

GENDER EQUALITY OF BALINESE WOMEN AS A MANIFESTATION OF EQUALITY CITIZENS

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ABSTRAK

Penelitian ini mengkaji kedudukan wanita Bali dalam perkawinan Hindu di Bali ditinjau dari Undang-Undang Republik Indonesia No. 7 Tahun 1984 dan perwujudan kesetaraan bagi warga negara Indonesia. Tujuan dari penelitian ini adalah untuk melakukan kajian tentang perlindungan hak-hak perempuan dalam perkawinan Hindu di Bali. Alasan dilakukannya penelitian ini adalah karena ketidaksetaraan gender antara laki-laki dan perempuan dalam masyarakat patriarki. Penelitian ini menggunakan pendekatan kualitatif dan metode deskriptif. Pengumpulan data dilakukan dengan wawancara, observasi, dan studi dokumentasi. Hasil penelitian menunjukkan bahwa: (1) Secara umum kaum feminis dan masyarakat menerima adanya perkawinan *nyentana* dalam masyarakat patriarki; (2) Undang-undang Republik Indonesia No. 7 Tahun 1984 menjadi pedoman dalam mewujudkan kesetaraan gender antara kedudukan perempuan dan laki-laki, hal ini dibuktikan dengan pelaksanaan perkawinan *nyentana* dimana hampir tidak ada perbedaan pembagian tugas dan peran antara laki-laki dan perempuan dalam dikotomi publik. dan domestik; Penelitian ini diharapkan mampu menjadi kajian literatur dalam mewujudkan kesetaraan warga negara.

Kata kunci:

Kesetaraan warga negara,
perkawinan Nyentana, Gender

ABSTRACT

*This research examines the position of Balinese women in Hindu marriages in Bali in terms of the Law of the Republic of Indonesia No. 7 of 1984 and the embodiment of equality for Indonesian citizens. The purpose of this research is to conduct a study on the protection of women's rights in Hindu marriages in Bali. The reason for conducting this research is because of gender inequality between men and women in a patriarchal society. This study uses a qualitative approach and descriptive method. Data collection is done by interview, observation, and documentation study. The results of the research show that: (1) In general, feminists and society accept the existence of *nyentana* marriages in a patriarchal society; (2) Law of the Republic of Indonesia No. 7 of 1984 serves as a guideline in realizing gender equality between the positions of women and men, this is evidenced by the implementation of *nyentana* marriages where there is almost no difference in the division of tasks and roles between men and women in the public dichotomy. and domestic. This research is expected to be able to become a literature review in realizing citizen equality.*

Keywords:

Equality citizen, *Nyentana*
marriage, Gender

INTRODUCTION

The family system that applies in an area is influenced by local customs or the existence of the *village* (place), *kala* (time), and *patra* (condition). Balinese society adheres to a patrilineal or patrilineal system (*Vaderrechtelijk*). According to Artadi (2003) the patrilineal or patrilineal system

takes into account kinship through the lineage of the male or *purusa*. The patrilineal system in Bali is evident where the wife enters her husband's family. Likewise, then the children will be related to the father's family (husband) and there is no straight relationship to the mother's family. The obligations of a child or grandson are also transferred to his father's family, and the rights and obligations that he acquires also come from there. Meanwhile, with his mother's family such a relationship was not found.

The result of the adoption of a patriarchal system is the position of women is under the subordinate of men. Seeing such a position, there are differences in rights and obligations between women and men, both in family life and in community life in Bali. In the family, women usually have rights and obligations in the domestic sector, while men have rights and obligations in the public sector. Just look at the reality in society, girls and mothers usually do household chores, such as: cooking, washing, taking care of children, cleaning the house, providing ingredients for side dishes for the family, feeding livestock, selling at home/market, and preparing various religious ceremonial equipment in the household environment. Boys and fathers do the opposite, namely doing activities outside the home, working on agricultural land, earning a living for the family, attending family meetings and village gatherings, leading the family, being involved in social and political activities as well as community leadership. The men also usually lead religious ceremonies in the family sacred area and at the *Pekraman* village temple.

The absence of a son in the midst of the family causes anxiety for married couples, considering that in Bali, where the community adheres to a patriarchal system, there is a customary sanction called the Right of Intervention. Ningrat (2010) states that the right to interfere is the right of the Traditional Village to take over the land ownership rights of families who do not have further descendants. This right is based on the assumption that if a married couple only has daughters, and when their daughters marry out, then no one will take care of their assets when the husband and wife die. So from this view, it discriminates against women, as children who are not too expected in a family.

