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Women's Access to Justice as a Result of State Repressiveness in Indigenous Land Conflict Areas

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Abstract

This research aims to examine the issue of access to justice for women in the context of customary land conflicts in Indonesia, where state repressive measures are often a significant barrier. The background shows that customary land conflicts have a direct impact on women, who are the most vulnerable when they lose access to natural resources. The problems studied include women's inability to access justice due to state action, the obstacles they face, and the effectiveness of state policies in providing protection for women. The research method used is empirical juridical with legal analysis and field observation, through legal data collection and direct interviews with women, activists, and relevant officials. The conclusion of this study states that state repressive actions, social norms, and legal discrimination worsen the conditions of access to justice for women. Although there are policies that guarantee protection for women, their implementation is often minimal and does not cover their needs in conflict situations. Recommendations include policy reform, increasing women's participation in decision-making, and creating an enabling environment for women's rights. This research emphasises the importance of empowering women in accessing justice to achieve more inclusive and sustainable development.

Keywords: Access to justice, women, Indigenous land conflict, repressive measures

Introduction

Women's Access to Justice as a Result of State Repressiveness in Indigenous Land Conflict Areas

Indigenous land conflicts are complex issues and often involve battles between indigenous communities and outsiders, such as companies or governments, who seek to gain control of land traditionally owned by those communities (Agarwal, B, 2002). These conflicts not only impact communities as a whole, but also have very significant consequences for women (Rocheleau, D., Thomas-Slayter, B., & Wangari, E., 1996). In many cases, women are the most vulnerable group in land conflict situations, as they often depend on natural resources for their livelihoods and fulfilment of daily needs (Käkönen, M. (2008). Loss of access to land and resources can result in loss of income, which has a direct impact on their economic wellbeing (Patterson, T., & Barr, S, 2014).

In addition to economic impacts, women also experience changes in their roles in society. They lose an important position in the management of local resources and traditions, which can lead to the loss of knowledge and skills that have been used in the past down from generation to generation. The stress caused by these conflicts can also negatively affect women's mental and

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physical health, increasing the risk of domestic violence and other health problems. In a cultural context, loss of access to land can result in a loss of cultural identity, where women are no longer able to carry out traditional practices relating to land and natural resources.

Despite facing various challenges, indigenous women have often been pioneers in resistance to land conflicts, demonstrating resilience and courage in defending their rights (Duncan, J., & Gwynne, R, 2013). It is therefore important to include women's perspectives in efforts to resolve land conflicts so that the resulting solutions can be more equitable and sustainable (Sunder Rajan, R. (2017). However, the challenges faced by women in the context of land conflicts are not only social and economic in nature, but also relate to repressive actions from the state (Rocheleau, D., Thomas-Slayter, B., & Wangari, E., 1996).

Repressive actions from the state in land conflicts are often characterised by violence, intimidation and criminalisation of communities fighting for their land rights (Ribot, J. C., & Peluso, N. L., 2003). The case of land conflicts in Wadas Village and Durian Village in Langkat Regency, which is the subject of this research, reflects the challenges faced by indigenous communities in defending their land rights. In Wadas Village, the conflict stemmed from a development plan involving andesite mining for the Bener Dam project. The local community rejected the plan as it was considered detrimental and did not involve them in the decision-making process (Awal Mula Warga Wadas Melawan, 2022). This rejection led to repressive actions from the security forces, who made arrests of residents who resisted, creating tension and insecurity within the community (Kompas.com, 2022).

On the other hand, in Durian Village, a similar conflict occurred between the indigenous people of Rakyat Penunggu and PT.PN II, which carried out evictions of residents' houses and gardens. The community felt marginalised and denied justice, even though they had lived on the land for decades. This case shows that state companies often ignore the rights of indigenous peoples, resulting in their loss of access to land and resources vital to their lives.

This repressive approach not only exacerbates tensions, but also has a direct impact on the lives of people who depend on the land for their livelihoods. Communities in Durian Village in Langkat District, for example, assert that land is their hope for survival, and they are determined to continue the struggle despite the risk of arrest and violence from the authorities (Direct interviews with community leaders in Durian Village, 2024). In this context, access to justice for women in land conflicts becomes a particularly important issue as women often face discrimination in land tenure and ownership, which has a direct impact on their economic well-being.

When women lose access to land, they lose a crucial source of livelihood, exacerbating poverty and economic powerlessness (Martinez-Alier, J., 2002). Furthermore, women play a vital role in natural resource management and ecosystem sustainability, so ensuring their rights are recognised and protected is an important step towards achieving sustainable development. In many cases, women are also victims of violence and intimidation when fighting for land rights, so access to justice provides much-needed legal protection and support (Bennett, A., 2010). However, women often lack knowledge of or access to the legal system, which leaves them marginalised in the land dispute resolution process.

