land is equally allocated to the sons and daughters of the sibling.<sup>14)</sup> According to some informants, until recently there has been no evidence of conflict among the couple's siblings (aunts and uncles) or between nieces and/or nephews regarding the practice of customary law on land inheritance systems. This may be due

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14) There is a case of Mrs. HT who married twice but did not have any children. Before her death, she made a testament to her niece and nephew to allocate her land as follows: to sell the one hectare of her *pasir* and part of the money should be spent to ask the Islamic leader who has already gone on a Hajj pilgrimage to conduct a Hajj pilgrimage on her behalf; and the rest was for her death ritual ceremonial activity; while her *sawah* should be allocated equally among her niece and nephew.

to the fact that Kemang people generally respect the testaments (called *amanat*) made by their late parents or aunts/uncles, so as to ensure the parent or uncle/aunt rests in piece.

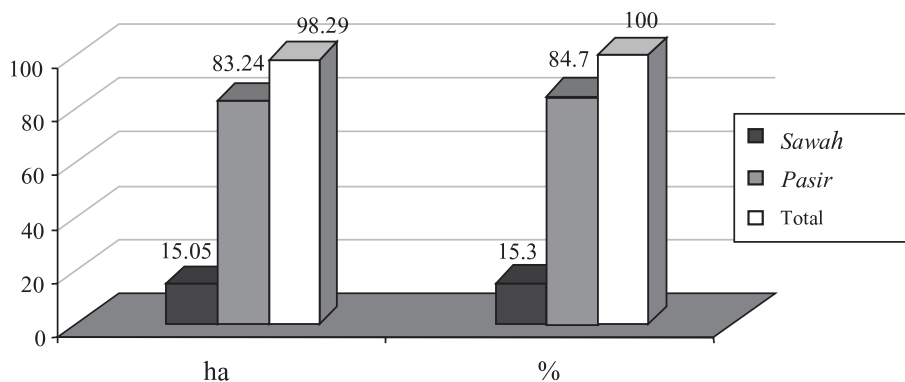
## V The Distribution of Land

### *The Total Land Owned by the Peasant Households*

As already mentioned above there are two types of agricultural lands that are considered important by the Kemang people i. e., *sawah* and *pasir*. Fig. 1 shows the total land that belonged to the Beber and Cikupa residents.

As seen in Fig. 1, the total land owned by households of the two hamlets was 98.29 ha, consisting of 15.05 ha or 15.3% *sawah* and 83.24 ha or 84.7% of *pasir*. For *pasir*, all the land that belonged to the hamlets' people was located inside the village, and was around 9.5% of the total *pasir* in the village. The *sawah* was around 17% of the total *sawah* in the village. By location, the percentage of *sawah* located inside the village was higher than the percentage located outside the village. It was 12.83 ha, representing 14.6% of the total *sawah* that belonged to the village. The remaining land was located in Bojong Picung and Cibarengkok area, amounting to 2.22 ha or around 2.5% of the total *sawah* in the village.

In regard to the fact that the peasant households are heterogeneous, this study also looked at the "clue" of differentiation in terms of land ownership by analyzing the land distribution pattern according to stratification. Of the 165 enumerated households, there were 19 households (11.5%) of Stratum A, 21 households (12.8%) of Stratum B, 71 households (43.0%) of Stratum C and about 54 households (32.7%) which were landless. Table 1 provides some information of land distribution among the peasant households according to stratification.



**Fig. 1** The Total Land Owned by Households of the Two Hamlets by Type of Land in 1998 (in ha and %)

Source: Fieldwork, 1998.

**Table 1** The Total Land Owned by Peasant Households in the Two Hamlets in 1998 by Type of Land and Stratification

Stratification	<i>Sawah</i>	<i>Pasir</i>	Total
Stratum A (n= 19)	8.95 (9.1)	42.73 (43.5)	51.68 (52.6)
Stratum B (n= 21)	2.23 (2.3)	20.64 (21.0)	22.87 (23.3)
Stratum C (n= 71)	3.87 (3.9)	19.87 (20.2)	23.74 (24.1)
Total (n= 111)	15.05 (15.3)	83.24 (84.7)	98.29 (100)

Source: Fieldwork, 1998.

As it is seen in Table 1, 52.6% of the total land belonged to Stratum A households. Looking at the type of land, Stratum A households owned 8.95 ha or almost 60% of the total *sawah* and also 42.73 ha or 51.3% of the total *pasir*. In terms of *sawah*, Stratum A controlled 4 times the amount of land controlled by Stratum B and 2.3 times the amount controlled by Stratum C. For *pasir*, Stratum A controlled double the amount owned by Stratum B and C. Besides the landowners, the identity of the Stratum A is described by some combination of the following: banana traders or the owners of wood and rice milling micro enterprises and *hajis*, and elementary school teachers. Some of them were either traders in banana leaves and fruits, or owners of rice hullers, trucks, vans and small shops. This is a tendency of what White and Wiradi stated as strategy of accumulation, in which surpluses derived from one income activity are used for gaining access to (and higher income in) the other [White and Wiradi 1989: 296].

#### *The Average Size of Land among Peasant Households*

This section aims at describing the average size of land of the household according to stratum. Of the 165 households studied, the average holding of the *sawah*, *pasir* and the total land was only 0.091 ha, 0.505 ha and 0.596 ha respectively. In other words, the average size of *pasir* was almost 5.5 times higher than the average size of *sawah*.

However, if only land-owning households are considered (111 households), as shown in Table 2, the figure rises to 0.14 ha for *sawah*, 0.76 ha for the *pasir* and the total land is around 0.90 ha. The largest size of land owned by households is 0.87 ha for *sawah* and 6.6 ha for *pasir*.

