

The Rights of Indigenous Women in Coastal Life and Knowledge: A Gender Perspective on Kei Women

Maimuna Renhoran

Tual State Fisheries Polytechnic, Southeast Maluku, Indonesia

maimunarenhoran@gmail.com

Manuscript Chronology: accepted 1 April 2026, revised 21 April 2026, approved 10 June 2026

Abstract

The recognition of Indigenous peoples as legal subjects within Indonesia's legal and policy frameworks is often presented as a progressive step toward social justice, yet such recognition frequently overlooks gendered power relations operating within Indigenous communities. This article examines Indigenous women's rights from a gender perspective, focusing on *Kei* women in Southeast Maluku, to demonstrate that recognising Indigenous communities as collective entities does not automatically ensure the substantive fulfilment of women's rights. Using a socio-legal approach, the article conceptualises rights as social practices negotiated at the intersection of customary law (*Larvul Ngabal*), state policies, and coastal governance. The analysis centred on three interrelated dimensions: rights to coastal resources, rights to meaningful participation in decision-making, and rights to the recognition of Indigenous women's knowledge. The findings show that *Kei* women's everyday knowledge and practices are central to community sustainability, yet are systematically marginalised by epistemic hierarchies and technocratic, gender-blind coastal policies. The article argues that realising Indigenous women's rights requires a substantive justice approach that transforms the power relations constraining women's agency, not merely formal recognition. This study affirms that Indigenous women's rights must be understood as an integral part of the broader agenda for gender justice and social-ecological sustainability in Indonesia's coastal regions.

Keywords: Indigenous women, women's rights, gender, *Kei* Indigenous community, local knowledge, coastal governance

Introduction

This article addresses an issue that is often overlooked in discussions about the recognition of Indigenous communities: the fact that Indigenous structures themselves constitute an arena of power relations that is not free from gender hierarchies. The recognition of Indigenous communities as legal entities within the framework of Indonesian law and policy—as set out in Law No. 41 of 1999 on Forestry and various other regional regulations—is often based on the assumption that these communities are homogeneous. However, this assumption obscures the fact that the distribution of rights, authority and access to resources within these communities is heavily influenced by gender constructions (von Benda-Beckmann 2007; von Benda-Beckmann et al. 2012). Consequently, collective recognition of Indigenous peoples does not automatically guarantee the fair and substantive fulfilment of Indigenous women's rights (Bennett 2005).

This issue is particularly evident in the lives of the *Kei* Indigenous people in Southeast Maluku. Their social life,

including resource management, is governed by the *Larvul Ngabal* customary legal system, which enforces a strict gender-based division of roles (Rahail 1990). In practice, *Kei* women carry out subsistence work, manage food supplies, and maintain kinship ties that form the foundation of the community's sustainability. However, these roles are rarely recognised as the basis for claims to rights and political participation. Furthermore, technocratic state policies in the coastal and maritime sectors tend to appoint men as the official representatives of Indigenous communities, thereby further marginalising women from decision-making spaces that directly affect their lives (Kleiber, Harris & Vincent 2015; Bennett 2005).

This paper argues that the lived experiences of *Kei* Indigenous women provide a vital lens through which to reinterpret the concepts of rights, justice and sustainability. As Fabinyi (2012) has demonstrated, women's contributions to food management, processing marine products, and maintaining social relations in coastal areas are fundamental to community life—a

fact that has long been overlooked in legal and policy frameworks. According to von Benda-Beckmann's (2007) concept of legal pluralism, Indigenous women operate at the intersection of customary law, state law, and market logic—a position requiring analysis beyond a purely normative approach. Meanwhile, Harper et al. (2013) emphasise that coastal policies risk reinforcing the exclusion of women without a gender perspective, even if they appear procedurally inclusive. These three frameworks form the conceptual basis for this study.

Based on this analysis, the main argument of this article is that the fulfilment of Indigenous women's rights cannot be achieved solely through the normative recognition of Indigenous communities as a collective. Instead, a transformation of the power relations that have long placed women in a subordinate position within both customary law and state policy is required. This argument is developed through three interrelated analytical questions: (1) Why are gender hierarchies within customary structures and state policies continually reproduced? (2) How do Indigenous women negotiate their space for agency within the available structural boundaries? (3) What are the substantive conditions for the meaningful recognition of Indigenous women's rights?

By focusing on the experiences of *Kei* Indigenous women, this paper aims to address the underrepresentation of women in the discourse on Indigenous peoples' rights. This approach allows for an interpretation that avoids romanticising Indigenous traditions while rejecting critiques that oversimplify the state's role as the sole source of injustice.

Research Methodology

This article employs a socio-legal approach as its primary methodological framework. The author has chosen this approach because it focuses not only on written legal norms, but also on how *Larvul Ngabal* customary law and state policy function as social practices in the real-life experiences of *Kei* women. As Merry (1988) developed and von Benda-Beckmann (2015) expanded upon, the socio-legal approach positions law as an arena of continually negotiated power relations rather than a self-contained, neutral system of rules. Building on this tradition, the author analyses not only the text of the norms, but also the gap

between formal legal recognition and its actual impact on women's position in coastal governance.

Within a socio-legal framework, this study employs three interrelated analytical principles. Firstly, law is understood as a pluralistic phenomenon (von Benda-Beckmann 2007). In the *Kei* community, customary *Larvul Ngabal* law and state law do not operate in isolation from one another, but rather overlap to create a complex normative framework for women. Secondly, the analysis extends beyond legal texts to include legal practices in everyday life. It examines how norms are interpreted, implemented, negotiated and violated within the specific context of the *Kei* coastal community (Merry 1988). Thirdly, the study considers the gender dimension in the operationalisation of the law. It examines who is recognised as a rights holder and who is positioned as the community's legitimate representative. It also considers how gender role differences determine access to legal mechanisms (Von Benda-Beckmann 2015).