Therefore, improving access to justice for women not only empowers them to engage in legal processes, but also contributes to gender equality and more inclusive development. By involving women in dialogue and land conflict resolution processes, it is hoped that more equitable and

sustainable solutions will be created, which not only benefit the community as a whole, but also empower women in defending their rights.

This research aims to examine issues relating to access to justice for women in the context of customary land conflicts, where state repression is often a significant barrier. Therefore, some of the issues examined in this research are as follows:

Firstly, this research will explore how women can access justice when they face repressive actions from the state, which often disregards their rights in conflict situations. Secondly, the research will identify the barriers women face in obtaining justice, including social, cultural and legal factors that can exacerbate their conditions. Thirdly, the research will also analyse what state policies exist to provide protection for women, as well as the effectiveness of these policies in ensuring access to justice for women in customary land conflict areas. By examining these three aspects, this research is expected to provide deeper insights into the challenges women face and how policies can be improved to guarantee their rights.

Research Methods

The research method used in examining the above issues is the empirical juridical research method to examine women's access to justice in the context of customary land conflicts by combining legal analysis and field observations. This research begins with the collection of legal data through a literature study that includes legislation, policies, and legal documents related to women's rights in accessing justice as well as agrarian law governing land issues. Furthermore, case analysis will be conducted by reviewing various legal documents including relevant court decisions to understand the application of the law in situations involving women.

Furthermore, empirical data collection is conducted directly at the research sites through in-depth interviews with women involved in the conflict, lawyers, activists, community leaders and government officials, as well as observations of the legal process in court to see women's interaction with the legal system. Interviews were conducted directly with women who were direct victims of government repression in land conflict areas to obtain quantitative data on women's experiences in accessing justice, the barriers they faced, and their level of awareness of their legal rights.

The data obtained will be analysed qualitatively to identify emerging patterns and themes, as well as to describe the relationships between relevant variables. By combining findings from legal analyses and empirical data, this study aims to provide a holistic understanding of the challenges women face in accessing justice due to repressive government actions in customary land conflict areas, as well as provide evidence-based recommendations for improved legal policies and practices that can enhance access to justice for women in customary land conflict areas.

Discussion

Women's Access to Justice in the Face of State Repressive Acts

Definition of Women's Access to Justice

There is no universal definition of "access to justice" or "legal aid", let alone "women's access to justice" or "gender-responsive legal aid" in international instruments or consistent use by governments (Gülriiz Uygur, National Consultant Eileen Skinnider (ed), 2022). In general, this phenomenon has been associated with two aspects of the legal system: one procedural and the

other substantive. The first concept, which is based on the procedural character of the term, relates to the process of obtaining justice. In other words, it refers to a system that allows people to claim their rights and/or resolve their disputes under the supervision of the State, regardless of their social class, economic status, or ethnicity. On the other hand, the substantive aspect is related to the achievement of justice itself, that is, to the conditions necessary for the system to produce socially just outcomes (Gülriz Uygur, National Consultant Eileen Skinnider (ed), 2022).

The study relies on a broad understanding of access to justice, going beyond the commonly narrowly conceived understanding limited to access to courts or trials, into the right to a fair trial and the right to effective remediation. Therefore, a definition developed by the United Nations Development Programme, (UNDP, 2005). as the ability of people to seek and obtain remediation through formal or informal institutions of justice, in accordance with human rights standards, is used. This understanding ensures the conditions for one's voice to be heard while fulfilling the requirements of fairness and reasonableness. In the context of family courts, Salem and Saini (Salem, Peter; Saini, Michael, 2017), define access to justice as the ability of litigants to seek and obtain remedies through formal or informal institutions and services to resolve disputes. On the other hand, Viegaz and Guimarães (Viegaz, Oswaldo Estrela; Guimarães, Arari Vinicius., 2018), understand access to justice as emancipatory, meaning not only the protection of legal or constitutional rights, but also concrete mechanisms involving historical, sociological, and legal aspects to overcome barriers to inequality.

Additionally, in relation to women's access to justice, UN Women expands on the UNDP definition, with guidance from the Committee on the Elimination of Discrimination against Women (CEDAW Committee) General Recommendation No. 33 on women's access to justice of 23 July 2015, defining "women's access to justice" as: Access of women, in particular from poor and marginalised groups, to fair, effective, affordable, and accountable mechanisms to protect rights, control abuses of power, and resolve conflicts. This includes women's ability to seek and obtain fair and expedient solutions through formal and informal justice systems and the ability to influence and participate in law-making processes and institution (UN Women. UNDP, UNODC and OHCHR, 2018).

Based on several literature searches and categorisations, the table below was developed to present the various approaches (Table 1).