Of the households that owned the land, counting both *sawah* and *pasir*, the average land size of Stratum A households was around 2.77 ha, that is around 2.5 times and 8.3 times higher than Stratum B and Stratum C. However, there is a patron client relationship between the upper stratum households with those of the lower stratum. Since the *pasir* is located in remote areas and the households of the upper stratum cultivated their *pasir* with banana leaves, the households of the lower stratum and landless households get the opportunity to work as laborers harvesting and transporting banana leaves. The remoter the *pasir* is located, the higher the share that obtained by the laborers. If the *pasir* is located close to the human settlement, the share is 50:50; but for *pasir* farther way

**Table 2** Average Land Size Owned by Households in the Two Hamlets in 1998 by Type of Land and Stratification  
Unit: ha (%)

Stratification	<i>Sawah</i>	<i>Pasir</i>	Total
Stratum A (n= 19)	0.47 (17.0)	2.30 (83.0)	2.77 (100)
Stratum B (n= 21)	0.11 (9.8)	0.98 (90.3)	1.09 (100)
Stratum C (n= 71)	0.05 (16.3)	0.28 (83.7)	0.33 (100)
Total (n= 111)	0.14 (15.2)	0.76 (84.8)	0.90 (100)

Source: Fieldwork, 1998.

from settlements the share is 40:60, and for the farthest *pasir*, the share is 25:75. Lower stratum households and the landless also have an opportunity to harvest and process liqueur of the palm trees that grow naturally in the *pasir* that belongs to upper stratum households [Mugniesyah, Mizuno and Iwamoto 1999: 22].

## VI Gender and the Practice of Land Rights at the Household Level

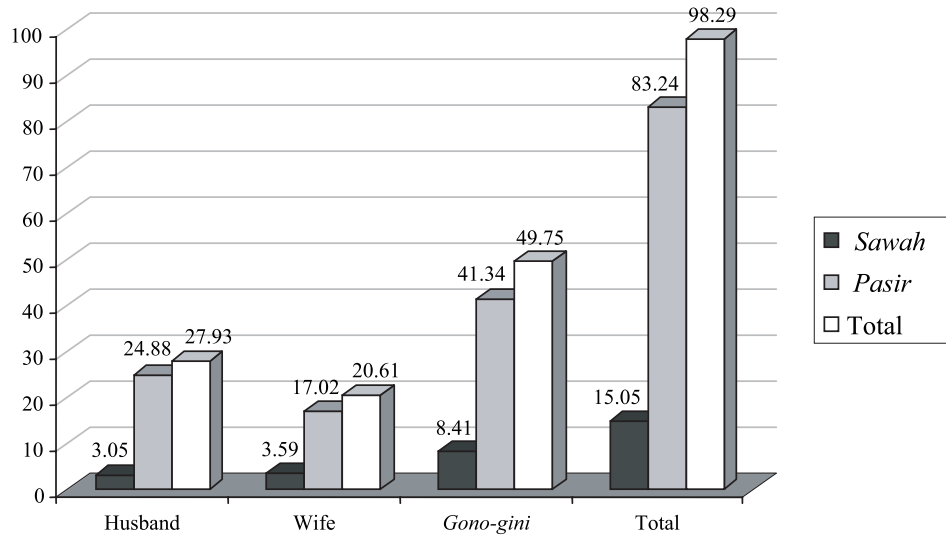
In the following parts of this paper, an attempt will be made to provide evidence on how the customary law is applied in practice, especially with regard to landowner categories at the household level, and to the origin of the land.

### *Landowner Category at the Household Level*

Based on the inheritance system described above, there are three categories of land ownership at the household level: the land solely owned by the husband, the land solely owned by the wife, and the land owned under joint ownership, locally called *tepung kaya/gono-gini*. Fig. 2 shows the total land owned by peasants' households by category of landowner.

In general, of the 98.29 ha total land of the enumerated households, 49.75 ha (50.6%) was in *gono-gini*, while land owned by wife solely was 20.61 ha (21.0%) and land owned by the husband solely was 27.93 ha (28.4%). This means that there is opportunity for many households to expand their land after their marriage, although the size of land is very small. By the type of land, there is a slight difference between *sawah* and *pasir*. In terms of *sawah*, the figures for land owned solely by the wife are higher than those for land owned solely by the husband: 3.59 ha (23.9%) of women's solely-owned land and 3.05 ha (20.3%) of husband's solely-owned land. The *pasir* shows the contrary picture: the wife's solely-owned land was 17.02 ha (20.4%) and the husband's solely-owned land was 24.88 ha (29.9%).

Of the total land owned by the households (111 households), about 100 households owned their land through inheritance or grant, and the rest were those that owned land through purchasing after their marriage (*gono-gini*). Looking at the owner of the land, it



**Fig. 2** Total Land (ha) Owned by Households in the Two Hamlets by Type of Land and Owner Category in 1998  
 Source: Fieldwork, 1998.