This paper uses primary data obtained through field observations and in-depth interviews conducted within the *Kei* Indigenous community in Southeast Maluku. These observations aimed to shed light on women's everyday practices in the management of coastal resources, including how they negotiate access, roles and recognition within the *Larvul Ngabal* customary structure. Semi-structured interviews were conducted with *Kei* Indigenous women as primary informants, and with traditional leaders, village officials and coastal policymakers as supporting informants. The primary data were then reviewed and analysed within a socio-legal framework to examine the gap between formal legal norms and the lived experiences of Indigenous women. Academic literature and policy documents were used to enrich the interpretation of the data, rather than as primary sources.

The analysis was conducted thematically in two stages. In the first stage, the framework developed by Agarwal (2001) was used to examine how the concept of Indigenous women's rights is defined, debated, and practised in different coastal areas. Agarwal emphasises that local knowledge cannot be separated from the power relations that shape it—a premise that guided the literature review on *Kei*. The second stage employed the access framework developed by Ribot and Peluso

(2003) to identify patterns of regulation concerning access, control, and distribution of benefits from coastal resources which affect women and men differently. Unlike Agarwal, who emphasises the dimension of knowledge, Ribot and Peluso focus more on the structural mechanisms that enable or restrict certain actors' access to resources—a framework that combines epistemic and material-institutional analyses.

Methodologically, this study adheres to the principle of rigour by clearly distinguishing between field data, the authors' analytical interpretations, and the proposed normative implications (Maxwell 2013). This principle of rigour is particularly important in the study of Indigenous communities, as academic representations can perpetuate harmful stereotypes (Smith 1999). Field data were processed using a socio-legal analytical strategy involving cross-reading normative texts and findings from social practices observed in the field. This was done to assess the gap between formal legal recognition and the actual realisation of gender justice experienced by Kei Indigenous women. The analysis revealed concrete mechanisms that render the rights of Indigenous women non-substantive across three interrelated dimensions: the right to coastal resources, the right to participate in decision-making, and the right to recognition of Indigenous women's knowledge.

To understand the position of indigenous women in coastal governance, this paper employs the access framework developed by Ribot and Peluso (2003). This framework distinguishes between access and property rights. Access is not merely understood as formal ownership, but as the actual ability to utilise resources—a capability influenced by social relations, institutions, and power. In the context of *Kei* Indigenous women, this framework is relevant because women are, in practice, the primary users of coastal resources. However, they continue to lack control due to customary rules and state policies that are not gender-sensitive (Agarwal 2001). Consequently, the rights of Indigenous women are not viewed as an automatic status, but rather as the result of ongoing social negotiations—rights that can be won and lost (Sikor & Lund 2009). This access framework guides the analysis of the first dimension: rights to coastal resources.

The second dimension of the analysis employs the concept of meaningful participation, as defined by Cornwall (2002). This concept distinguishes between

two types of involvement: 'invited participation', which is merely procedural presence; and 'claimed participation', which is substantive involvement that influences decision-making outcomes. Cornwall emphasises that 'invited spaces', such as consultative forums provided by the state or Indigenous institutions, do not automatically result in a shift in power relations since the agendas and rules are predetermined by the inviting party. Indigenous women often attend such forums merely as a procedural formality, rather than as influential decision-makers (Cooke & Kothari 2001). Within this framework, meaningful participation requires not only physical presence, but also the capacity to identify issues, shape the agenda, and defend interests within the decision-making process (Arnstein 1969). This framework is employed here to analyse the right of *Kei* Indigenous women to participate in decision-making processes.

This paper uses the lens of the politics of representation to examine how customary institutions and the state construct images of the community based on male authority. As demonstrated by Phillips (1995) and Young (2000), the question of who is regarded as the community's legitimate representative is not merely procedural; it is a practice of power that determines decision-making direction and benefit distribution. In the context of coastal Indigenous communities, for instance, male-dominated community representation reflects cultural norms and actively excludes women from decision-making spaces (Pitkin 1967). This approach enhances the analysis of meaningful participation by showing that the issue of representation is structural rather than individual.

The third dimension of the analysis is based on Fricker's (2007) concept of epistemic justice, which Dotson (2014) expanded in the context of Indigenous communities. Fricker distinguishes between two forms of epistemic injustice: testimonial injustice, whereby a person's testimony is deemed untrustworthy due to their identity, and hermeneutical injustice, whereby a person lacks the conceptual resources required to understand and communicate their experiences. In the context of Indigenous women, these two forms of injustice operate simultaneously: their knowledge is not recognised as a basis for decision-making (testimonial), and they lack a recognised position from which to interpret the meaning of the knowledge they

produce (hermeneutical). This framework is linked to Harding's (1998) feminist epistemology, which emphasises that knowledge is always tied to the social position of the subject. Thus, the disregard of women's knowledge constitutes structured exclusion rather than coincidence.

All dimensions of the analysis are underpinned by a framework of substantive justice, which distinguishes between the normative recognition of rights and women's ability to exercise those rights in daily life (Sen 2009; Nussbaum 2000). According to this framework, in order to be meaningful, rights must be claimable, exercisable, and defensible within concrete social conditions (Kabeer 1999). Conversely, the analysis of agency is informed by Mahmood's (2005) rejection of the dichotomy between victim and agent. Indigenous women are not passive subjects who are merely oppressed; rather, they are active participants who negotiate their living spaces within strict structural constraints. This approach provides a realistic understanding of agency while recognising Indigenous women as active and meaningful subjects.

Rights to Coastal Resources: Between Practical Access and Structural Control

Field findings suggest that *Kei* Indigenous women primarily use coastal resources, but do not control them. In the *Kei* Islands, women primarily work in the shallow coastal zone. At low tide, they harvest fish, sea cucumbers, *lola* shells (*Trochus niloticus*), and other marine products, which form the basis of household food supplies and income (Rahail 1990). Field observations in several *ohois* on *Kei Kecil* and *Kei Besar* confirm that women carry out almost all activities involved in processing marine products, from cleaning and processing to packaging and marketing at local markets. This daily contribution is fundamental to the community's food security, yet it is not recognised as a basis for legitimacy of rights within customary law or state policy frameworks.