The approach	Relationship
Constitutional Guarantees	Access to justice is guaranteed among the most serious normative laws and constitutions in different countries. For example, in Brazil, Article 5 XXXV of the Federal Constitution of 1988 ensures that: "the law shall not exclude from judicial judgement any injury or threat to rights
Social inclusion	Women's access to justice refers to the possibility for citizens to use judicial services and be treated in an equal manner, without being subjected to threats of any kind, which is a means of social inclusion, a gateway to participation in the goods and services of society.
Democracy	Access to justice is fundamental to a democratic "rule of law", which recognises that without the right to seek justice, all other rights may be undermined. Barriers to access to justice are therefore barriers to active citizenship and the functioning of a democratic society.
Human Rights	Access to justice is closely linked to human rights by recognising a

	person's rights, having an effective voice in a neutral and non-discriminatory process, and having a fair opportunity to be heard, regardless of social class and/or economic situation. It is guaranteed and recognised in international conventions and declarations, such as the Universal Declaration of Human Rights.
Justice System	Access to justice means the possibility for individuals to complain or defend themselves before a court of competent jurisdiction, use rights recognition channels, seek institutions that aim to find amicable solutions to threats or impediments to rights through the justice system, and institutions that are essential to justice, such as Public Defender, Prosecutor, and Advocacy Offices.
Out of Court	Akses terhadap keadilan terkait dengan pencarian lembaga-lembaga di luar pengadilan: pusat-pusat peradilan masyarakat, kantor polisi, unit-unit pelayanan Access to justice relates to seeking out out-of-court institutions: community justice centres, police stations, women's service units, tutoring boards, social security, registry offices, etc
Economics	Access to justice is central to the discussion of economic development, involving aspects such as equal economic opportunity, social benefits, and equitable income distribution. In this regard, the justice system, if successful, can be considered a source of income that is converted into social and economic benefits.
Just Rule of Law	A more comprehensive role of the Judiciary is expected to be a solution to the problem of access to justice, including in the formulation of public policy.

Source: Shelton (2015); Sadek (2014); Pedroso, Trincao, Santos (2016); Satterthwaite, Dhital (2019); Oliveira, Cunha (2016); Seng (2020); Bonini et al. (2014), Marona, Gomes (2014).

Women's access to justice must be understood broadly and comprehensively. It goes beyond ensuring equal rights under the law or reforming the legal system to make it efficient and affordable. Ensuring the sensitivity and responsiveness of justice systems to women's needs and realities, and empowering women throughout the justice chain, begins with women's awareness of their right to equal enjoyment of human rights and encompasses all their interactions with justice systems, including the formulation and implementation of appropriate solutions. It states that every component of the justice system, whether formal, informal, or semi-formal, should be independent, impartial, effective, efficient, available, accessible, gender-sensitive, of good quality, adaptive and responsive to the diverse needs of women. Reducing the impact of barriers faced by women not only facilitates greater accessibility but is an important step towards achieving substantive gender equality.

Legal Guarantees of Women's Access to Justice

The Unitary State of the Republic of Indonesia is committed to realizing the aspirations outlined in the Preamble of the 1945 Constitution. This foundational document not only serves as the constitutional framework but also directs the formulation and execution of public policies aimed at fostering national unity and welfare. The goals articulated in the Preamble encompass the protection of all citizens and the integrity of the nation, the enhancement of public welfare, the

advancement of intellectual life, and the establishment of social order and justice.

To fulfill these ideals, the government has a fundamental responsibility to uphold the rights of every individual. This includes ensuring that all citizens are free from discrimination and that their rights are respected and protected. By promoting an inclusive and equitable environment, the state can work towards a society where every individual, regardless of their background, can thrive and contribute to the nation's development. This commitment to inclusivity and fairness is essential for building a just society that reflects the values enshrined in the Constitution and meets the aspirations of all Indonesians.

The ratification of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) through Law No. 7 of 1984 marks a significant legal commitment by the Government of Indonesia to combat discrimination against women and to promote gender equality. This ratification reflects Indonesia's recognition of the importance of women's rights as fundamental human rights that must be upheld and protected.

CEDAW emphasizes that the realization of women's rights extends beyond mere legal guarantees; it necessitates proactive measures and affirmative action from the government. This includes creating policies and programs that ensure women have equal access to education, healthcare, employment, and other essential services. Furthermore, it underscores the importance of enabling women to benefit from available resources and opportunities, thereby fostering an environment where they can fully participate in social, economic, and political life (UN Women, 1979).

By committing to CEDAW, Indonesia not only aligns itself with international human rights standards but also takes a crucial step towards building a more inclusive society. This commitment is essential for addressing systemic inequalities and ensuring that women can enjoy their rights and contribute to the nation's development on an equal footing with men. The implementation of CEDAW principles is vital for achieving substantial equality and empowering women across all sectors of society (Purwantini, E., 2018).