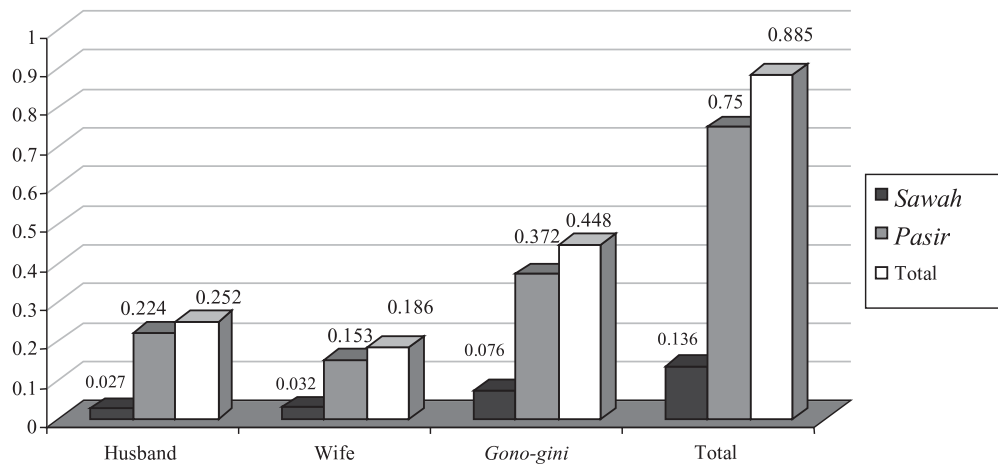
is found that wives owned the largest part of the household's land. Of the households that owned land, 43% of them were households where the land is solely-owned by the wife, owning *pasir*, *sawah* or both. Meanwhile households where the land was solely-owned by the husband were only 38%, and the remaining was *gono-gini* land. In other households, the *sawah* belongs to the wives and *pasir* belongs to husbands (7%). Only 4% of the households owned both types of land inherited from or granted by their parents.

As shown in Fig. 3, generally the average land size of wife's land was slightly lower than that of the husband. However, the figure differed slightly according to the type of land. Regarding *sawah*, the average land size of wife category was 50 m<sup>2</sup> larger than that of husband's; while for *pasir* the husband's land was 710 m<sup>2</sup> larger than that of the wife's.

Further, it is interesting to compare these categories for both types of land among the strata, as can be seen in Table 3.

As shown in this table, the higher the stratum, the higher the average land size in the three categories for both types of land. Among the Stratum A and C households, in terms of *sawah*, the average land size owned by the wife was slightly higher than that of the husband.

This situation occurs due to the fact that some women with half a hectare of land were married to men with little or no land. Interestingly, some of the Kemang women prefer to marry a man who is capable of managing her land. This is different from the findings of Hardjono who studied in Sukahaji, Bandung and reported the tendency for "land to marry land," with it being as almost unusual for a man or woman with half a



**Fig. 3** The Average Land Size Owned By Households in the Two Hamlets in 1998 by Type of Land and Owner Category (in ha)

Source: Fieldwork, 1998.

**Table 3** The Average Size of Land Owned by Peasant Households in the Two Hamlets by Type of Land, Landowner and Stratification in 1998  
Unit: ha

Stratification	Sawah			Pasir		
	Husband	Wife	Gono-gini	Husband	Wife	Gono-gini
Stratum A (n= 19)	0.049	0.064	0.358	0.563	0.272	1.467
Stratum B (n= 21)	0.038	0.038	0.030	0.286	0.274	0.423
Stratum C (n= 71)	0.019	0.022	0.014	0.129	0.086	0.064

Source: Fieldwork, 1998.

hectare of land to marry a person with no assets in the form of an anticipated *warisan* (inheritance) of land [Hardjono 1987: 66]. Among Stratum B households, the average land size that was owned by husband and wife was almost the same both for the *sawah* and *pasir*. Furthermore, we find a different land ownership pattern among the strata as seen in Table 4.

Among the Stratum A households, the land ownership pattern for *sawah* and *pasir* is similar. There were four dominant categories: (a) Husband–Wife–Gono-gini, (b) Husband–Gono-gini, (c) Wife–Gono-gini and (d) Gono-gini only. Among the Stratum B and C households, the percentage of women category was slightly dominant, especially for the *sawah*. The percentage was 23.8% among Stratum B and 32.4% among Stratum C. But for *pasir* there was a difference between the two strata. Among Stratum B households, the percentage of *gono-gini* land was dominant (28.6%), then the pattern of Wife–Gono-gini and Husband, each 19%, followed by wife (14%). In other words, among Stratum A, most of the households were those that can expand or accumulate the land that derived from the couple, or from each member of the couple. In contrast, among Stratum B and C



**Table 4** Land Ownership Pattern: Among Peasant Household in the Two Hamlets by Type of Land and Stratum in 1998  
Unit: %

Land Ownership Pattern	<i>Sawah</i>			<i>Pasir</i>		
	Stratum A	Stratum B	Stratum C	Stratum A	Stratum B	Stratum C
H-W-GG	21.1	0	0	20	4.8	0
H-W	0	14.3	0	5	9.5	2.8
H-GG	26.3	4.8	4.2	20	4.8	1.4
W-GG	15.8	14.3	8.5	15	19	2.8
W solely	5.3	23.8	32.4	0	14.3	21.1
H solely	5.3	14.3	18.3	10	19	32.4
GG solely	26.3	4.8	7	30	28.6	15.5
None	0	23.8	29.6	0	0	23.9
Total	100	100	100	100	100	100

Source: Fieldwork, 1998.

Note: H=Husband, W=Wife, GG=*Gono-gini*

households, *sawah* that is derived from the wife was dominant, while the *pasir* that derived from wife and husband was also dominant. It seems that the figures mentioned above reflect that in general the equality in access to land among women and men in Kemang village has been implemented.

*Origin of the Land and Its Dynamics*

Table 5 presents some information on the origin of land, which is based on in-depth interviews of 20 selected families. The data show that husband and wife obtained inherited and granted land from their parents through their mother and father as well as from both of them.