"We go to the beach every day, so we know when the catch is plentiful and when it is scarce. Yet, when decisions are made about when to lift the *sasi*, we are not consulted. The men in the *saniri* make the decisions; we only hear about them afterwards. If the *sasi* is lifted at the wrong time, however, it is us who struggle to find food" (Female Informant 1, Interview, 12 February 2024).

The customary norms of *Larvul Ngabal* regulate access to coastal resources through two main instruments: the division of fishing areas by clan (*mel*), and the *hawear* or *sasi* system. The *hawear* system involves temporarily prohibiting the use of specific areas, either in the form of an area-based *sasi* covering all biota within a specific area, or a species-based *sasi* covering specific species such as sea cucumbers and *lola*. In Ohoirenan, the *lola sasi* is lifted every four years and in Ohoiwerka, the sea cucumber *sasi* is lifted every five years (Rahail 1990; Kubangun & Kissiya 2025). Decisions on when the *hawear* is opened and closed—which determine when women are permitted to harvest—are made through deliberations involving the *Ohoi* Chief, the Traditional Council (Badan Saniri Adat/BSA), and traditional leaders. This group is dominated by men. Although women are said to be present at these forums, their role is supplementary, not decisive. A socio-legal analysis of this mechanism reveals a fundamental disparity. Women are the group most affected by the opening and closing cycles of the *sasi*, yet they are not authorised to determine these cycles.

Why does this inequality persist? The author argues that the answer lies in the way *Larvul Ngabal* defines the legitimacy of access. Rights to resources are linked to clan membership and customary authority, which are both masculine in nature. Consequently, women can only access the coast through kinship ties with men, rather than holding rights independently (Agarwal 2001; Ribot & Peluso 2003). Findings from in-depth interviews with Indigenous women in *Ohoi Watkidat* illustrate this pattern. Before the empowerment programme intervened, men explicitly stated that women were 'not involved in discussions', even though women were primarily responsible for the day-to-day processing of marine products (CFI Indonesia 2024). When access was restricted due to seasonal factors, *hawear* rules, or state zoning policies, women adapted the marine products they processed, reorganised household food distribution, and worked 14–20 hours a day (Sajogyo Institute 2025). These adjustments were made silently and without formal recognition by women—a form of structural violence normalised by both customary systems and state policies. From a socio-legal perspective, this situation demonstrates that the absence of formally recognised rights of control makes women's access to coastal resources precarious

and vulnerable to restriction through decisions made without their participation.

“During the east monsoon season, my husband cannot go out to sea. We have to manage everything ourselves. In the morning, we go to the zones that are still open and collect whatever we can find. In the afternoon, we process the fish and sell them at the sub-district market in the evening. Sometimes we were there until eleven o'clock at night. No one says our work deserves recognition. They say it is simply a wife's duty. But without it, the family would not be able to eat” (Female Informant 3, Interview, 15 February 2024).

The Right to Participate in Decision-Making: Procedural Presence versus Substantive Participation

Field findings from several *ohois* in *Kei Kecil* and *Kei Besar* reveal a consistent pattern: although women are present at traditional consultative forums, this does not equate to their substantive involvement in decision-making. Research by Lebetubun (2022) in the village of *Elaar Lamagorang* in the South-East *Kei Kecil* district found that women's participation in village development planning deliberations was minimal. The number of women involved was small, their contributions were limited, and programmes favouring women rarely emerged as outcomes of the deliberations. Barriers included a heavy domestic workload preventing women from attending meetings at the scheduled times, a lack of self-confidence when speaking in male-dominated forums, and cultural norms that relegated women to the role of listener rather than speaker in formal traditional settings.

“I once attended an *ohoi* deliberation meeting. I sat at the back and just listened. When it was time for questions, I put my hand up, but the *ohoi* chief ignored me and called on the man sitting at the front instead. After that, I never went again. What was the point? Our voices were not heard. We were only there to have our names ticked off the attendance list, to make it look like women are taking part” (Female Informant 6, Interview 20 February 2024).

This pattern is not isolated, but is rooted in the design of the customary institutional framework. According to Rahail and Widayat's (2025) research on the identity of *Kei* women, *saniri* meetings have historically and structurally been dominated by men from the *mel stratum*. In contrast, communal activities such as traditional ceremonies still involve a large number of women. This distinction is not merely contextual, but reflects a deliberate division of spheres. The ceremonial

and reproductive spheres are designated as women's domains, while the deliberative and political spheres are designated as men's. Consequently, even active and knowledgeable women encounter unwritten boundaries, such as being permitted to attend meetings but not expected to influence decisions. In the context of coastal governance, these boundaries are deeply detrimental, as decisions regarding *hawear*, fishing zones, and the distribution of *sasi* catches—all of which directly impact women's lives—are made without their input.

This mechanism of exclusion is reinforced by the state's interaction with *Kei* indigenous communities. For example, when the Ministry of Marine Affairs and Fisheries (KKP) conducted the identification and mapping of customary law communities' managed areas in *Ohoi Ohoirenan* in October 2023, the coordination process was carried out with the *ohoi* chief, the sub-district head, and customary institutions, whose representation was dominated by men (CFI Indonesia 2023). Women were not positioned as key consultation partners, but rather as a group set to benefit from the policy. This approach treats women as if they are not rights-holders with authority over their own territories. This pattern reproduces what Phillips (1995) refers to as a 'representation deficit'. This occurs when formal representation fails to reflect the diversity of interests within a community, meaning that policy outcomes do not reflect the needs of underrepresented groups.