The principle of substantive equality promoted by CEDAW demands an in-depth analysis of the often marginalised conditions of women. In this approach, there is a need to confront the disparities and injustices experienced by women, especially in broader contexts, such as rural women. CEDAW and General Recommendation No. 34 specifically highlight the challenges faced by women in rural areas, who often have limited access to land and natural resources. This discrimination is often exacerbated by an unsupportive legal system and deep-rooted cultural values that place women in an inferior position in terms of rights and resource control.

At the national regulatory level, Indonesia has issued several policies that prioritise the principles of gender justice and equality. TAP MPR No. IX of 2001 stipulates that agrarian reform and natural resource management must reflect the principles of justice, including gender equality in the control and utilisation of resources. Law No. 5/1960 on Agrarian Principles also affirms that every citizen, regardless of gender, has the right to land and resources, creating a legal foundation to promote such equality.

Furthermore, Law No. 6/2014 on Villages emphasises the importance of democracy and gender equity at the village level, by requiring women's participation in development planning and implementation. This demonstrates the recognition of women's role in village development and the importance of their involvement in decision-making processes. The implementation of gender mainstreaming in development policies is essential and is regulated in presidential

instructions as well as government regulations. Presidential Instruction No. 9/2000 requests that every national development policy consider a gender perspective, so that every programme implemented can create an equitable positive impact for all levels of society, especially women.

Overall, the desired achievements in terms of gender equity and elimination of discrimination require a strong commitment from all elements of government and society. In this context, it is important to create mechanisms that allow women to actively participate in all aspects of development, as well as ensure that any policies implemented can improve their quality of life. Inclusive dialogue and consistent law enforcement will go a long way in achieving this goal and addressing remaining injustices. Fulfilling women's rights as part of efforts to realise social justice will have a positive impact on society as a whole, while strengthening the foundations of democracy in Indonesia.

Portraits of Women in the face of state repression in customary land conflicts

Repression Against Women on Indigenous Land in Durian Village, Langkat Regency

In Durian Village, Langkat Regency, North Sumatra, there is a situation that reflects the repressive actions carried out by the state against women and indigenous peoples, especially the Rakyat Penunggu Kampong Durian Selemak. A dozen years ago, this indigenous community lived in poverty as a result of their customary territory being made into a Cultivation Rights Title (HGU) by PTPN II. In response to this change, the customary elders held deliberations and succeeded in reclaiming their customary territory, which was then abandoned, totalling 110 hectares in 2006, which later expanded to 167 hectares in 2020.

Under the control of the indigenous community, the land is being managed productively, generating an average income of IDR 2,500,000 per month for around 500 families, comprising 280 women and 220 men, with 50 widows and 160 orphans in the community. This income is used to fulfil daily needs, including food and education. However, this success in land management did not last long. Since 24 September 2020, the community has faced systematic intimidation from PTPN II, assisted by TNI and Polri officers, who have attempted to reclaim the land. This intimidation included offers of 'rope asih' that the community did not want. Tensions peaked on 28 September 2020, when PTPN II announced it would clear the crops planted by the community.

During this time, women and children experienced severe physical violence as they attempted to protect their customary lands, with some sustaining injuries due to the brutality of the authorities. Despite the increasingly difficult situation, the indigenous women showed their resilience, resisting intimidation with screams and cries that illustrated their powerlessness in the face of a much greater force. After facing violence, the indigenous community, together with the Indigenous Peoples Alliance of the Archipelago (AMAN) of North Sumatra, decided to report the abuse to the Langkat Police. However, the response from PTPN II, which claimed that the land they seized was a legitimate HGU, showed a clash between corporate law and indigenous peoples' rights, adding to the complexity of the problems faced by the community. While PTPN II is committed to proceeding with the sugarcane planting project on the land, claiming that it is in line with the national programme, the indigenous communities are insisting on the recognition and legitimisation of their customary territories. In this context, it is clear that repressive actions against indigenous peoples not only constitute a violation of civil rights, but also reflect the need for recognition and protection of the land rights that are the source of their livelihood and identity. The call for the government to immediately recognise and

legalise the customary territories of the Penunggu people and review the HGU status of PTPN II is urgent to provide justice and hope for the survival and rights of indigenous peoples in the region (Sapariah Saturi, 2022)

Repression Against Women in the Customary Land of Wadas Village

Women's activities in Wadas, especially in cultivating gardens and making baskets, have a deeper meaning than just a time filler. This activity serves as a "political space" for them, where 99 per cent of women in Wadas work as farmers (Dian Amalia Ariani, 2023). Sana Ullaili, Chairperson of the Executive Board of the Kinasih Women's Solidarity Community (SP), explained that this political space is very important because women's access to public space in rural areas is very limited. Food processing activities become a means for women to be political. They are involved in every stage, from determining the seeds to managing the harvest. In this context, women hold control over various aspects of farm management. However, the arrival of the mining plan has caused conflict and threatened women's lives and their political space. Sana explained that the impact of natural resource exploitation not only includes environmental damage, but also threatens the family economy in the long run. If natural resources are damaged, the entire space, whether natural, political, or economic, will be lost (VOA Indonesia, (2022).