As shown in Table 5, of the total land, 6,389 ha (39.23%) land was obtained from the mother. This amount was not so different compared to that obtained from the father (7,496 ha or 46.04%); while land obtained from both parents was 2,398 ha or 14.73% of the total land. Furthermore, based on the obtaining process, the majority of the husband's land and wife's land is obtained by the way of the inheritance system, which is applicable for both *sawah* and *pasir*.

It is interesting to note that in the case when one of the couple dies earlier, the survivor should allocate the father's/mother's land directly to their children as soon as possible, especially when the son/daughter is adult. If the son/daughter is still young, her/his brother/sister kept the land and gave the land after they he or she became adult or married.

The data analysis for the total inherited and granted land shows that there was considerably more land owned by wives through inheritance and grant in regard to *sawah* and *pasir*. As may be seen in Table 5, the total *sawah* owned by wives was about 1.51 ha, while that owned by husbands was only 0.52 ha. For *pasir* the amount of wife's

**Table 5** The Total Land Owned by Households in the Two Hamlets by Owner and Origin of Land in 1998  
Unit: ha

Origin of Land	<i>Sawah</i>				<i>Pasir</i>				Total
	Inheritance		Grant		Inheritance		Grant		
	H	W	H	W	H	W	H	W	
Mother	0.343	1.057	0.10	0.049	0.25	3.56	0.03	1.00	6.389
Father	0.014	0.293	0.07	0.014	4.98	1.375	0.75	0.00	7.496
Mother and Father	0.000	0.000	0.00	0.098	0.00	1.000	0.25	1.05	2.398
Total	0.357	1.350	0.17	0.161	5.23	5.935	1.03	2.05	16.283

Source: Based on our field research in April 2002 (n= 20 households).

Note: H=Husband, W=Wife

**Table 6** The Average Land Size among Households in the Two Hamlets by Owner and Origin of Land in 1998  
Unit: ha

Origin of Land	<i>Sawah</i>				<i>Pasir</i>			
	Inheritance		Grant		Inheritance		Grant	
	H	W	H	W	H	W	H	W
Mother	0.017	0.053	0.005	0.002	0.013	0.178	0.015	0.025
Father	0.001	0.015	0.004	0.001	0.249	0.069	0.038	0.000
Mother and Father	0.000	0.000	0.000	0.005	0.000	0.050	0.013	0.078
Total	0.018	0.068	0.009	0.008	0.262	0.297	0.066	0.103

Source: Based on our field research in April 2002 (n= 20 households).

Note: H=Husband, W=Wife

and husband's land was 7.985 ha and 6.26 ha respectively. In other words, almost 74% of *sawah* and 56% of *pasir* was inherited land owned by the wife.

In terms of the average land size, the figure is similar to the total land as mentioned above (see Table 6). Women (wives) inherited larger *sawah* and *pasir* than men (husbands) by 0.050 ha and 0.035 ha respectively. Women (wives) supported their households by making access to land in case of almost all the strata. In Stratum A, there is a case of a polygamous household. In this case, it is found that the husband who has 0.07 ha of *sawah* and 0.98 ha of *pasir* married to his first wife who has 0.25 ha of *sawah* and 0.25 ha of *pasir*, and then to the second wife who has 0.42 ha of *sawah* and 3.1 ha of *pasir*. According to his two wives, their husband's land is not enough to support their household expenditure. In another case, we found two cases of women, one from Stratum B and one from Stratum C, who married twice, and neither the first husband nor the second husband had any land.

Since land is considered very important for the household economy, it is common for the woman (wife) and husband to prefer to keep inherited land as their own possession. There is an exception to this practice in that they sell land when they find scope to buy another piece of better quality of land. Everybody, irrespective of gender, prefers to sell

the land with *gono-gini* status if they have it.

A number of cases among the respondents showed that they usually sell their own land after discovering the possibility of buying another piece of land, either *sawah* and or *pasir*. It was also found that the woman as well as the man has the right to buy land individually. Of the 20 cases, 0.78 ha of *sawah* were bought by the wife (3 households) and 1.18 ha were jointly bought by husband and wife or *gono-gini* (9 households). In terms of *pasir*, around 2.23 ha (3 households) and 9.54 ha (8 households) were bought by wife and *gono-gini* respectively.

The women of Kemang keep control over the land which is inherited from their mothers or fathers. In the case of a woman of Stratum A of the polygamous family, the second wife stated that she sold *pasir* three times at different stages. First, she sold the *pasir* inherited from her mother to buy *sawah*, which was more productive i. e., 300% of harvesting intensity. Next, she sold a part of another piece of *pasir* when she decided to go for a Hajj pilgrimage to Mecca. Curiously enough, she even asked her husband to follow her with the money she received by selling the landed property. She also decided to adopt three children—one foster daughter and two foster sons—whom she later on gave rights to cultivate a part of her *sawah* as well as *pasir* based on the sharecropping system. Third, she decided to sell a part of her *sawah* that was bought by the money earned from selling the *pasir* to support her youngest daughter for studying at the university. She said that all their children were enrolled in academic institutions including the universities in the capital city of West Java (Bandung) using the money earned from her land. The income of her husband is not enough, since her husband has nine children from his first wife. But, she recognizes that her husband helps her in maintaining her land, especially after he retired from being the head of the village.

The second case is a woman of Stratum B who married to a second husband having no land who works as a civil servant. She manages her own land by herself since her husband works as a civil servant outside the village. She reports that she also keeps the income drawn from her inherited land due to the fact that the land under question belongs to her and also to two of her sons from the first husband. The land belonging to the woman of Stratum B consists of land that she inherited from her mother (*sawah*), her father (*pasir*), and from her first husband (*sawah* and *pasir*). Another case is the land-owning woman of Stratum C, who obtained a divorce from her husband because in her opinion her husband was not working hard enough for her land. She decided to remarry a person whom she considered very hardworking. Interestingly, she decided to buy another piece of land during their marriage, which she called the *gono-gini* land, as she thought that her husband contributed largely to the income that derived from her *sawah*. This points out the fact that the land categorized as *gono-gini* may also be supported by income originating from the wife's property.