“When government officials came to survey our coastal areas, they met with the sub-district head, the *ohoi* chief, and the traditional elders. We women were not invited. Yet we were the ones who knew the fishing boundaries best — which zones had plenty of sea cucumbers, and which zones we usually fished in. It was only after everything was finished that we heard the results from our husbands. We had no say in drawing up that map” (Female Informant 8, Interview 22 February 2024).

Despite being formally recognised, why does women's participation remain merely symbolic? A socio-legal analysis identifies two mutually reinforcing mechanisms. The first is the mechanism of representative selection. When the state consults with 'Indigenous communities', the people recognised as legitimate representatives are traditional leaders and clan heads. Within the *Larvul Ngabal* structure, these are exclusively men rather than women, who are recognised as a distinct group with different experiences

(Kubangun & Kissiya 2025). Secondly, the agenda-setting mechanism means that the issues deemed relevant in coastal policy forums are technical matters such as licensing, zoning and catch quotas. However, these issues do not explicitly address the dimensions of women's subsistence labour and reproductive burdens. Consequently, even when women are present at these forums, the issues that affect them most are never included in the established agenda.

Field interviews with women in *Ohoi Watkidat* provide direct evidence of this experience. Prior to the GEF-6 intervention, it was explicitly stated that women were 'not involved in discussions by men' (CFI Indonesia 2024). They were recognised only for their productive roles, such as managing the household, cooking fish, and selling the catch. They were not recognised as community members entitled to express their interests in public decision-making. When GEF-6 began involving women in training and discussions, this was described as something 'new' and significant, indicating that their previous involvement had indeed been virtually non-existent. From a socio-legal perspective, this confirms that while women have the right to participate in the governance of the *Kei* coastline on paper, this right is not realised in practice.

The author argues that introducing attendance quotas is not the only solution to the underrepresentation of women in existing forums; the design of the forums themselves must also be transformed. If 'invited spaces' (Cornwall 2002) do not recognise women as equal stakeholders, their formal presence will not influence decision outcomes. Findings from the *Kei* Islands suggest that customary and coastal policy forums require reform to incorporate the following: firstly, separate consultation mechanisms with women's groups prior to general deliberations; secondly, an agenda that explicitly addresses the impact of policies on women's subsistence work and reproductive burdens; and thirdly, recognition of women as rights holders over coastal areas, rather than merely as beneficiaries of policies determined by others.

This pattern of exclusion is also evident in the design of coastal development policies at regency level. When the Southeast Maluku Regency formulated regulations on coastal zone management, the public consultation process invited 'community representatives', who were in practice *ohoi* heads, traditional leaders, and

fishermen's representatives—all of whom were men. Women, who manage marine resources and safeguard household food security on a daily basis, were deemed not to require separate consultation. Consequently, the resulting regulations failed to consider the impact on women's processing work, their seasonal access patterns or the conflict resolution mechanisms involving them as stakeholders. From a socio-legal perspective, this demonstrates how a procedurally neutral consultation process, where all community representatives are invited on an equal footing, can produce non-neutral outcomes. This is because the concept of 'community representation' itself is shaped by unquestioned gender assumptions.

It should be noted that some *Kei* women have managed to overcome these formal barriers through individual action. For instance, Sri Fany Mony's role as chair of the women's fishing group in *Watkidat* provided her with a platform to represent women's interests at several GEF-6 discussion forums. However, this case highlights that successful women's leadership in *Kei* often occurs through external programmes and empowerment interventions rather than Indigenous institutional design or state policies that create space for women. This suggests that women's participation in *Kei*'s current coastal governance depends on the presence of specific programmes or interventions, rather than being structured and guaranteed. The sustainability of existing participation is also threatened when programmes end, as there are no customary or state institutional mechanisms to ensure women's continued representation in decision-making forums.

The Right to Recognition of Knowledge: Epistemic Hierarchy and Epistemic Injustice

The author argues that, of the three analysed dimensions of rights, the recognition of knowledge is the least visible yet the most fundamental. This suggests that the epistemic injustice experienced by Indigenous women is a structural mechanism that undermines their ability to claim rights to resources and participate in decision-making processes. Without recognition of their knowledge, women lose the basis on which they can be recognised as authoritative actors, thereby undermining their claims to other rights.

Field findings in the *Kei* Islands shows that women have a deep understanding of the local ecology that is

not reflected in official management systems. Women in *Kei's* coastal communities know exactly when *lola* and sea cucumbers are ready to be harvested, based on natural signs such as changes in water colour, tidal current patterns, and seasonal rhythms. This knowledge has been passed down through the generations. They also master the processing techniques for 'embal' (poisonous seaweed), which requires a high level of skill to produce safe food. This knowledge forms the basis of the community's food security, especially during poor fishing seasons (Rahail 1990). In *Ohoi Ohoirenan*, field observations suggest that women's understanding of seagrass ecosystems as sea cucumber and *lola* spawning grounds is highly relevant to *sasi* management. However, this knowledge is rarely formalised in decision-making processes regarding the opening and closing of the *sasi*. These decisions are made by the male-dominated customary forum (CFI Indonesia 2024).

"I know when the coconuts are ready for harvest. It is not something I learned from a book; it is something I have learned from decades of going to the beach. If the water looks a certain way, if the wind is blowing from a particular direction, and if the seaweed is growing in a certain way, that is a sign that the *lola* have grown large. But at the *sasi* opening meeting, it is the city researchers who are asked to speak, not us. Our knowledge is dismissed as 'old people's tales', not science. Yet we are the ones who experience it first-hand every single day" (Female Informant 10, Interview 12 February 2024).

The reduction of women's knowledge occurs through two mutually reinforcing channels. The first is the internal epistemic hierarchy of the customary system. Within the *Larvul Ngabal* structure, the authority to interpret and decide on norms is determined by one's position within the clan and gender hierarchy. While women possess rich and ecologically relevant knowledge, it lacks institutional channels through which to enter the arena of customary decision-making. The second channel is the state's external epistemic hierarchy: policies for coastal management, designed by the Ministry of Marine Affairs and Fisheries, rely on formal scientific knowledge such as marine biological data, GIS mapping, and stock analyses. This reduces women's experience-based knowledge to supplementary 'local wisdom', rather than treating it as an equal basis for decision-making. For instance, BRIN research in the *Kei Besar sasi* area identified 24 species of sea cucumber through formal scientific study—a

process that excluded women's recognised expertise in the life cycles and habitats of these organisms (CFI Indonesia 2024).