Discrimination against women does not stop there, as a society that applies patriarchal law, Balinese women also do not have inheritance rights in the family. Inheritance rights are only owned by men, as a result girls in Bali do not get inheritance rights in the family environment. If in a family there is one son and one daughter, the condition of the parents are elderly or may have died, then the entire inheritance will be passed on to the sons and not to the daughters. This can be seen in Manusmriti IX.104, which is translated as follows: "after the death of the father and mother, the brothers (the sons of the heirs) after gathering, may they divide the inheritance (the property of their parents), because in fact there is no power over the property while their parents exist."

Inheritance according to Balinese customary law is all assets left by the heir to the heirs, namely: 1) material (tangible), such as: rice fields, residential land, places of worship (*pemerajan*, *sanggah*, etc.), tools worship (*siwakrana*), the auspicious kris, and other material possessions. 2) immaterial (which is intangible), such as: performing *pitra puja* (worship and responsibility to ancestors), carrying out worship after parents die (*pitra yadnya*), inheritance that is fatherly coral (duties / obligations) to the village of *Pekraman*, and property other immaterial (Gede Pudja, 1977).

Several studies have been conducted regarding the gender inequality experienced by Balinese women. This study serves as evidence that can confirm that in Bali there has been gender-based discrimination. According to Utari (2006), Balinese Customary Law which grew and lived in a society, until the 1960s, gender injustice was felt, especially the very high coercion of will against women, such as: polygamy, seclusion of young girls on the grounds of maintain their chastity, marry at a young age, and the existence of caste social strata that prohibit women from marrying other people, only in their caste layer, if they leave, they are expelled from the family, there is a lot of physical and mental violence against women. The same thing was also expressed by Sukerti and Ariani (2014) that Balinese girls still receive discriminatory treatment, especially in the field of customary law of inheritance, this shows the existence of gender inequality. Balinese Hindu women are generally said to be under-

appreciated or seen as not so important in the family. It can be seen from the term that girls are "*takilan pisaga*" (neighbor's provisions). With such a designation, it is as if the daughter is set up or designed to leave the house of her parents and family. The gender inequality experienced by women can also be seen from the research revealed by Wiasti (2008) that gender inequality can be seen in several fields, such as in education, employment, politics, and family planning (KB).

In fact, when viewed from the moral point of view of Hinduism, women have a central role in society. Men and women are equal, and must unite and cooperate closely as a single duality. Just as the gods have their partners, Lord Brahma with Goddess Saraswati, Lord Vishnu with Dewi Sri, Lord Shiva with Goddess Parvati, this is an ideal state. The position of women can be described in the *Manawa Dharmacastra* Chapter III. verse 58 and 59: "For every family that does not respect women, surely the family will fall apart. A house where women are not properly respected, revealing a curse, the family will be completely destroyed, as if destroyed by a supernatural power" and "Therefore, people who want to prosper, must always respect women, the scriptures oblige everyone to respect women". *Manu Smerti* describes the status of women and men as equal (*Manawa Darmacastra IX*, 96): "There is no difference between sons and daughters who are promoted to status, whether related to worldly matters or matters of sacred duty. Because to their father and mother they are both born from the same body"

Based on the background above which raises gender inequality between men and women in Bali as a result of the implementation of the patriarchal system in Bali, a solution is needed to solve the problem. The solution is expected to be able to realize gender equality for Balinese women as a manifestation of the equality of Indonesian citizens. It is this thinking that underlies the purpose of this research, namely to conduct a study on the protection of women's rights in Hindu marriages in Bali, especially in *nyentana marriages*. *Nyentana marriages* are marriages that make the status of women as *purusa* or status as men in generally patriarchal marriages (Sujana, dkk, 2022).

METHOD

This study uses a descriptive method with a qualitative approach. The research location chosen was in Kuku Village, Marga District, Tabanan Regency, Bali. The research subjects consisted of: (1) feminists; (2) a couple who performs a *nyentana marriage*; (3) parents of a married couple; (4) Indigenous *Bendesa*; (5) Hindu ethnic community in Tabanan district. In accordance with the type of data needed in this study, the data collection in this study adheres to the principle of Human Instrument, namely the researcher is the main research instrument. However, in practice, the researcher also uses several instruments based on the data collection techniques, namely unstructured and in-depth interviews, incidental participatory and non-participating observations, and document studies containing observations of documents related to research problems. The data analysis technique used in this research is descriptive qualitative data analysis technique which consists of three streams of activities that occur simultaneously, namely data reduction, data presentation, conclusion drawing/verification (Miles and Huberman, 1992).