The gender equality in land ownership also supports the tendency for equality in productive activities. Based on the data in 1998, it is known that women and men in

Kemang Village are involved in rice farming in *sawah* and *huma* paddy farming in *pasir* [Mugniesyah and Mizuno 2003]. The average working hours required for rice farming in *sawah* are about 1,987 hours in the rainy season and 1,826 hours in the dry season. Women (family and hired labor) contributed about almost 56% in the wet season and 54% in the dry season. Similarly, in *huma* paddy production in *pasir*, of the total working hours required for *huma* paddy production, women contributed around 47.5% out of the total hours (2,234 hours in six months period). Interestingly, there is no sex segregation in the rice farming activities in *sawah* as well as in *huma* paddy in *pasir*. Women and men are engaged in almost rice farming activities in *sawah*. The gender stereotype of preparation of land and spraying work being man's domain is exclusively among the peasant households. In contrast to this perception, women and men are involved in preparing land and spraying work, although the working hours are relatively short. In *huma* paddy production in *pasir*, women and men are also engaged in the "heavy tasks" such as slashing, burning of tree and cleaning the land. In these activities, women contributed 15.7% of the total activity, or about 55% of the men's contribution. Generally, women also took part in decision making together with their husbands in almost all activities in rice farming in *sawah* as well as in *huma* paddy production in *pasir*. Women are also involved in decision making in the technological domain such as fertilizing, spraying and milling. Women in Kemang also contributed significantly to the household's income. Of the average household incomes in 1998 (about 6.8 million *rupiahs*), women contributed about 25% of the household income from their non-farm productive activities; and together with the husbands, they contributed about 50% from agricultural and brown sugar industry activities.

#### *Gender and Land Tenancy*

According to Agarwal [1994: 19], whether the rights in land can be in the form of ownership or usufruct (that is rights of use) are associated with varying degrees of freedom e. g., to lease out, mortgage, bequeath or sell. In the case of Kemang Village, the people also have access to land in the way of sharecropping (*bagi hasil* or *maro*), renting (*sewa*) and mortgaging (*ngakad*),<sup>15)</sup> and even in cultivating the Perhutani's Land.

As it is shown in Table 7, 33.215 ha of land was accessed by the residents of Beber and Cikupa hamlets, where our survey was conducted.

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15) Sharecropping is a form of land tenure under which the landowner allows another person to cultivate land in return for a 50% share of the produce. The system of land renting usually involves a cash payment to the landholders by the tenant in advance before the tenant acquires the right to cultivate it. The system of *ngakad* is different from rent. In this system, the landowner borrows some amount of money from other person who lends him/her money; and in lieu of that, the lender acquires the right to cultivate the land as his/her own. The period of mortgage (*ngakad*) depends on the agreement, but usually it exists until the debt is repaid.

**Table 7** The Total and Average Land Size Accessed by Peasant Households in the Two Hamlets by Type of Agreement Unit: ha

Type of Agreement	<i>Sawah</i>		<i>Pasir</i>	
	Total	Average	Total	Average
Sharecropping	3.431	0.14	7.000	0.39
Rent	0.924	0.12	1.000	0.50
Mortgage	0.560	0.19	0.000	0.00
Perhutani's land cultivators	0.000	0.00	20.300	0.30
Total	4.915	0.14	28.300	0.32

Source: Fieldwork, 1998.

Of the 165 households studied, about 43 households have access to other's land by sharecropping. Of these sharecroppers, about 25 households (15%) cultivate *sawah* and 18 households (11%) cultivate *pasir*, with the average land size being about 0.14 ha for *sawah* and 0.39 ha for *pasir*. The sharecroppers who cultivated *sawah* consist of those who belong to all strata: 2 households each from Stratum A and Stratum B, 12 households of Stratum C and 9 households of Stratum D. Those who cultivated *pasir* consist of 3, 7, and 8 households of Stratum B, C and D respectively. There were only 5 households that had sharecropping agreements on both types of lands.

The decision of accepting the sharecropping agreement is decided by the couples, as they are the main family laborers who cultivate the land. Besides, most of the money required for cultivating the land is derived from the income of the couples' land. However, there were four households that earned the capital necessary for the sharecropping. Such capital originated in money earned by the wives as international migrant workers. The sharecropping system is usually restricted to land located exclusively in the village. Households of the lower stratum are not interested in becoming sharecroppers outside the village. It is because the transportation cost from Kemang to the lowland villages located surrounding the village is too expensive for the poor households. The landowners who engaged in this sharecropping system consisted of women and men from all strata, while the cultivators consisted of women and men of the landless and those who belong to Stratum B and C. The sharecropper may even be the landowner's daughter or son who is landless.

As *sawah* is limited in Kemang Village, the opportunity for the landless households to rent land was also limited. There were only eight households who rented *sawah*, and they belonged to the households that do not have *sawah* but do have a small amount of *pasir*. The average land size that they rented is about 0.12 ha. Only two households had access to rent *pasir*, with the average land size being about 0.5 ha. Neither of them had *sawah*, but owned *pasir* that belongs separately to the husband and wife. In terms of mortgage, there were only three households of Stratum B and C that possessed mortgage of *sawah*, with the average land size being about 0.19 ha. All of the households used the

income generated by the women from non-agricultural activities (migrant worker, small shop owner and trader) for mortgaging.

