



Payment of Marriage Assets from the Perspective of Customary Law of The Maybrat Tribe in West Papua

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Abstract: This study examines the practice of marriage property payment (dowry) within the Maybrat customary law community in Papua, focusing on its forms, procedures, and socio-legal significance. The tradition centered on the highly valued Eastern Cloth (Bo) functions not only as a cultural symbol of honor and kinship integration but also as a mechanism for wealth redistribution and social legitimacy within the clan system. Using an empirical socio-legal approach, this research explores how dowry payment practices reflect collective obligations, cultural identity, and inter-generational continuity. Data were collected through legal document analysis, customary law sources, and relevant literature. The findings show that dowry payment rituals, including the proposal (Amu Nfot Bofot), negotiation, verification, and ceremonial handover, carry deep social and symbolic meaning, particularly regarding respect for women and family alliances. However, tensions arise when these customary practices intersect with Indonesian national law, especially concerning gender equality, marriage validity, and human rights protections. While the Constitution recognizes customary communities and their traditions, the increasing economic burden and potential commodification of women pose legal and ethical challenges. The study concludes that harmonizing customary norms with national legal principles requires inclusive dialogue and adaptive legal frameworks that respect cultural identity while safeguarding fundamental rights

Keywords: Maybrat customary law; Marriage assets; Dowry tradition; Socio-legal analysis; Indigenous rights

1. Introduction

A dowry is a tradition commonly practiced by people in various regions, including throughout Indonesia (Tallaut et al., 2023). According to the Indonesian Dictionary (KBBI), a dowry, or more commonly known as Mahar, is a gift given by a man (e.g., gold, money, and goods) to a woman upon marriage (Maki, 2022). In Papua, the process of paying a dowry to the woman's family is a form of honor and self-respect for the groom to be able to bring the bride/prospective wife into a household and continue the inheritance for a particular clan/family line (Tetelepta et al., 2021). Therefore, this part must be done as a proof of love and seriousness, even as a sign to bind both parties, namely the man and the woman, to the level of marriage, both according to tradition and the church. A dowry or "Bride Price" is the amount of property that a man will later give to a woman and her family (Halimah & Halimah, 2017). The basic meaning of dowry is to compensate for the losses of the woman's family (Damis, 2016). It means that in a family group or keret, everyone in it is a potential force that is relied upon in the keret's activities. If a girl is taken from her family, then the existing potential is also reduced (Wattimury & Heidemans, 2020).

Article 18B paragraph (2) states that the State recognizes and respects customary law communities and their traditional rights as long as they remain viable and in accordance with societal developments (Burhanudin, 2021). This means that the Constitution recognizes the rights of customary law communities to practice their cultural traditions (Tumbel, 2020). The law serves as the constitutional basis for the existence of customary practices, including the payment of marriage property in the Mayrat tribe (Renjaan et al., 2019a).

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In many cultures, the tradition of a dowry, or *mahr* in Islam, remains highly relevant in marriage. It demonstrates the importance of a dowry in the wedding ceremony (Yarham, 2023). Religiously, in Islamic teachings, a dowry is an obligation given by a husband to his wife as a symbol of honor and responsibility (Akbar, 2024). From a cultural perspective, a dowry has its own complexities. It's not just about money; it can also include various objects with symbolic or material value (Indah et al., 2023). For example, it can include animal parts such as elephant tusks, land, plants such as coconut trees, gold, cloth, antique plates, or livestock. These items are given as part of the wedding ceremony, outside of religious requirements (Hateyong et al., 2024).

If the marital assets have not been paid off, the customary status of the marriage can be considered imperfect (Giyanthi et al., 2022). It can cause conflict between the man's family and the woman's family. In some cases, women are considered "exchange value," giving rise to the stigma that women are objects of payment, which has the potential to reduce their equal position in the household (Rasdiana, 2022; Yovita et al., 2022). There is tension between customary norms and national law, because Indonesian marriage law does not require payment of assets as a legal condition for marriage (Thomas, 2023). Civil Code (Civil Code) Article 35 Paragraph (1) Property acquired during marriage becomes joint property. Paragraph (2) The assets inherited from each husband and wife, as well as assets obtained as gifts or inheritance, remain their respective personal assets, unless the parties determine otherwise.