RESULTS AND DISCUSSION

The patriarchal cultural system of the *Pekraman* village community in Bali, which takes into account kinship through the *purusa* line, cannot be separated from the monodualistic structure of thinking and beliefs of the Balinese people as illustrated in the implementation of the *rwabhinneda* law. According to the *rwabhinneda* legal principle, the gender difference between men and women illustrates a harmonious idea about the concepts of *bhuana agung* and *bhuana alit* (Pursika and Sukadi, 2008). In the concept of Hindu society in Bali, God consists of a male embodiment God (power *purusa*) called God and a female embodiment God (*predana* power) called Dewi. The relationship between *bhuana agung* and *bhuana alit* also reflects the relationship between upstream (top) and *teben*

(bottom). Therefore, men act as leaders of the people and leaders of the state.

As leaders of the people, men are leaders in the implementation of Hindu religious ceremonies. As state leaders, men have power over social, economic, cultural, political, and leadership power. Women as manifestations of the Goddess, have the task of caring for humans and have the power to become the Goddess of the Grave (Dewi Durga), the Goddess of Agriculture (Dewi Sri), the Goddess of Welfare (Dewi Laksmi), and the Goddess of Knowledge (Dewi Saraswati). The position of the Gods who are represented by men and the Goddesses who are represented by women is with the concept of the relationship upstream (upper) and *teben* (bottom) which implies a superordinate and subordinate relationship between men and women which has implications for a better division of labor. dualistic, but also complementary. Men in power in the public sphere (upstream) and women in power in the domestic sphere (*teben*).

Women have a role as a measure of happiness in the family, society and nation can be seen in the Book of Bhagavadgita Chapter I verse 41.42 which basically reads as follows: "When the veil of evil is rampant, oh Krishna, women become prostitutes, then morals and color (in society)) will mix" and "The collapse of a woman's morals will lead to the collapse of the family and the ancestral spirits will fall into hell, and all the water and food offerings offered are of no use to her." The responsibility of women becomes very high in upholding the morals and morals of society. Women play a central role in the life and happiness of the family, society and country. The moral spirit cited above principally places men and women as equal partners. However, this did not receive the attention of the Balinese Hindu community, resulting in gender-based discrimination. So that an effort is needed as a solution to realize gender equality and justice between men and women.

Various efforts have been made to realize gender equality and justice between men and women. According to Darmana (2008) human civilization is advancing, providing opportunities for women to claim their rights that are equal to men in the public sphere. The *Pekraman* village community in Bali has experienced a socio-cultural shift, including changes in the application of its patriarchal culture. This is due to the increasingly literate society of existing laws and democratic values. As regulated in Law Number 1 of 1974 concerning marriage, where in article 31 paragraph 1, it is stated that the rights and position of the wife are balanced with the rights and position of the husband in domestic life and social life together in society. On July 24, 1984, Law of the Republic of Indonesia Number 7 of 1984 was also enacted concerning the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women, known as CEDAW.

The views of feminists and community leaders on *nyentana marriage*

The socialization of the concept of democracy and human rights through formal and non-formal education has resulted in gender differences which have implications for gender bias that feminists have begun to fight for, including in Bali, who demand gender mainstreaming. In the struggle of this group, they demand gender equality between men and women in Bali, without abandoning the fundamental values that apply to Hindu religious beliefs and the socio-cultural values of the community.

The struggle carried out by feminists can be proven, one of which is the implementation of the *nyentana marriage* system carried out by several community groups in Bali. This marriage system has long been known and practiced in several groups of *Pekraman* villagers in Tabanan Regency and several small families in other districts in Bali. This marriage system is generally carried out in families that do not have male offspring. In the general marriage system in Bali, the man holds the *purusa* status while the woman holds the *pradana* status. With this status, patrilineal culture plays an important role in socializing and preserving gender inequality in Bali. Through the *nyentana marriage* system, families that do not have male offspring try to make their daughters as *sentana rajeg* who will inherit

all the rights and obligations of the family both for their own inner family, the *dadya* family, as well as obligations to the clan or *wangsa*, and to the village of *Pekraman*. . The efforts taken by these feminists are an effort to realize the goals of Citizenship Education (civic education and citizenship education) namely to form good and intelligent citizens (to be smart and good citizenship) (Azis Wahab and Sapriya, 2011; Rusnaini, 2010). Winataputra (2001) explains that good and intelligent citizens (smart and good citizenship), namely citizens who have complete citizenship competencies and are integrated into civic knowledge, civic disposition, civic skills, civic confidence, civic commitment, civic competence as a whole can be used to build and realize a moral and dignified civic culture (one of which is without distinguishing one's status, position, and gender).