Of the 165 households studied, there were 69 households (41.8%) of all strata that cultivated Perhutani's land as participants in the Social Forestry Program. Of the 69 households, there were 5 households each from Stratum A and B, 32 households from Stratum C, and 27 households from Stratum D. There is a tendency whereby the higher the stratum, the larger is the average land size of Perhutani's land cultivated. The average land size of Stratum A is 0.55 ha, while among Stratum B and C households it is around 0.30 ha and 0.29 ha respectively; and about 0.25 among Stratum D households. The reason is due to a number of husbands of Stratum A and B who were also appointed by the National Forest Company (Perhutani) as heads of the forest farmer groups.

Widows and widowers in Kemang Village also had access to land. Of the 165 households studied, there were 19 widow/widower households, of which 8 are widows. It is interesting to note that even among widower households, besides having access to land inherited from his parents, the widower also had access to *sawah* and *pasir* originating from his wife. Of the total widower households, there were 2 households where the composition of landholding of each household is the following: (a) the *sawah* as well as the *pasir* that belonged to the widower's late wives, (b) the rice land that belong to wife and husband and the *gono-gini's pasir*, (c) the *pasir* that belonged to the husband and access to Perhutani's land. The other widowers were landless, but 2 of them have access to Perhutani's land. The composition of landholding of the widow households is the following: (a) the wife's *sawah* and husband's *pasir*, (b) wife's *sawah* and *pasir*, (c) wife's *sawah* and access to Perhutani's land, (d) cultivated only the Perhutani's land, and (e) access only by mortgaging. The remaining households had no access to any land due to aging.

## VII Recognition of Rights to Land

As mentioned earlier, evidence on formal recognition of women's right to land can be supplied with the help of a document known as "Letter C," which is available at the village office. Table 8 shows the data of the total land and the average land size in the two hamlets as documented based on the Letter C of Kemang Village in 1976. Based on the number of the landowners, it can be seen that about 68 women are documented as landowners, which is about 44% of the total landowners in the two hamlets.

Though the total land belonged to women was lower than those of men, there was no difference with regard to the average land size of the *sawah* (0.1 ha) between men and women. But in terms of the *pasir* the average land size belonged to women was lower than of men. Leaving aside the average land size owned by women and men, the data shown in the table gives an evidence of the formal recognition of women as well as men's

**Table 8** The Total and the Average Land Size Owned by the People of Two Hamlets in 1976 by Type of Land and Sex Unit: ha

Sex	Total Land Size		The Average Land Size	
	<i>Sawah</i>	<i>Pasir</i>	<i>Sawah</i>	<i>Pasir</i>
Men (n = 85)	8.6	51.56	0.1	0.61
Women (n = 68)	5.53	23	0.1	0.41
Total (n = 153)	14.13	74.56	0.09	0.49

Source: Letter C of Kemang Village, 1976.

right in land. This is also supported by the fact that both land registration and land taxpayer liabilities are based on the individual. Regarding tax liability, especially for Pajak Bumi dan Bangunan (PBB), the landowner, whether man or woman, is required to pay the land tax (PBB) according to the land size and land category as written in the document called *Surat Pemberitahuan Pajak Terutang (SPPT) PBB* published by the Cianjur Tax Service Office, Directorate General of Tax, Ministry of Finance.

At the level of ideology and legal regulations, the bilateral Sundanese customary law as practiced by Kemang people is ameliorated by the Constitution of 1945, which supports the principle of gender equality for all citizens. In terms of rights to land, the Basic Agrarian Law No. 5 of 1960<sup>16)</sup> also guarantees the right of women as well as men to own land.

It is found in group discussions and in-depth interviews that the village officers and almost all the villagers have detailed knowledge of each other's land, e. g., about the location, the type of land and boundary and even they usually recognize the land by naming the owner of the land. Since the customary law is enforced and accepted by the village community, there is a lack of awareness among the Kemang people on the importance of the legal documentation of land. In general, most of the land they owned has still remained in the official document in the name of the current owner's mother, father, or even in the name of his or her grandmother, grandfather, or other previous owner.

### VIII Conclusions

The studies conducted previously by many researchers on land tenure and tenancy in West Java were influenced by perceptions on gender role stereotypes which assumed that women (wives) are family labor and housewives; and men (husbands) are heads of the household *de jure*. In addition, most of them assumed that land ownership among

16) The article No. 9 version 2 stated that "every Indonesian citizens, man as well as woman, have the same opportunity to obtain the right on land and to obtain the benefit and the production for himself/herself, and his/her family" [Anonymous 1984: 5].



Muslim farmers must be influenced by the Islamic inheritance law, where women inherited only a half of the land that men inherited. Therefore, they emphasize that husband plays the dominant role in the access to and control over the land. This is not in fact the case, and the practice of land inheritance system has been influenced by the gender values that inform the existing kinship system of the community.

The present study has examined the gender equity values and equality of land allocation by using evidence on land ownership among peasant households in an upland village in West Java that belongs to a Sundanese community with a bilateral kinship system. The research methodologies used in this study were census survey of two hamlets in Kemang Village, in-depth interviews, focused group discussion, and examination of the "Letter C" official document on land ownership available at the village office.

In contrast to Ekadjati [1995: 202] who states that the Sundanese inheritance system is based on the "*lalaki nanggung, awewe nyuhun,*" which means a son to inherit twice as much as daughter, this study provides evidence of *sanak* values, a set of values with gender equity concerning status of son and daughter relating to the rights of household property. Due to the internalization of *sanak* values, mothers and fathers in peasant households treat their daughters and sons equally as *anak* (children), giving them both the same rights to their mother's, father's and/or both parents' property, including land.