Why does women's knowledge face double marginalisation - being ignored by both customary systems and the state? Kubangun and Kissiya (2025) demonstrate that the *Larvul Ngabal* system disciplines women by positioning their experiences, and the knowledge derived from them, as valid in the private sphere yet lacking in public authority. While women may possess knowledge, they are not authorised to make decisions based on it. At the state level, technocratic coastal policies assume that legitimate knowledge is measurable, documented, and produced by formal scientific institutions—an assumption that structurally excludes the experience-based knowledge and relational understanding of Indigenous women. Within Dotson's (2014) framework, *Kei* women experience two forms of epistemic injustice: firstly, their testimonies are not accepted as valid evidence (testimonial injustice), and secondly, the concepts they use to understand their experiences are not recognised as a valid framework (hermeneutical injustice).

"When I informed government officials that our fishing grounds were deteriorating due to the passage of large fishing vessels, they requested data. I told them that I had made observations over many years. But they said that was not data; it was just a story. I did not know how to present my observations so that they would believe me. It turned out that they wanted laboratory figures, not our decades of experience" (Female Informant 8, Interview 22 February 2024).

The impact of this epistemic injustice extends well beyond issues of self-esteem and cultural recognition. From a socio-legal perspective, when women's knowledge is not recognised, they lose the basis on which to claim their rights. They cannot claim to 'know better' about coastal conditions that are governed by policies affecting their lives, because their knowledge is not recognised as a relevant form of knowledge. This creates a cycle of injustice: when women are not recognised as holders of knowledge, they are not regarded as competent decision-makers. This, in turn, limits their access to and control over resources, ultimately confirming the 'irrelevance' of women's experiences in legal and policy arenas. Breaking this cycle requires a transformation at the epistemological

level: experience-based knowledge must be recognised as a legitimate input in coastal policy-making processes, rather than merely being added to existing systems.

Field observations reveal a disconnect between what women know and what is deemed ‘useful’ by formal institutions. This became apparent when a BRIN research team conducted a marine biology study in the *Kei Besar sasi* area, documenting 24 species of sea cucumber through scientific diving and laboratory analysis. However, the methodology did not incorporate the women’s knowledge of indicators of ecosystem conditions, which they had gathered through decades of direct interaction with the coast. Yet, the women who harvest in these zones every day possess knowledge of changes in sea cucumber populations over time, the locations where larvae congregate, and the behavioural patterns of marine life—Information that cannot be captured by a one-off study. Ideally, experience and science, despite their different strengths, should complement one another. The systematic rejection of women’s knowledge results in poorer policy outcomes, not to mention gender inequality.

From a socio-legal perspective, the epistemic injustice experienced by *Kei* women is an invisible yet very real form of legal exclusion. Merry (1988) demonstrates that law operates not only through written rules, but also through the creation of categories that determine who is considered a legitimate legal subject. In *Kei* coastal governance, women are implicitly excluded from the category of ‘authorised parties’ within customary norms and state policy, not through explicit prohibitions, but through definitions of authority that associate it with clan position and the male gender. Consequently, women experience what von Benda-Beckmann (2015) terms ‘exclusion by definition’; they are not explicitly prohibited from participating, but the eligibility criteria are such that women are systematically excluded. Addressing this epistemic injustice could transform the way law and policy define legitimate knowledge and who has authority over it.

Kei Indigenous Women’s Agency: Negotiation and Structural Constraints

An analysis of the three dimensions of rights outlined above shows that *Kei* Indigenous women operate within conditions of tangible structural constraints. These include access to coastal resources without control

over them, presence without substantive involvement in decision-making, and knowledge without epistemic recognition. However, this does not mean that women are passive subjects. In fact, field findings in the *Kei* Islands show that women actively negotiate these constraints through everyday practices that are invisible to formal institutions yet crucial to the community’s survival. The author argues that interpreting this agency is not intended to romanticise women’s resilience or suggest that injustice does not exist. Rather, the intention is to provide a more comprehensive understanding of how injustice operates and where avenues for change might be opened up.

The first form of agency identified in the field is strategic adaptation to subsistence. When the east monsoon arrives and the sea becomes unnavigable, or when access to certain fishing grounds is cut off by bad weather, *Kei* women do not wait for the situation to improve. Instead, they switch to marine resources that are not subject to fishing bans in shallow zones accessible at low tide. They also process existing supplies into long-lasting products and reorganise mealtimes for the family. In *Ohoi Watkidat*, Sri Fany Mony leads a women’s group that has developed a range of processed fish products, including liquid smoked fish, shredded fish (*abon*), nuggets, and fish crackers. This adds value to catches that were previously often discarded because they could not be sold fresh. It also transforms them into products that can be stored and marketed (CFI Indonesia 2024). In 2023, the group generated an income of over IDR 13 million from selling processed fish. This demonstrates that women can independently devise livelihood strategies within and around boundaries they have not set for themselves.

A second form of agency is network solidarity, which extends beyond formal kinship ties. Field observations show that women in *Kei*’s coastal communities form networks to share resources, information, and emotional support. These networks often operate more effectively than formal customary and state channels. For instance, if a woman loses access to the coast because her husband is away and there are no male relatives to accompany her, her network of female neighbours will accompany her to the shore, share the catch, and collectively process the fish, thus filling the gap left by the absence of male relatives. Unfortunately, such networks are not recorded in customary documents

or policy reports, despite being tangible social infrastructures that underpin the community's food security and sustainability. Rahail and Widayat (2025) observe that despite the traditional identity of *Kei* women beginning to shift due to modernisation, they remain active custodians of culture. They play a key role in resolving social conflicts and passing on customary values to the younger generation, even when their formal roles are not recognised within the customary structure.