The acceptance of feminists and community leaders towards the existence of this awkward marriage is actually the right behavior. This is due to the background of the emergence of *nyentana marriage*, namely in the context of realizing gender equality and justice in accordance with the CEDAW convention and law number 1 of 1974. Public acceptance of this form of marriage is also motivated by the fact that there are many families who do not have sons. -Men as the successor of descendants who are generally treated as *purusa* parties. If the *nyentana marriage* system is not accepted and should not be carried out, there will be a *putung* family, namely a family whose successors will stop and their family lineage will also stop. As a result, the family will return the coral (land) and father (his obligations) to the village and this is called the right to intervene, so the family history stops. With the acceptance of the *nyentana marriage* system, families that do not have male offspring can continue their patriarchal kinship system by making daughters as *sentana rajeg* with *purusa* status. So the *nyentana marriage* system is considered to be able to save the continuity of a patriarchal family from extinction.

This view is considered by the community to be in accordance with modern human rights principles which place men and women with the same status and position. In this case, it means that families that only have daughters are given the same rights as families that have sons to continue their descendants in the patriarchal principle. That's why girls can also be given the status of *purusa* as *sentana rajeg* who will have the highest power. This aims to achieve the goals of Citizenship Education according to Winataputra (2001), namely in the context of realizing good and intelligent citizens (smart and good citizenship), namely citizens who have complete citizenship competencies and are integrated into civic knowledge, civic disposition, civic skills, civic confidence, civic commitment, civic competence which as a whole can be used to build and realize a moral and dignified civic culture (one of which is without distinguishing one's status, position, and gender).

So it can be concluded that with the acceptance of the existence of *nyentana marriage* in the midst of patriarchal society, it indicates that society has started to have a modern mindset. In addition, *nyentana marriage* is seen as a form of marriage that does not conflict with the patriarchal family system, even *nyentana marriage* perpetuates the existence of a patriarchal family system, because it seeks to make their daughters *purusa* status. A *nyentana marriage* is also seen as being able to create gender equality and justice, in order to achieve equality of citizens in realizing smart and good citizens.

Gender equality practices as implications in *nyentana marriage*

Families with *nyentana marriages* in Kukuh village always try to create harmonious relations within the family on a scale and abstract basis with the principles of applying patriarchal culture. For this reason, the head of the family is still given to the man as the main breadwinner and protector of the family, however, when making decisions in the family, the wife has the right to provide input to the husband. Men should be more involved in public duties and roles in order to be more respectable in the family and society; and women must be willing to take on domestic duties and roles in general so that they can maintain a feminine image (a good image of a woman who is beautiful, gentle, graceful, polite, friendly, and motherly). This image of a harmonious family also underlies the management of

family relations in the *nyentana family*, so that they can continue to build a harmonious family even though there has been a change in status between men and women undergoing *nyentana marriages*.

In dealing with their patriarchal relatives, the *nyentana family* also conforms to the principles of patriarchal culture. Here, even though the man's side is not related to his family of origin, on the man's side his wife's family accepts her as if she were receiving her own family. The man is still respected in his wife's family like other male family members. The man is even still given the right to take part in making decisions in the life of his wife's relatives relationship as long as he respects his wife's decision. Likewise, in mutual cooperation among his wife's family, the man continues to carry out his duties and roles as a *purusa* man and not as a *pradana* man.

The similarity of duties and roles in the *nyentana* family with the patriarchal family is intended to maintain balance and harmony in families and communities with patriarchal culture in Bali in general. That way, the main tasks and roles between men and women in the *nyentana* family are based on differences in duties and roles in the public and domestic sectors. However, in some *nyentana* families that are more modern, the differences between the public and domestic sectors are already very thin, especially for duties and roles in the family. Here the duties and roles of husband and wife are almost balanced with the division of labor based on mutual understanding, except for tasks to the village which cannot replace each other. This indicates that the division of tasks and roles between men and women turns out to be no difference between families with *nyentana marriages* and families with patriarchal marriages, but the division of tasks and roles in modern *nyentana* families is more equal.