Compared to other indigenous tribes in Papua, such as the Dani, Mee, Biak, or Asmat, the practice of paying dowries among the Maybrat people has its own unique characteristics, both in terms of the type of assets, the structure for determining the amount, and the ritual process. In some regions, such as the Dani in the Baliem Valley, dowries generally consist of large quantities of pigs as a symbol of wealth and social status; in Biak, payments are made with a series of valuable objects such as oriental cloth (*kain bintang*), porcelain plates, beads, and even ancient plates as symbols of inter-family relationships; while in the Mee region, the structure of customary dowry payments is more closely tied to genealogical status and the community's economic function (Mahmud, 2014). In contrast, the Maybrat people of West Papua incorporate elements of animals, objects of symbolic value, and modern assets such as money or gold into their dowry payment structure. Furthermore, the settlement of dowry payments among the Maybrat people often occurs in stages and can affect the customary legitimacy of a marriage if it is not fully paid, a characteristic not always strongly found in other indigenous regions. These differences show that Papuan customary law is pluralistic and has significant variations between subcultures, so that studies on Maybrat cannot be substituted by studies on other Papuan customs.

According to the explanation in the article above, it can be concluded that assets acquired at the time of marriage or during the marriage are considered joint assets (Djuniarti, 2017; Faizal, 2015). However, assets inherited or acquired before the proposal do not become joint assets. However, these provisions may change if the couple enters into other agreements.

The younger generation in Maybrat is beginning to question the practice of paying marital property, deeming it inappropriate for current economic conditions. However, most traditional leaders assert that this practice is a cultural identity and a symbol of honor that should not be abandoned. A tension arises between the continuity of tradition and the demands of modernizing national law.

Therefore, the discussion of the Maybrat Tribe has strong academic justification because their marriage property tradition holds its own complexities, while also reflecting the dynamic relationship between custom, modernity, and the development of national law. While the younger generation of Maybrat is beginning to question the economic relevance of this practice, traditional leaders emphasize that marriage property is a cultural identity that maintains the community's social dignity. The tension between customary conservatism and demands for national legal modernization becomes increasingly apparent when linked to national civil law provisions, for example, Article 35 of the

Civil Code, concerning the separation of inherited and joint property, which does not use marriage property as a determinant of the validity of a marriage. This situation creates a unique academic space for discussion regarding the harmonization of customary law with the national legal system, as well as the importance of capturing local dynamics in Maybrat as part of efforts to understand Indonesian legal pluralism. Therefore, the study of marriage property payments from the perspective of Maybrat customary law is not only relevant but also strategic for enriching scholarly discourse on how Papuan customs adapt to the modern legal landscape.

2. Materials and Methods

This study uses empirical legal research (socio-legal research) with a qualitative approach. Empirical legal research was chosen because the focus of the study is the implementation and practice of marital property payments under the customary law of the Maybrat Tribe, rather than solely examining written legal norms. A qualitative approach is used to deeply understand the meaning, procedures, and values embodied in the tradition of marital property payments from the perspective of the Maybrat Tribe.

2.1 Data Types and Sources

The data types in this study are qualitative and quantitative. The data sources are primary and secondary data, obtained from primary, secondary, and tertiary legal materials. Primary legal materials include laws and regulations such as: (a) The 1945 Constitution of the Republic of Indonesia, (b) Law Number 1 of 1974 concerning Marriage (jo. Law No. 16 of 2019), (c) Civil Code (KUH Perdata), (d) Law Number 39 of 1999 concerning Human Rights, (e) Law Number 23 of 2004 concerning the Elimination of Domestic Violence (KDRT), (f) Constitutional Court Decisions and Jurisprudence

Secondary legal materials include explanations and definitions of primary legal materials, such as expert opinions and theories, journals, law books, research results, newspapers, magazines, legal dictionaries, and several other sources relevant to this research.

2.2 Data Collection Techniques

Data were collected through library research, examining legal documents, books, workshops, seminars, symposia, research reports, magazines, dissertations or theses, and other sources closely related to the research object and customary law theory.

Through this method, the research can connect theory with the reality on the ground, understanding how the dowry payment process itself works, its social significance, and the types, forms, and procedures used to date (Hartini, 2023).

3. Results and Discussion

3.1. Forms, Types, and Procedures for Payment of Marriage Assets in the Maybrat Tribe

a. Forms and Types of Payment for Assets

According to Maybrat customs, marriage is an effort to unite the extended family and is not solely a matter limited to the nuclear family of the parties (the man and the woman) (Hartini, 2023). The concept indicates that marriage in the Maybrat community is collective, involving the entire kinship network of both parties (Thomas, 2023).

The Maybrat people adhere to three basic views regarding marriage: (a) Bo (Eastern Cloth). This is a highly valuable and highly valued hand-woven fabric imported from abroad, primarily from Timor Island, approximately 500 years ago via the Onin Peninsula (Fak-fak). (b) Ko/Fagina (Women). For the Maybrat people, women (finya/ko) are the most important basic asset in their lives. Marriage, ko or finya, is considered the foundation of life and a means to achieve life goals. (c) Tafoc (Heating/Supporting Tool). It refers to marriage as a means of contact for life or as a support for one's life, which has positive economic, social, and political impacts.