The third form of agency involves the intergenerational transmission and innovation of knowledge. In *Kei*'s coastal communities, for example, women are primarily responsible for passing on practical ecological knowledge. They teach young girls how to read the signs of the tides, recognise the best times to harvest *lola* and sea cucumbers, and process marine produce to minimise waste. This knowledge is not recorded in documents or taught in schools; rather, it is passed down through daily practices from mother to daughter. When a women's group in *Watkidat* received training in modern fish processing from the GEF-6 CFI Indonesia programme, they did not simply absorb new information passively. They also combined modern techniques, such as liquid smoking, with local knowledge about which fish species are best suited to specific processing methods. The result was a higher-quality product than could be achieved using modern or traditional methods alone (CFI Indonesia 2024). This demonstrates that *Kei* women are active agents in integrating and transforming knowledge.

However, the author emphasises that recognition of these three forms of agency should not distract from the fact that there are real structural limitations. Although agency in subsistence adaptation is real, it also means that women bear the burden of adjustments that should be shared collectively. This adjustment takes place without any form of compensation, such as recognition or redistribution of authority. Although network solidarity is real, it must be remembered that it operates outside official structures and therefore cannot effect change within them. Similarly, knowledge transmission and innovation are real, but as long as women's knowledge is not recognised as a legitimate contribution to policymaking processes, these contributions will continue to be excluded from decision-making. Agarwal (1997) refers to this situation

as 'bargaining within patriarchy': women negotiate and even succeed within a system that does not recognise them as equal partners. However, the success of such negotiations does not alter the constraints themselves.

"We are more independent now than we used to be. We have our own money and can speak more freely at home. However, at traditional council meetings, our voices still go unheard. In coastal forums, it is still the men who do the talking. We have made progress in the kitchen and at the market, but there is still no seat for us at the decision-making table. Progress in one area but no change in another does not constitute complete progress" (Female Informant 9, Interview, 17 February 2024).

This interpretation of agency has implications for the socio-legal framework: legal and policy reforms must go beyond formal recognition. Even when *Larvul Ngabal* is revitalised and the state's coastal policies are strengthened, women will continue to strategise outside the system—albeit resiliently—if the gender-exclusion mechanisms embedded within them are not dismantled. Findings from the *Kei* Islands indicate that reforms to customary law or coastal policies alone are insufficient to enable women to become visible. Instead, external interventions in the form of empowerment programmes that explicitly create space for women to practise, express their views, and be productive beyond the boundaries of traditional roles are required. Structural change requires concrete design; it is not enough to hope that women's existing agency will suffice to penetrate a system that is not designed to recognise it.

One aspect of agency that is often overlooked is how *Kei* women navigate the caste system (*mel-ren-iri*), which operates alongside gender divisions. This system of social stratification places women from the *mel* clan in a more powerful position than women from the *ren* or *iri* clans, in theory at least. In practice, however, caste differences do not alter the fact that all women are excluded from formal decision-making spaces dominated by men from the *mel* clan. Field observations suggest that cross-caste solidarity among women in fish processing and food distribution networks often transcends caste hierarchies. For example, women from the *mel* and *ren* clans work together on the shore and share processing techniques, regardless of their caste status. This intriguing form of negotiation enables women to create a relatively egalitarian social space amongst themselves despite the broader normative

system placing them in a subordinate position to men of all castes.

Women's agency is also evident in the way they use empowerment programme interventions to increase their social influence. Participation in the GEF-6 programme equipped women with technical fish processing skills and granted them new legitimacy. By generating IDR 13 million rupiah from the sale of processed products, the *Watkidat* women's group could no longer be dismissed as 'merely housewives selling fish'. Sri Fany Mony's role as group chairwoman gave her the authority to speak at forums that had previously been closed to her. In other words, this programme has transformed women's economic capacity and altered their social bargaining power within the community. However, as emphasised earlier, these changes depend on the programme continuing. Whether this expanded scope of action will be maintained or revert to previous patterns once the programme ends depends heavily on whether institutional changes are made to strengthen women's new positions within customary law and state policy.

This analysis of the agency of Indigenous women has theoretical implications for the understanding of rights within Indigenous communities. In this context, rights cannot be understood as a static status inherent to the individual. Rather, Indigenous rights are a dynamic process of negotiation that unfolds within a complex web of power relations. Rights are not merely what is written in customary norms or state policies. They should be capable of being claimed, defended and expanded by individuals through their everyday social practices. *Kei* women actively engage in this negotiation process through adaptation, solidarity, innovation, and exploitation of available loopholes. However, this negotiation takes place within an asymmetrical field, arising from the fact that formal customary and state institutions have not yet been designed to recognise women as equal negotiating partners. Transforming this field is therefore a prerequisite for the substantive fulfilment of Indigenous women's rights rather than merely their procedural fulfilment.

Closing

This study highlights three mutually reinforcing analytical findings. Firstly, in terms of rights to coastal

resources, *Kei* Indigenous women are the primary users of the coastline. They harvest, process, and market marine products daily, yet they do not control these resources. The *hawear* (*sasi*) system in *Larvul Ngabal* regulates access to these resources, but decisions are made by a male-dominated customary forum. When restrictions are imposed, women bear the greatest burden of adjustment. They must extend their working hours, reorganise their families' food supplies, and seek alternative livelihoods, with no formal recognition of their efforts. From a socio-legal perspective, this clearly demonstrates that access and control are distinct issues. This distinction is structurally gendered.