If gender equality and justice have been realized, the objectives of Citizenship Education will also be achieved in realizing good and intelligent citizens (Cogan, 1999; Wahab and Sapriya, 2011; Rusnaini, 2010). So that every citizen, both men and women, knows and understands their rights and obligations as citizens. This is intended to create citizens who have a strong and consistent commitment to defend the Unitary State of the Republic of Indonesia, namely: the ability to look at and approach problems as a member of a global society (the ability to recognize and approach problems as citizens of a global society), the ability to work with others in a cooperative way and to take responsibility for one's roles/duties within society, the ability to understand, accept, appreciate and tolerate cultural differences (the ability to understand, accept, and respect cultural differences), the capacity to think in a critical and systemic way (the ability to think critically and systematically), the willingness to resolve conflicts and in a non-violent manner (the ability to resolve conflicts in a peaceful manner without violence), the willingness to change one's lifestyle and consumption habits to protect the environment (the ability to change lifestyle and usual staple food patterns to protect the environment), the ability to be sensitive towards and to defend human rights (eg, rights of women, ethnic minorities, etc) which is defined as a citizen figure a country that has sensitivity to and defends human rights (such as the rights of women, ethnic minorities, etc.), The willingness and ability to participate in politics at local, national, and international levels (national, and international) (Cogan, 1998); have faith and fear of God Almighty, have noble character, are healthy, knowledgeable, capable, creative, independent, and become democratic and responsible citizens (Law No. 20 of 2003); civic responsibility, active civic participation (NCSS, 1972); think globally, act locally, and commit nationally (Somantri, 2001; Winataputra, 2001; Sukadi, 2010; Wahab and Sapriya, 2011).

Even though men have the status of *pradana* and women have the status of *purusa* which has an impact on changing the duties, roles, rights and obligations of men and women in *nyentana* marriages, they still respect and respect each other. This can be seen in the division of tasks they carry, men work in the public sector while women work in the domestic sector, but this division of work is not static. A wife also has the right to make family decisions (with her *purusa* status), to be involved in political affairs, and also to work for a living, all of these things a woman can do provided she does not leave her main duties as a housewife. On the other hand, the husband cannot make family decisions

without asking his wife for consideration, especially with regard to inheritance. Husbands also don't just always work in the public sector alone, because if his wife is sick or not at home, then the husband must be prepared to temporarily replace his wife's duties, such as sweeping, taking care of livestock, taking care of children, cooking, and so on. With a clear division of tasks and accompanied by the principle of mutual help and respect between husband and wife in a *nyentana* family, gender equality and justice will undoubtedly be realized.

CONCLUSION

Feminists and society accept the existence of *nyentana marriages* in a patriarchal society, as long as the community still needs it and does not conflict with the law. The *Nyentana Marriage* is seen as a form of marriage that does not conflict with the patriarchal family system, in fact the *nyentana marriage* perpetuates the existence of the patriarchal kinship system, because it seeks to make its daughter a *purusa* status. A *nyentana marriage* is also seen as being able to create gender equality and justice, in order to achieve equality of citizens in realizing smart and good citizens.

The practice of gender equality as an implication in *nyentana marriage* can be seen from the division of tasks and roles in the public and domestic dichotomy that almost does not occur. Here the duties and roles of husband and wife are almost balanced with the division of labor based on mutual understanding, except for certain tasks. Although *nyentana marriage* has changed the status of men as *pradana* and women's status as *purusa* which has an impact on changes in the duties, roles, rights, and obligations of men and women in *nyentana marriages*, they still respect and respect each other. This can be seen in the division of tasks they carry, men work in the public sector while women work in the domestic sector, but this division of work is not static. A wife also has the right to make family decisions (with her *purusa* status), be involved in political affairs, and also work to earn a living, all of these things women can do with a note not to leave their main duties as a housewife. On the other hand, the husband cannot make family decisions without asking his wife for consideration, especially with regard to inheritance. The husband also does not always work in the public sector alone, because if his wife is sick or not at home, the husband must be ready to temporarily replace his wife's duties, such as sweeping, taking care of livestock, taking care of and caring for children, cooking, and so on. With a clear division of tasks coupled with the principle of mutual help and respect between husband and wife in a *nyentana* family, gender equality and justice will undoubtedly be realized.

The impact of *nyentana marriage* on community integration is that it has a positive impact in maintaining community integration, especially in Kuku Village. This is because *nyentana marriage* as a solution in maintaining the integrity of a family (avoiding the *cepung* family) and its existence can be accepted in the midst of society with a patriarchal kinship system. Because basically the marriage is not against the patriarchal system, but instead perpetuates the existence of the patriarchal system.

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