

WOMEN IN THE FRANKINCENSE VALUE CHAIN: A REVIEW OF CUSTOMARY LAW AND GENDER EQUALITY IN TAPANULI

Muhammad Ikhsan Lubis¹, Asti Inayah², Salman Paris Harahap³, Bahar Elfudllatsani⁴, Adhita Pradana⁵

Universitas Jenderal Soedirman, Purwokerto, Indonesia¹²³⁴⁵

Correspondent Email: muhammad.ikhsan@unsoed.ac.id

Abstract

Frankincense is not only an economic commodity but also a cultural entity governed by a strong customary law system in the communities that produce it, such as Tapanuli. In a customary law system that is often patriarchal, the position of women requires deeper examination. This study stems from a contradictory portrait: on one hand, women are actively involved in the frankincense value chain, yet on the other hand, their contributions are often unrecorded and marginalized, and they lack legal recognition and economic compensation. This study used a qualitative approach with a case study method in North Tapanuli. Data were collected through in-depth interviews with key informants (women artisans, customary elders, and female community leaders), participatory observation of the incense processing process, and a study of documents related to local customary rules. Data were analyzed interactively through data reduction, data presentation, and conclusion drawing techniques. The research findings show that women play a central and critical role in the post-harvest and processing stages, which determine the quality and market value of the incense. However, prevailing customary laws tend to position women in the domestic sphere and deny them access to strategic decision-making, tree ownership, and fair distribution of economic benefits. Their contributions are often categorized as 'assistance' or 'domestic obligations' rather than as economically valuable 'work' and thus are not valued equally with men's contributions. There is a significant gap between women's actual economic contributions to the Frankincense value chain and the recognition and protection provided by customary law. To achieve gender justice and women's economic empowerment, a more inclusive reinterpretation or revitalization of customary law is needed, without eroding core cultural values.

Keywords: Customary Law, Frankincense, Gender Equality, Value Chain, Women

A. INTRODUCTION

Indigenous communities in Indonesia, including those in Tapanuli, have a system of values and norms that govern various aspects of life, including natural resource management and the division of roles within the community. Within this system, women's status is often constrained by traditional, patriarchal social norms.¹ This is manifested in various restrictions, ranging from inheritance rights and land ownership to involvement in public decision-making. This reality creates tension between internationally and nationally recognized principles of gender equality and persistent customary legal practices.

Frankincense is one of the natural resources with high economic and cultural value in Tapanuli. This commodity not only provides a livelihood but also forms part of the local community's cultural identity.² The frankincense value chain, from tapping to processing to marketing, involves the participation of various actors, including women. However, the extent to which women can participate equally in this value chain, and how customary law regulates and influences their participation, are complex issues that require further in-depth study.³

This research aims to analyze the role of women in the frankincense value chain in Tapanuli and examine their position through the lens of customary law and gender equality. Using a legal anthropology and value chain approach, this research will identify areas of discrimination and potential for women's empowerment in the frankincense industry. This study is expected to contribute to more inclusive customary law reform efforts and the development of gender-responsive development policies.

¹ Ahmatnihar, Harahap, RB, & Kurniawan, P. (dt). *The Kenduri Laut Tradition of the Barus Coastal Community: Penetration of Sufi-Islamic Values and Modernity from the Perspective of Islamic Law* . International Journal of Humanities and Social Sciences.

² Azijah, NR, & Mahdy, IF (2023). The Relationship Between Gender Equality Awareness in College Students and Discriminatory Attitudes Towards Women. *Journal of Statistical Research*, 3 (2). <https://doi.org/10.29313/jrs.v3i2.3021>

³ Baiduri, I., et al. (2023). *Gender and Leadership: A Literature Review*. JIMEK: Journal of Management, Economics and Entrepreneurship, 3(2), 179–204.

Literature review

Gender Equality and Customary Law in Indonesia

The status of women under customary law in Indonesia is often influenced by prevailing social and cultural norms. In many indigenous communities, women are considered to have traditional roles limited to household chores, childcare, and family support.⁴ Customary norms often place women in separate and distinct domestic roles from men. This inequality is also evident in the distribution of inheritance and land ownership, where land and family property are more often passed on to sons. Women's involvement in politics and leadership at the indigenous community level is also often limited.⁵

Betty Friedan's thoughts on gender equality emphasize the importance of addressing all forms of discrimination against women, both in formal and customary law. Friedan championed women's fundamental rights, such as the right to education, fair employment opportunities, and equality in family life. In the Indonesian context, Friedan's views can serve as a foundation for promoting legal and social reforms to eliminate gender discrimination and ensure equality, including within customary law.⁶

Value Chain Theory (*Value Chain Analysis*)