Therefore, SP Kinasih is committed to accompanying Wadas women in dealing with these conflicts, in the hope that they can continue to own and fight for their political position. In addition, it is important to strengthen women's relationship with nature. Sana noted that in conflict situations, women's interactions with the surrounding environment are reduced because their energy resources are forced to be shared, both to care for nature and to maintain social relationships. However, the movement against the mining plan as an effort to defend economic and political rights as well as to defend the existence of women in Wadas Village has been challenged and repressed by state forces. Some residents became victims of physical violence; intimidation, arrests, and even beatings occurred during the execution of land measurements. It was reported that around 60 residents were arrested during the event, and various forms of violence were experienced by the women involved. One woman, Ana, testified to a traumatic experience when she was forcibly taken away by security forces while on a pilgrimage (Ari Surida, 2022).

Research from various organisations, including LBH Yogyakarta and the Institute Criminal Justice Reform (ICJR, 2022), shows that the actions taken by the authorities not only violated basic human rights, but also showed the arbitrariness of exercising power without a clear legal basis. The arrest of citizens who prayed together at the mosque as a form of peaceful expression shows that the freedom of expression guaranteed by the constitution is being ignored. Thus, repressive actions directed at women and community members of Wadas Village not only create a humanitarian crisis, but also make clear the existence of a broader agrarian conflict, in which the rights of indigenous peoples to defend their land are ignored by development interests. This conflict calls for the need to protect the rights of indigenous peoples and women in the context of their resistance to harmful policies.

Legal remedies pursued to gain access to justice

Access to justice in indigenous land conflict areas is a major challenge faced by women, especially when they have to deal with repressive actions by the state, such as forced evictions and violence. These injustices are often compounded by policies that lack a gender perspective, ignoring the unique roles and vulnerabilities experienced by women in conflict contexts. In

communities that depend on customary land for survival and cultural identity, such repressive measures not only lead to loss of livelihood, but also disrupt the social fabric and security of the community. Women, who often play an important role in local resource management and household welfare, are the most affected.

To address this issue, several approaches have been developed to provide more equitable pathways to conflict resolution. Power-based approaches are often used to pressure parties in conflict to achieve a reduction in tensions, although this is not an ideal method in the context of social justice. A more formal approach is the rights-based approach, which emphasises the use of a legal framework to assess the rightness or wrongness of an action based on juridical standards. This usually involves a process of adjudication through courts or arbitration. However, this approach can be very bureaucratic and expensive for local communities.

On the other hand, interest-based approaches offer a more inclusive process, where the various interests and needs of all parties involved in the dispute are considered. Efforts such as negotiation, mediation and conciliation aim to achieve a win-win solution. This has been one of the most effective methods in addressing conflict as it involves active dialogue that focuses on agreement and peaceful resolution.

In the case of the conflict in Durian Village, this was done by involving a non-governmental organisation to facilitate mediation, but as the results were unsatisfactory, the court route became the final step. Meanwhile, in Wadas Village, legal remedies including a lawsuit against a government decision have been pursued up to the Supreme Court level, although the outcome has not been satisfactory for the affected residents. Some disputes were resolved through local deliberation with compensation, but some residents continued legal action to seek justice.

The failure to address some of these cases illustrates the need to strengthen conflict resolution mechanisms that are more responsive to the needs of women and other vulnerable groups. There is an urgent need for more sustainable and inclusive solutions that consider gender sensitivity and the rights of indigenous communities. The empowerment of women and local communities through legal capacity building as well as the engagement of international and local human rights-focused institutions can be important steps to ensure more equitable and effective access to justice.

Barriers Faced by Women in Obtaining Justice

The influence of social norms and stigma that inhibit women from seeking justice.

In Durian Village, Langkat District, women's access to justice is hampered by a number of deep-seated social factors, particularly those relating to traditional gender norms and stigma rooted in the community (Sari, Novita, 2018). Prevailing gender norms often place women in a subordinate position, where men's voices and decisions are favoured in various aspects of life, including in family issues and land conflicts. This creates a perception that women do not have the right or legitimacy to speak up or fight for their rights, preventing them from seeking justice. In addition, women who dare to seek justice often face heavy social stigma; they are perceived as "troublemakers" or "ungrateful," which can create shame and fear. This stigma discourages many women from filing complaints or engaging in legal battles, as there is an assumption that they should not fight or protest, further reinforcing the oppression they experience.