These findings also reveal the tension between the *hawear* norm functioning as an ecological conservation mechanism and its unequal gendered impact. The *sasi* system regulated by *Larvul Ngabal* has been shown to contribute significantly to the conservation of the *Kei* marine ecosystem. The 152-hectare *Ohoirenan sasi* zone and the 31-hectare *Ohoiwait sasi* zone have become effective biodiversity recovery zones (CFI Indonesia 2024). However, when the *sasi* was enforced, women who depended on harvesting *lola* and sea cucumbers in these zones lost their primary source of livelihood with no compensation. While decisions regarding the application of the *sasi* may be ecologically sound, they can have a disproportionate impact on women. However, as these decisions were made by a forum that did not substantively involve women, the ecological costs of conservation are disproportionately borne by the group with the least say in those decisions. This paradox must be explicitly acknowledged when designing coastal policies based on local knowledge. Revitalising *hawear* without transforming the underlying gender relations within it will result in ecologically sustainable, but socially unjust, conservation.

From a socio-legal perspective, this situation exemplifies the 'power-based access mechanisms' described by Ribot and Peluso (2003). The ability to utilise resources is not solely determined by formal rules, but by who has the power to interpret and enforce them. In the *Kei* context, for example, clan heads and male traditional leaders have the power to interpret *hawear* norms. Although *hawear* norms do not explicitly prohibit women from harvesting, they encounter numerous restrictions in practice. The *sasi* closure schedule is not coordinated with women's work cycles,

sasi zones often encompass areas that women typically traverse for harvesting along the shoreline, and there is no formal mechanism through which women can lodge complaints when access conflicts arise. Consequently, while women's formal rights to coastal resources are recognised within *Larvul Ngabal*, these rights are, in practice, conditional and vulnerable to the unilateral judgements of those holding traditional authority.

Secondly, with regard to the right to participation, this study shows that women's presence in customary deliberative forums and policy consultations is merely procedural. Two mutually reinforcing mechanisms result in a situation where, although women are physically present, they have no real influence on decisions. The first of these is a selection process for representation that prioritises male customary elites. The second is an agenda-setting process that overlooks issues of subsistence labour and the burden of reproductive work. According to Cornwall (2002), meaningful participation requires changes to both of these mechanisms: the attendees and the topics discussed must both be called into question.

Thirdly, with regard to the right to recognition of knowledge, the author argues that epistemic injustice lies at the heart of the other two dimensions of rights. When women's knowledge is not recognised as a basis for decision-making, their position in relation to claims for resources and participation in policy-making is structurally weakened. The epistemic hierarchy that prioritises technocratic science over women's experience-based knowledge is not merely a cultural issue. It is an exclusionary mechanism that directly affects the distribution of rights and benefits.

The author summarises the key argument across these three dimensions: achieving the fulfilment of Indigenous women's rights cannot be done through the mere recognition of Indigenous communities as a collective. Failing to consider the internal power dynamics within the community can lead to the collective recognition of Indigenous communities legitimising the exclusion of women in the name of tradition. A substantive justice approach is required to actively transform the conditions that prevent women from enjoying their normatively recognised rights. This requires transformation at three levels: designing customary institutions that provide women with access

to, and control over, resources; establishing policy participation mechanisms that ensure their substantive involvement; and recognising their knowledge as the basis for decision-making.

The policy implications of this study point to the need for gender mainstreaming in the governance of Indigenous coastal communities. Specifically, this means: (1) recognising indigenous women as key stakeholders in the design of coastal management policies, rather than merely those affected by the outcomes; (2) integrating women's local knowledge into policy planning and evaluation processes, rather than merely including women in them; and (3) considering the impact of policies on women's workload and the sustainability of their livelihoods as indicators of success, rather than merely considering ecological indicators. Without concrete changes to policy design, the discourse on participation and empowerment risks remaining administrative rhetoric.

Conceptually, this study contributes to the development of a framework for the rights of Indigenous women by viewing them as subjects of analysis rather than objects of protection. The paper takes a more comprehensive approach to analysing the intersection between customary law, state policy, and women's lived experiences by integrating frameworks concerning access, meaningful participation, and epistemic justice. The case study of *Kei* Indigenous women shows that gender justice within Indigenous communities can only be achieved by transforming power relations so that women's experiences, knowledge, and agency form the basis of law and policy, rather than being an afterthought.

Bibliography

- Agarwal, B. 1997. Bargaining and Gender Relations: Within and Beyond the Household. *Feminist Economics*, 3(1), pp. 1-51. <https://doi.org/10.1080/135457097338799>.
- Agarwal, B. 2001. Participatory Exclusions, Community Forestry, and Gender: An analysis for South Asia and a Conceptual Framework. *World Development*, 29(10), pp. 1623-1648. [https://doi.org/10.1016/S0305-750X\(01\)00066-3](https://doi.org/10.1016/S0305-750X(01)00066-3).
- Agrawal, A. 2001. Common Property Institutions and Sustainable Governance of Resources. *World Development*, 29(10), pp. 1649-1672. [https://doi.org/10.1016/S0305-750X\(01\)00063-8](https://doi.org/10.1016/S0305-750X(01)00063-8).
- Arnstein, S. R. 1969. A Ladder of Citizen Participation. *Journal of the American Institute of Planners*, 35(4), pp. 216-224. <https://doi.org/10.1080/01944366908977225>.