Despite the fact that Kemang people are Muslim, the values of *sanak* strongly influence the peasant households to use the customary law in allocating their land through inheritance and grant system. This leads to gender equality on access to and control over the land among the household members. Based on household enumeration, we find three categories of land ownership pattern for *sawah* and *pasir*: husband, wife and joint ownership, called *gono-gini/tepfung kaya*. Of the 98.29 ha total land of 165 enumerated households, about 50.1% is in the *gono-gini* category, while the land owned by the husband is 28.1% and the land owned by the wife is 20.8%.

In terms of *sawah*, the average land size in the category of wife, 0.032 ha, is slightly higher than the husband, which is 0.027 ha. On the contrary, for *pasir*, the average land size is 0.153 ha for the wife and 0.224 ha for the husband. Furthermore, of the 111 households that owned land, about 100 households owned the land through inheritance, grant and/or *gono-gini*, while the rest owned land through *gono-gini* only. Moreover, the largest part of the household's land was in wife category (43%), while those with the household's land belonging to the husband were 38%. The others consisted of households with the wife's *sawah* and the husband's *pasir* (7%), and only 4% households that either the husband or the wife had inherited and granted both the types of land from their mothers and fathers as well. It means that women had the right to dispose exclusively over 43% land and they have customary legal rights over 50.1% of the *gono-gini* land.

The gender equality in land ownership is also shown in the practice of the inheritance system, which is calculated through the male and female lines. Using the data gathered by in-depth interviews of 20 households regarding the origin of the land, it is

found that the total land that was obtained from the mother is 6.159 ha (37.2%), while from the father is 7.496 ha (45.2%) and from both parents is 2.898 ha (17.6%). These findings highlight the domination of women in access to and control over the household's *sawah*. Of the total land owned by the 20 households, a considerable amount of land was owned by wives through inheritance and grant, for *sawah* and *pasir*. The total *sawah* under the possession of women was about 1.51 ha or almost 74% of the total household's *sawah*. In the case of *pasir*, the women's position was higher than men too. It was 7.985 ha or 56% of the total household's *pasir*.

As the peasants households are heterogeneous, it is found that the higher the stratum the higher the women and men's access to and control over the land. The woman, including women in polygamous households, has her own right to sell and to buy land, to accumulate her land and/or to support the daughter and son's high education, and even to make Hajj pilgrimages. As women and men have equal access and control over the land, there is a tendency for them to have equal access and control over the farming activities, too.

Women as well as men could also control other's land by sharecropping, renting and mortgaging; they also could use the National Forest Land through the Social Forestry Program. This was prevalent among widows and widowers, especially among migrant workers, small shop owners and traders.

The women's access to and control over the land is also recognized by the community and external authority in the village level as it is found in the documents entitled "Letter C" and Notification Letter of Owing Tax on Land and Building Tax (*Surat Pemberitahuan Pajak Terutang Pajak Bumi dan Bangunan*). Meanwhile, at the national level, women's and men's rights to land are also recognized by Basic Agrarian Law No. 5 of 1960 as stated in article 9 version 2.

It seems from the explanation given above that the hypothesis of this study is supported by the findings. These findings lead to the need to conceptualize gender relations and the household in relation to larger processes of agrarian transformation in Indonesia. The findings also have important policy implications. The mainstreaming of gender should be integrated in all aspects of the agricultural policies, programs and projects especially under the administration of the Ministry of Agriculture. Further, the national agricultural census should take into account the sex-disaggregated data on land ownership, as the information is very important to evaluate the women's contribution on peasant household economies, not only at the micro level, but also at the macro level.

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### References

- Agarwal, B. 1994. *A Field of One's Own: Gender and Land Rights in South Asia*. Cambridge: Cambridge University Press.
- Al-Hilali, M. T.; and Khan, M. M. 1997. *The Noble Al-Quran. English Translation of the Meaning and Commentary*. Madinah: King Fahd Complex for Printing the Holy Quran.
- Anonymous. 1976. *Letter C of Kemang Village*. Kemang.
- . 1984. *Himpunan Beberapa Undang Undang Pokok dan Peraturan Pemerintah yang Berkaitan dengan Keagrariaan* [Compilation of Basic Laws and Government Regulations Related to Land Reform]. Jakarta: Direktorat Jenderal Agraria, Departemen Dalam Negeri.
- . 1998. *Monografi Desa Kemang, Kecamatan Bojong Picung*. Kabupaten Cianjur.
- . 2001. *Panduan Pelaksanaan INPRES Nomor 9 Tahun 2000 tentang Pengarusutamaan Gender dalam Pembangunan Nasional* [The Guidelines for Implementing the Presidential Instruction No. 9 of 2000 on Gender Mainstreaming in National Development]. Jakarta: Kantor Menteri Negara Pemberdayaan Perempuan.
- Boserup, E. 1970. *Women's Role in Economic Development*. London: Allen & Unwin.
- Ekadjati, E. S. 1995. *Kebudayaan Sunda. Suatu Pendekatan Sejarah* [Sundanese Culture. A Historical Approach]. Jakarta: Pustaka Jaya.
- FAO. 2003. *Gender and Sustainable Development in Drylands: An Analysis of Field Experiences*. Gender and Population Division Sustainable Development Department. <http://www.fao.org/DOCREP/005/J0086E/J0086E00.HTM>.
- Haggis, J.; Lyons, T.; and Schech, S. 2000. *The Concept of Gender, Gender Analysis and the Gender Division of Labor*. Training Material on Gender Mainstreaming and Analysis. Conducted by Ministry of Women Empowerment, Republic of Indonesia, SAGRIC International Pty. Ltd and Centre for Development Studies, Flinders University. Jakarta: AusAid-Indonesia Australia Specialized Training Project Phase II.
- Hardjono, J. 1987. *Land, Labour and Livelihood in a West Java Village*. Yogyakarta: Gadjah Mada University Press.
- Hart, G.; Turton, A.; and White, B.; with Fegan, B.; and Ghee, L. T., eds. 1989. *Agrarian Transformations: Local Processes and the State in Southeast Asia*. California: University of California Press.
- Hastuti, E. L.; Hidayat, Deri; and Pranaji, Tri. 2000. *Keseimbangan Kontribusi Gender Dalam Kegiatan Produksi Pertanian*. [Gender Contribution Equality in Agricultural Production Activities]. In *Proceeding: Perspektif Pembangunan Pertanian dan Pedesaan Dalam Era Otonomi Daerah*, edited by Rusastra *et al.* Jakarta: Pusat Penelitian dan Pengembangan Pertanian, Departemen Pertanian dan Kehutanan.
- Hüsken, F. 1989. *Cycles of Commercialization and Accumulation in a Central Javanese Village*. In *Agrarian Transformations: Local Processes and the State in Southeast Asia*, edited by G. Hart, A. Turton, and B. White, with B. Fegan and L. T. Ghee. California: University of California Press.
- Hüsken, F.; and White, B. 1989. *Java: Social Differentiation, Food Production, and Agrarian Control*. In *Agrarian Transformations: Local Processes and the State in Southeast Asia*, edited by G. Hart, A. Turton and B. White, with B. Fegan and L. T. Ghee. California: University of California Press.
- ILO. 2000. *ABC of Women Workers' Rights and Gender Equality*. Geneva: International Labour Office.