Furthermore, the lack of social support is a significant barrier for women fighting for their rights. In many cases, women who challenge harmful policies or actions do not receive support from

their families or communities, and can even experience social isolation. Without this support, their fight for justice becomes even more difficult. In addition, limited access to information and education also contributes to the difficulties women face. Many women in Durian Village do not have the same opportunities for formal education or training on their rights, so they are less informed about the legal procedures they can pursue to fight for justice.

Interviews with representatives of indigenous communities in Durian Village, Langkat District, revealed that mistrust of legal institutions is an important factor inhibiting women's access to justice. Many women feel that legal institutions are not on their side, fuelled by past experiences where their complaints were ignored or not taken seriously. Existing social norms also exacerbate these feelings, with traditional gender roles often discouraging women from seeking legal help, as well as community pressures encouraging them to adhere to traditional practices. As a result, many women are reluctant to report problems or seek legal assistance, which in turn reduces their awareness of their legal rights. These findings point to the need for reforms within legal institutions to build trust, including training for legal officers on gender sensitivity and community engagement. Legal literacy programmes and support networks for women are also important to empower them to navigate the legal system. In addition, the role of non-governmental organisations and activists is crucial in advocating for women's rights and providing legal aid, so as to improve access to justice for women in the context of customary land conflicts.

The view that the legal system favours the powerful or capital owners makes women feel hopeless and reluctant to seek justice. In conclusion, the various obstacles faced by women in Durian Village in obtaining justice are strongly influenced by social norms and stigma that exist in the community. Restrictions on gender roles, stigma against pursuing justice, lack of social support, limited access to information, and distrust of legal institutions all contribute to the difficulties women face in fighting for their rights. Therefore, building awareness and supporting changes to social norms that are more inclusive is critical to creating an enabling environment for women to gain equal access to justice.

Meanwhile, in Wadas Village, women's access to justice faces significant barriers, particularly in relation to social norms and challenging environmental conditions. One of the main barriers is the persistence of traditional gender norms, where women are often perceived as having no voice in decision-making, especially in the context of agrarian and environmental conflicts. In these situations, women are often marginalised and not recognised for their role in defending their land and environmental rights. This creates a deep injustice, where women's voices are not heard and their rights are neglected (Press release of YLBHI, 2022).

In addition, women in Wadas Village also face social stigma when they dare to demand justice. They are often perceived as disturbers of the community peace or considered ungrateful, which makes them hesitant to file complaints or engage in legal proceedings. This stigma can create shame and fear, so women feel pressured to remain silent and not fight the injustices they experience (Dyah Palupi Ayu Ningtyas, 2022). Lack of social support is also a major challenge for women in Wadas Village. Many women who fight for their rights do not get support from their families or communities, and can even experience social isolation. Without this support, their struggle for justice becomes even more difficult and exhausting.

Limited access to information and education also contributes to the difficulties women face. Many women in Wadas Village do not have the same opportunities for formal education or training on their rights, so they are less informed about the legal procedures they can take to

fight for justice. Similarly, in Durian Village, distrust of legal institutions is also an important factor that prevents women from pursuing formal legal channels to obtain justice. Many women felt that legal institutions did not favour them and that their complaints would not be taken seriously. The view that the law often favours the powerful and corporations makes women feel hopeless in seeking justice.

Cultural traditions and values that may exacerbate women's position in customary land conflicts.

Cultural factors play a very significant role in inhibiting women's access to justice in Wadas Village and Durian Village, Langkat District. Traditional gender norms that are still strong in communities often place women in a subordinate position, where their voices and decisions are not considered important. In this context, women are often expected to be obedient and voiceless, especially on issues relating to their rights. The social stigma attached to women who dare to demand justice further exacerbates the situation; they are perceived as breaking existing norms and are often labelled as "troublemakers" or "ungrateful". This creates fear and shame, which discourages many women from filing complaints or engaging in legal proceedings. In addition, cultural perceptions of women as mere housekeepers also limit their scope for involvement in public or legal affairs.

Lack of education and awareness of their rights leaves women with insufficient knowledge to fight for justice. Many of them do not have equal access to formal education, making them less informed about legal procedures and their rights. Family and community influences are also strong; if the neighbourhood does not support women's efforts to seek justice, they may feel pressured to remain silent. Distrust of legal institutions is also an important factor, with many women feeling that the legal system is not in their favour and favours men or those with more power. All of these cultural factors contribute to the difficulties women face in fighting for their rights, and to address these issues, collective efforts are needed to change social norms, improve education, and build support from communities and legal institutions (Panda, 2024).