Eastern Cloth comes in various types with varying values and status. The types of Eastern Cloth known in the Maybrat tradition include (Bless, n.d.): (a) Red Han Cloth -

cloth with a dominant red motif and color, (b) Black Han Cloth - cloth with a dominant black motif and color, (c) Bokek - a type of cloth with a specific pattern and quality, (d) Boirim - cloth with special characteristics, (f) Serenta - a type of cloth with high value, (g) Toba - cloth with specific motifs and functions.

Each type of cloth has a different value depending on its age, weaving quality, motif, and rarity. Older cloth generally has a higher value and can reach hundreds of millions of rupiah.

The Maybrat traditional wedding process involves several important stages. This stage is known as "Amu Nfot Bofot" which means "We Minang Women" or is also known as the door knocking ceremony (Renjaan et al., 2019b). This process contains: (a) The groom's family visits the bride's house to propose. (b) The groom's family conveys the purpose of their visit through a traditional spokesperson. (c) The bride's family conveys the marriage requirements, particularly the type and quantity of Eastern cloth requested. (d) Negotiations are conducted between the two families, guided by a traditional leader.

b. Procedures for Payment of Marital Assets

This stage is known as "Amu Nfot Bofot" which means "We Minang Women" or is also known as the door knocking ceremony (Azzahra et al., 2025). In this procession: (a) The groom's family visits the bride's home to propose. (c) The groom's family conveys the purpose of their visit through a traditional spokesperson. (d) The bride's family conveys the marriage requirements, particularly the type and quantity of Eastern Cloth requested. (f) Negotiations are conducted between the two families, guided by a traditional leader

After an agreement is reached during the proposal stage, the wedding gift payment ceremony is held with the following procedures: (a) Preparation: The groom's family collects the agreed-upon Eastern Cloth. This collection process involves all relatives from the husband's side, who are required to contribute in the form of cloth or other assets. (b) Presentation: The presentation ceremony is held in the yard and involves: All relatives from the husband's and wife's sides, Traditional leaders from both villages and clans, The ceremony leader, usually an older man from the husband's side, The traditional leader, who acts as an advisor. (c) Verification: All types of Eastern Cloth requested are lined up on the ground for careful inspection by the bride's family. The aspects examined include: the type of fabric as agreed, the quality and condition of the fabric, the authenticity and age of the fabric, and the quantity as requested. (d) Acceptance: The woman's family is not allowed to remove the fabric if it is not to their liking. If the requested Eastern Fabric has been obtained, additional fabrics and a sum of money are added. (e) Symbolic Ritual: While the ceremony leader is speaking, the accompanying traditional leader stamps the floor and jokingly insults the woman's family and relatives with sarcastic remarks. It symbolizes the husband's family's respectability for having successfully accumulated the assets presented.

3.2 Social, Cultural, and Legal Meaning of Payment of Marriage Property

a. Social Meaning in the Kinship System

The Maybrat community has a kinship system consisting of genealogical units that play a role in regulating various aspects of life, including marriage (Mas, 2009). This system exhibits characteristics of an achievement system, where social status is acquired based on the ability to accumulate wealth, particularly in Eastern textiles.

The payment of marriage property serves as a mechanism for social integration. (a) Uniting the Extended Family: Marriage serves as a momentum to strengthen ties between clans and extended families, not just between the bride and groom. (b) Building Social Networks: The collection and payment process involves various parties, creating extensive social networks and strengthening group solidarity. (c) Redistribution of Wealth: This system allows for the circulation of wealth within society, where families who receive marriage property for their daughters will use it for their sons' future mar-

riages. (d) Legitimizing Status: The payment of marriage property provides social legitimacy to the marriage and the status of any children born from it.

b. Cultural and Symbolic Meaning

Eastern cloth has a long and unique history in the Maybrat culture: (a) Cloth was brought from East Nusa Tenggara (NTT) around 500 years ago via maritime trade routes. (b) The presence of Eastern cloth in Papua is evidence of cross-cultural interactions and inter-island trade within the archipelago. (c) Eastern cloth serves as a marker of the Maybrat people's cultural identity, distinguishing them from other tribes in Papua. (d) The payment of marriage gifts is fraught with symbolic meaning. (e) Respect for Women: The payment of a high dowry demonstrates respect for women and their families, as women are considered the "basic capital" (ko/fagina) in life. (g) Responsibility and Seriousness: The substantial sacrifices made in accumulating dowry demonstrate the seriousness and commitment of the groom's family to the marital relationship. (h) Prestige and Honor: The symbolic ritual of cursing during the ceremony reflects the pride of the groom's family for successfully fulfilling customary requirements. (i) Cultural Continuity: The payment of dowry serves as a vehicle for transmitting cultural values from generation to generation, ensuring the preservation of Maybrat traditions.