- Benda-Beckmann, F. von. 2007. The Conditions of Law in a Pluralistic Legal Order. *Journal of Legal Pluralism*, 55, pp. 1-28.
- Benda-Beckmann, F. von. 2015. Theorizing Law in Society and Space. In B. Tamanaha, C. Sage, & M. Woolcock (Eds.), *Legal Pluralism and Development: Scholars and Practitioners in Dialogue*, pp. 1-24. Cambridge University Press.
- Benda-Beckmann, F. von, Benda-Beckmann, K. von, & Brouwer, A. 2012. *The Power of Law in a Transnational World*. Berghahn Books.
- Bennett, E. 2005. Gender, Fisheries and Development. *Marine Policy*, 29(5), pp. 451-459. <https://doi.org/10.1016/j.marpol.2004.07.003>.
- CFI Indonesia. 2023. *GEF-6 KKP Dorong Perlindungan dan Pengakuan Masyarakat Adat Ohoi Ohoirenan di Maluku Tenggara*. Accessed on 18 April 2026, at <https://cfi-indonesia.id/blog/gef-6-kkp-dorongperlindungan-dan-pengakuan-masyarakat-adat-ohoi-ohoirenandi-maluku-tenggara/>.
- CFI Indonesia. 2024. *Inspirator Kesetaraan Gender di Perbatasan Timur Indonesia: Sri Fany Mony, Ketua Kelompok Perempuan Nelayan Ohoi Watkidat*. Accessed on 18 April 2026, at <https://cfi-indonesia.id/blog/inspirasi-kesetaraan-gender-di-perbatasan-timurindonesia/>.
- CFI Indonesia. 2024. *CFI Indonesia Fasilitas Wwilayah Sasi Kei Besar sebagai Cadangan Kawasan Konservasi melalui Skema OECMs di Kabupaten Maluku Tenggara*. Accessed on 18 April 2026, at <https://cfi-indonesia.id/blog/cfi-indonesia-fasilitas-wilayah-sasi-kei-besarsebagai-cadangan-kawasan-konservasi-melalui-skema-oecms-dikabupaten-maluku-tenggara/>.
- Cooke, B. & Kothari, U. (Eds.). 2001. *Participation: The New Tyranny?* Zed Books.
- Cornwall, A. 2002. Making Spaces, Changing Places: Situating Participation in Development. *IDS Working Paper*, 170, pp. 1-32. Institute of Development Studies.
- Dotson, K. 2014. Conceptualizing Epistemic Oppression. *Social Epistemology*, 28(2), pp. 115-138. <https://doi.org/10.1080/02691728.2013.782585>
- Fabinyi, M. 2012. Historical, Cultural and Social Perspectives on Marine Conservation. *Environmental Conservation*, 39(3), pp. 251-263. <https://doi.org/10.1017/S0376892912000033>.
- Fricker, M. 2007. *Epistemic Injustice: Power and the Ethics of Knowing*. Oxford University Press.
- Harding, S. 1998. *Is Science Multicultural? Postcolonialisms, Feminisms, and Epistemologies*. Indiana University Press.
- Harper, S. et al. 2013. Women and Fisheries: Contribution to Food Security and Local Economies. *Marine Policy*, 39, pp. 56-63. <https://doi.org/10.1016/j.marpol.2012.10.018>.
- Kabeer, N. 1999. Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment. *Development and Change*, 30(3), pp. 435-464. <https://doi.org/10.1111/14677660.00125>.
- Kleiber, D., Harris, L. M., & Vincent, A. C. J. 2015. Gender and Small-scale fisheries: A Case for Counting Women and Beyond. *Fish and Fisheries*, 16(4), pp. 547-562. <https://doi.org/10.1111/faf.12075>.
- Kubangun, N. A. 2025. The Existence of Larvul Ngabal Law in the Life of the Kei Community. *Kulonleges Banasmod Interdisziplinari Folyoirat*, 11(SI), pp. 81-97.
- Kubangun, N. A., & Kissiya, E. 2025. Larvul Ngabal Customary Law as a Socio-Control of Subaltern Women in the Kei Islands, Southeast Maluku. *SSRN Working Paper*. <https://doi.org/10.2139/ssrn.5647870>.
- Lebetubun, J. 2022. Partisipasi Perempuan dalam Perencanaan Pembangunan di Ohoi Elaar Lamagorang Kecamatan Kei Kecil Timur Selatan Maluku Tenggara. *Journal of Government Science Studies*, 1(1), pp. 28-37.
- Mahmood, S. 2005. *Politics of Piety: The Islamic Revival and the Feminist Subject*. Princeton University Press.
- Maxwell, J. A. 2013. *Qualitative Research Design: An Interactive Approach* (3rd ed.). SAGE Publications.
- Merry, S. E. 1988. Legal Pluralism. *Law & Society Review*, 22(5), pp. 869-896. <https://doi.org/10.2307/3053638>.
- Nussbaum, M. C. 2000. *Women and Human Development: The Capabilities Approach*. Cambridge University Press.
- Phillips, A. 1995. *The Politics of Presence*. Oxford University Press.
- Pitkin, H. F. 1967. *The Concept of Representation*. University of California Press.
- Rahail, J. P. 1990. *Larvul Ngabal: Hukum Adat Kei*. Yayasan Sejati.
- Rahail, J. V. T. & Widayat, T. N. E. 2025. Jati Diri Perempuan Kei yang Terlupakan: Studi tentang Perubahan Identitas Budaya dan Peran Perempuan dalam Pelestarian Nilai Adat. *SOCIAL: Jurnal Inovasi Pendidikan IPS*, 5(2), pp. 560-568. <https://doi.org/10.56745/social.v5i2.5738>.
- Ribot, J. C. & Peluso, N. L. 2003. A Theory of Access. *Rural Sociology*, 68(2), pp. 153-181. <https://doi.org/10.1111/j.1549-0831.2003.tb00133.x>.
- Sajogyo Institute. 2025. *Perempuan Nelayan: (Masih) Minim Pengakuan dan Perlindungan di Tengah Ancaman Krisis Lingkungan*. Accessed on 18 April 2026, at <https://sajogyo-institute.org/perempuan-nelayan-krisis-lingkungan/>.
- Sen, A. 2009. *The Idea of Justice*. Harvard University Press.
- Sikor, T. & Lund, C. 2009. Access and Property: A Question of Power and Authority. *Development and Change*, 40(1), pp. 1-22. <https://doi.org/10.1111/j.1467-7660.2009.01503.x>.
- Smith, L. T. 1999. *Decolonizing Methodologies: Research and Indigenous Peoples*. Zed Books.
- Young, I. M. 2000. *Inclusion and Democracy*. Oxford University Press.