Inequities in the legal system that can disadvantage women, including discrimination in legal regulations and practices.

Legal factors and women's lack of understanding of the law is one of the main barriers to achieving justice, especially in areas such as Wadas Village and Durian Village, Langkat District. The existing legal system is often inhospitable to women, with various regulations and practices that indirectly discriminate against them. For example, in some cases, customary law or local norms can favour men in land tenure and rights, while women are often marginalised and denied rights. In addition, complex and bureaucratic legal processes can make it difficult for women to access justice, especially for those without formal education or adequate knowledge of the law.

This legal unfamiliarity is compounded by a lack of access to accurate and comprehensive information about their rights. Many women are unaware that they have the right to report offences they have experienced or to file lawsuits. In addition, social stigma and fear of the negative consequences of engaging in legal processes often discourage women from seeking justice. In many cases, they feel that their voices will not be heard or that they will face rejection from the legal institutions that are supposed to protect them.

Biased legal practices can also create injustice. For example, when women report cases of violence or rights violations, they are often faced with demeaning questions or deemed unworthy

of protection. This creates a sense of hopelessness and distrust of the legal system, which in turn further marginalises women. To address these issues, it is important to raise legal awareness among women, provide access to adequate legal education, and encourage reforms in the legal system to make it more inclusive and responsive to women's needs. By doing so, women can better understand their rights and have the courage to fight for them in the face of injustice.

Economic factors affect women's ability to gain access to justice.

Economic limitations are one of the main obstacles for women in gaining access to justice, especially in areas such as Wadas Village and Durian Village, Langkat District. Difficult economic conditions often limit women's ability to seek legal assistance and fight for their rights. Many women from economically disadvantaged backgrounds do not have sufficient financial resources to cover the costs of the legal process, such as lawyer fees, court fees, and transport costs to attend hearings. These limitations force them to refrain from filing charges or reporting offences, as they feel they cannot afford the costs involved.

In addition, repressive government measures, such as restrictions on free speech or acts of intimidation against those who dare to speak out, can worsen women's economic situation. When women attempt to fight for their rights, they often face threats that can result in loss of employment or income. This creates a cycle of injustice where women are not only hindered in seeking justice, but are also forced to sacrifice their economic stability to fight the injustices experienced.

Unstable economic conditions can also cause women to focus more on their daily needs and survival, neglecting their legal rights. In situations where women have to choose between fulfilling their family's basic needs or fighting for their rights, many women tend to choose to endure the existing conditions, even if it means accepting unfair treatment. Therefore, to improve access to justice for women, it is important to address these economic limitations by providing financial support, access to affordable legal services, and creating policies that support women's economic empowerment. Thus, women will have more opportunities to fight for their rights without being hampered by economic problems.

State Policy in Providing Protection for Women to Gain Access to Justice

The customary land conflicts that occurred in Wadas Village and Durian Village in Langkat District reflect a common pattern in natural resource management in Indonesia. In many cases, state policies often prioritise investment interests and make it easier for large companies to control land, including land used for oil palm plantations. This often happens without regard for the rights of local communities, especially indigenous women who depend on the land for their daily lives.

Despite legal guarantees set out in the Constitution, including the right of access to justice for women, as well as Law No. 7 of 1984 which affirms Indonesia's commitment to eliminate discrimination against women and promote substantial equality, the actual implementation of these policies is often minimal. In the midst of these conflicts, women as an integral part of indigenous communities are often the most affected. Not only do they lose access to their livelihoods, but they also risk further marginalisation and discrimination in social and economic contexts.

Gender inequality in land and natural resource tenure significantly compounds the challenges faced by women, particularly in regions where traditional practices and cultural norms often

marginalize their roles. Although laws may formally guarantee women's rights to land and resources, the reality is that many women remain excluded from critical decision-making processes regarding the management and utilization of these resources. This exclusion perpetuates a cycle of inequality, where women's voices and contributions are undervalued and overlooked (Agarwal, B., 2003) and Moser, C. O. N., 1993).

Therefore, further efforts are needed to ensure that development and natural resource management policies in Indonesia are not only orientated towards corporate interests, but also take indigenous peoples' rights and gender seriously. This includes more effective law enforcement, respect for indigenous peoples' land rights, and recognition of the role of women in the conservation and sustainable use of natural resources. With the right steps, it is hoped that justice and prosperity can be realised for all people, including women and other vulnerable groups.