c. Relevance to Indonesian National Law

Law Number 1 of 1974 concerning Marriage as amended by Law Number 16 of 2019 regulates several fundamental principles. Definition of Marriage: Marriage is a physical and spiritual bond between a man and a woman as husband and wife to form a happy and eternal family based on the One Almighty God (Article 1) (Waluyo, 2020). 1) Principles of Marriage: (a) The principle of monogamy (Article 3, paragraph 1), (b) A marriage is valid if conducted according to religious law and belief (Article 2, paragraph 1), (c) Every marriage must be registered (Article 2, paragraph 2), (d) Age of Marriage: Marriage is only permitted if the man and woman have reached the age of 19 (Article 7, paragraph 1 as amended). (e) Rights and Status of Husband and Wife: The rights and status of a wife are equal to those of a husband (Article 31, paragraph 1).

Recognition of Customary Law in the National Legal System: The Indonesian Constitution recognizes the existence of customary law communities, Article 18B paragraph 2 of the 1945 Constitution states, "The State recognizes and respects customary law communities and their traditional rights as long as they remain in existence and are in accordance with the development of society and the principles of the Unitary State of the Republic of Indonesia." Law No. 21 of 2001 concerning Special Autonomy for Papua recognizes the rights of Papuan indigenous communities to regulate and manage their own interests in accordance with customary law. Maybrat Regency Regional Regulation regulates the recognition and protection of customary law communities in Maybrat Regency, including customary characteristics such as watum (customary law) and boo (customary assets and/or objects).

4. Conclusions

The Maybrat tribe's marriage dowry payment system centers on the Kain Timur (Bo) as the most valuable customary asset, signifying the family's social standing, the clan's authority, and the legitimacy of the marriage relationship. The procedure includes a proposal (Amu Nfot Bofot), negotiation of the amount of dowry, symbolic handover through a traditional ceremony, and verification by the woman's family. This payment has social, cultural, and legal significance: socially strengthening the keret network, regulating the redistribution of wealth, and mapping the social hierarchy; culturally serving as a means of preserving collective memory, a symbol of women's honor, and an instrument for reproducing Maybrat identity; legally functioning as a customary contract that determines the perfection of the marriage, the status of children, inheritance rights, and the resolution of disputes in customary courts. However, this practice faces challenges in harmo-

nizing with national law, particularly regarding marriage registration, the issue of women's commodification, excessive economic burdens, and the potential violation of gender equality guaranteed by the Marriage Law, the 1945 Constitution, and international human rights standards. This normative tension demonstrates the need for a socio-anthropological approach to understanding the sustainability of the Maybrat tradition.

From an academic perspective, this research significantly contributes to the development of customary law studies in Indonesia by emphasizing that the tradition of marriage payment cannot be understood uniformly across ethnic groups, even within a single region of Papua. The Maybrat case study demonstrates how a customary institution functions as a social and legal mechanism that influences gender relations, family status, and patterns of value distribution within society. Practically, this research emphasizes the importance of formulating a harmonization model that is culturally sensitive while remaining in line with national legal principles regarding women's rights. The Bo tradition must be viewed not merely as an economic practice, but as a symbol of collective identity and honor, and legal harmonization must not diminish this symbolic value. The most realistic model is a legal pluralism with safeguards approach, which fully recognizes the validity of Maybrat customs while emphasizing normative boundaries to prevent discrimination and ensure protection for women and children.

5. Rekomendations

The Maybrat tribe's marital wealth payment system is part of the national cultural heritage that deserves respect, but its preservation cannot be used to justify practices that potentially violate women's rights. This study emphasizes that harmonization of customary law and national law is a long-term process that requires the active participation of indigenous communities, local governments, academics, and civil society organizations. Concrete recommendations for the West Papua Provincial Government and Maybrat customary institutions include: (1) the formulation of a Special Regional Regulation (Perdasus) that regulates reasonable limits on marital wealth, dispute resolution mechanisms, and the protection of women; (2) the development of internal customary standards through the Maybrat Customary Council to ensure that Bo does not impose extreme economic burdens; (3) a community-based gender equality education program; and (4) an integrated recording of customary, church, and state laws to ensure legal certainty without eliminating cultural values. Most importantly, it is important to ensure that Maybrat women are involved in customary decision-making, not merely as objects of tradition, but as subjects whose rights are fully recognized.

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