- Kano, H. 1977. *Land Tenure System and the Desa Community in Nineteenth Century Java*. IDE Paper No. 5. Tokyo: Institute of Developing Economies.
- . 1984. *Pemilikan Tanah dan Diferensiasi Masyarakat Desa [Land Ownership and Rural Community Differentiation]*. In *Dua Abad Penguasaan Tanah. Pola Penguasaan Tanah Pertanian di Jawa dari Masa ke Masa*, edited by S. M. P. Tjondronegoro and G. Wiradi for Yayasan Obor Indonesia. Jakarta: PT. Gramedia.
- Koentjaraningrat. 1981. *Beberapa Pokok Antropologi Sosial [Some Principles in Social Anthropology]*. Jakarta: Dian Rakyat.
- Moser, C. O. N. 1993. *Gender Planning and Development: Theory, Practice & Training*. London: Routledge.
- Mugniesyah, S. S. M.; and Mizuno, K. 2002. *Women's Access to Land and Local Institutions: Case of Upland Peasant Households in Kemang Village West Java, Indonesia*. Paper presented in the Workshop of Socio-Economic Studies on Sustainable Development in Rural Indonesia. Group III of the JSPS-DGHE Core University Program between the University of Tokyo and Bogor Agricultural University (IPB).
- . 2003. *Gender Relations among Upland Farming Households: The Case of Kemang Village in West Java, Indonesia*. In *Sustainable Agriculture in Rural Indonesia*, edited by Y. Hayashi, S. Manuwoto and S. Hartono. Yogyakarta: Gadjah Mada University Press.
- Mugniesyah, S. S. M.; Mizuno, K.; and Iwamoto, N. 1999. *Agricultural Sustainable Development in Rural Indonesia: A Gender and Social Change Perspectives: A Case Study in Upland Area in West Java*. Paper presented in the Workshop of Socio-Economic Studies on Sustainable Development in Rural Indonesia. Group III of the JSPS-DGHE Core University Program between the University of Tokyo and Bogor Agricultural University (IPB).
- Quisumbing, A. R.; and Otsuka, K. 2001. *Land Inheritance and Schooling in Matrilineal Societies: Evidence from Sumatra*. *World Development* 29 (12): 2093-2110. Pergamon. Elsevier Science Ltd.
- Sajogyo, P. 1983. *Peranan Wanita dalam Pembangunan Masyarakat Desa [The Role of Women in Rural Community Development]*. Jakarta: CV Radjawali.
- Simbolon, I. J. 1998. *Peasant Women and Access to Land. Customary Law, Sate Law and Gender-based Ideology. The Case of Toba-Batak (North Sumatra)*. PhD Thesis. Wageningen: Ponsen & Looijen b. v.
- Soepomo. 1982. *Hukum Perdata Adat Jawa Barat*. Jakarta: Penerbit IKAPI.
- Van der Kroef, J. M. 1984. *Penguasaan Tanah dan Struktur Sosial di Pedesaan Jawa*. In *Dua Abad Penguasaan Tanah*, edited by S. M. P. Tjondronegoro and G. Wiradi. Jakarta: PT. Gramedia.
- White, B.; and Wiradi, G. 1989. *Agrarian and Nonagrarian Bases of Inequality in Nine Javanese Villages*. In *Agrarian Transformations: Local Processes and the State in Southeast Asia*, edited by G. Hart, A. Turton and B. White, with B. Fegan and L. T. Ghee. Berkeley: University of California Press.
- Wood, J. T. 2001. *Gendered Lives: Communication, Gender and Culture*. Belmont: Wadsworth Thomson Learning.
- Zaini, W. 1994. *The Advancement of Women's Role*. In *Islam and Advancement of Women*, edited by L. Z. Munir, D. Z. Abdul Munim and Soraya. A Compilation of Papers the Forum for Islam and Advancement of Women. Jakarta: CV Tunas Pribumi.