State policy in providing protection for women to gain access to justice is a complex and multidimensional endeavour, covering various legal, social and cultural aspects. Firstly, the national legal framework plays a crucial role in creating an enabling environment for women's rights. The Anti-Discrimination Law adopted by the government aims to prohibit all forms of discrimination against women, whether in the areas of law, education, employment, or political and social participation. With this regulation, women have a legal tool that can be used to demand justice, especially in cases related to gender-based violence. In addition, harmonisation with international conventions such as the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) demonstrates the state's commitment to conforming domestic legal structures to international standards, which in turn strengthens the legal position of women in society (Gender Action for Peace and Security (GAPS), 2015).

Furthermore, access to legal services is also a major focus in women's protection policies. The provision of legal aid for women, especially those from economically disadvantaged backgrounds, is crucial to overcome their powerlessness in the face of an often biased legal system. In addition, training for law enforcement officials to handle cases of violence against women with empathy and a deep understanding of human rights is an important step in creating justice that is more in favour of women. On the other hand, protection against violence is also regulated through the creation of special laws, such as the Law on the Elimination of Domestic Violence (PKDRT), which provides protection and strict sanctions for violators. Shelters that provide holistic support, including psychological assistance and legal guidance, are crucial for women experiencing violence, so that they feel supported and not alone in their struggle.

Increasing women's participation in decision-making is also an important pillar of this policy. By giving women the opportunity to participate in the policy process, they can voice their interests and views, potentially creating positive changes in the policy system. Economic empowerment programmes that provide access to skills training and business capital also contribute to women's independence, reducing the economic dependency that often makes them vulnerable to violence. In addition, public awareness campaigns through education about women's rights and the use of social media and mass media to disseminate information about violations of women's rights are strategic steps in increasing public support for women's protection.

To accommodate women's interests in gaining access to justice that is hampered by the repressive actions of the state in land acquisition for the benefit of capital owners, several technical and concrete policies need to be implemented. The following are recommendations for

1. **Securing Economic Access:** The government must ensure that women's economic access or livelihoods in Wadas Village and Durian Village are not disrupted as a result of andesite rock mining or land conversion to oil palm plantations. This means that all development initiatives must consider the impact on daily life, especially for women who depend on agriculture and local resources.
2. **Creation of Decent Jobs:** It is important to create new decent and dignified jobs for local people, especially women, so that they can remain independent and contribute to their family's economy. These new jobs should be appropriate to the social and cultural conditions of the local community, as well as provide proper rewards.
3. **Environmental Certainty and EIA:** The government must provide assurance through an Environmental Impact Assessment (EIA) that andesite mining activities in Wadas Village and the conversion of farmers' land to oil palm plantations in Durian Village will not cause the disasters feared. This requires transparency and community participation in the AMDAL preparation process.
4. **Guaranteed Compensation and Relocation:** In the event of a mining-related disaster, it is important for the government to provide guarantees of fair and appropriate compensation for victims. In addition, relocation of the community must be done with due regard to the natural and environmental conditions in Wadas Village in order to minimise the negative impact on their lives.
5. **Guarantee of a Safe Living Space:** The government also needs to guarantee that the community's living space will not be disturbed due to mining activities and land use change. This includes protecting the ecosystems and resources on which the community depends, so that they can continue to live a decent and sustainable life.
6. **Equitable Peace Space:** Facilitate equitable peace spaces, both formal and non-formal, for women to gain access to justice. This includes providing forums for dialogue, mediation and conflict resolution that involve all parties, so that women's voices can be heard and respected.

To achieve these approaches, it is essential that the government establishes clear policies and commitments that provide legal guarantees regarding the fulfilment of women's rights in Wadas Village and Durian Village. This policy must ensure that any government action in the context of mining and/or land conversion for oil palm plantations does not harm women's rights, and there must be an accountability mechanism to ensure that all of the above recommendations can be implemented effectively and sustainably. Ensuring legal protections and policies that are responsive to women's needs is critical to creating social justice and better survival at the community level.

Conclusions

The conclusions of this study show that access to justice for women in the context of customary land conflicts is heavily influenced by the repressive actions of the state, which often impede the recognition and protection of their rights.

1. although women struggle to access justice, repressive actions from the state ignore their aspirations and needs in conflict situations, creating greater uncertainty and

vulnerability.

2. the barriers women face, including discriminatory social, cultural and legal norms, exacerbate their conditions and impede their pursuit of justice. Social stigma, mistrust of legal institutions, and lack of community support are factors that make their struggle even more difficult.
3. Analyses of state policies show that despite efforts to provide legal protection for women, the effectiveness of these policies is often minimal in practice. Many policies are not consistently implemented or do not adequately reach women's groups, particularly in situations of customary land conflict.

Therefore, to achieve substantive justice for women, efforts are needed to reform existing policies, increase women's participation in decision-making processes, and create a more enabling environment for women to fight for their rights in this conflict context. This research emphasises the importance of activating and enhancing women's capacity to access justice effectively, while ensuring that the state is responsible for protecting women's rights in the development process.

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