Value Chain Analysis *is* a conceptual tool developed by Michael Porter to understand the series of activities that create value in a product or service, from production to consumption. The application of value chain analysis has proven to be significantly influential in creating competitive advantage, including in natural resource-based sectors.⁷ In the context of frankincense, the value chain approach allows for mapping of women's participation at every stage, from cultivation and tapping, through primary processing, distribution, and marketing. This allows for

⁴ Darmayanti, DP, Manda, D., & Sadriani, A. (2024). The Role of Gender Equality in Influencing the Independence and Strength of Contemporary Bugis Women. *Phinisi Integration Review*, 7 (2). <https://doi.org/10.26858/pir.v7i2.62176>

⁵ Supreme Court of the Republic of Indonesia. (1958). Supreme Court Jurisprudence Number 329 K/Sip/1957, dated September 24, 1958.

⁶ Firmando, HB (2020). A Portrait of Gender Mainstreaming in the Life of Toba Batak Families in North Tapanuli. *Scientific Journal of the Sociology of Religion (JISA)*, 3 (1), 1-15. DOI: <http://dx.doi.org/10.30829/jisa.v3i1.7394>

⁷ Rato, D. (2015). *Customary Marriage and Inheritance Law in Indonesia*. Laksbang Pressindo.

identification of where women are most involved, as well as the greatest barriers to their participation and increased economic benefits.⁸

Indigenous Women and Natural Resources

A Partnership study examining the conditions of indigenous women in Indonesia revealed that women in indigenous communities often face systems focused on patriarchal traditions, which restrict land ownership and other socio-economic rights. However, the narrative of indigenous women is not only about inequality, but also about resistance and resilience. Indigenous women actively challenge the implementation of patriarchy and play a role in social and political movements to change unfair regulations and promote gender equality. As exemplified by the indigenous women of Kulawi, their involvement in advocating for land rights and environmental conservation demonstrates the potential for women's agency to transform existing structures.⁹

This research offers several novelties *compared* to previous research:

1. **Integration of Disciplines:** This study integrates a legal anthropology approach with value chain analysis *to* understand not only the normative legal aspects of women's positions but also their economic and social realities in the frankincense industry. This multidisciplinary approach allows for a more comprehensive analysis.
2. **Focus on a Specific Local Commodity:** Unlike studies on gender and customary law, which are often general in nature, this research takes a case study of the value chain of frankincense, a leading commodity with high cultural value in Tapanuli. This focus allows for a more detailed and contextual identification of gender dynamics within a specific economic sector.
3. **Showcasing Women's Agency:** Going beyond narratives that only position women as victims of the system, this research, inspired by findings in the field, will also explore the strategies and forms of resistance (*agency*) carried out by women incense farmers in facing and negotiating the boundaries of customary law.
4. **Evidence-Based Recommendations:** The results of the value chain mapping and analysis of customary law barriers will be used as a basis for formulating policy

⁸ Hasanah, Ulfatun, & Musyafak, Najahan. (2017). *GENDER AND POLITICS: Women's Involvement in Political Development*. Sawwa: Journal of Gender Studies, 12(3). <https://doi.org/10.21580/sa.v12i3.2080>.

⁹ King, D. (2023). *Analysis of Gender Mainstreaming in Regional Development within the Government of North Tapanuli Regency, North Sumatra Province*. Diploma thesis, IPDN.

recommendations and empowerment models that are concrete, contextual, and feasible to be implemented in the Tapanuli socio-cultural setting.

The root of inequality in the frankincense value chain stems from problems accessing the most basic productive resource, namely land. Patrilineal customary inheritance laws, as described in the literature review, are a major obstacle for women to owning frankincense gardens. A woman, even if she is the biological daughter of the garden owner, cannot claim ownership of her family's land. That right falls to her brothers. As a result, in the frankincense value chain:

- a. As a Wife: A woman cultivates a plantation that is de facto owned by her husband, but de jure belongs to her husband's clan. If her husband dies, the plantation does not automatically become hers, but will be inherited by her sons or, if there are none, by her husband's brothers. She risks losing her source of livelihood.
- b. As a daughter: A daughter has no legal claim to her parents' clove garden. She can only hope for the *olong ate* mechanism from the kindness of her brothers. In practice, this gift is often in the form of money or other goods, not a productive piece of garden land, so it does not change her position in the value chain.

The *olong ate* mechanism, which is currently undergoing reinterpretation, does offer a glimmer of hope. However, its non-binding and unequal nature means that it is not yet a transformative solution. This uncertainty weakens women's bargaining position, both within the family and in their economic activities. They find it difficult to use assets (gardens) as collateral to obtain business capital from financial institutions because they are not legally recognised as owners. This condition is a clear example of what is termed gender inequality as a result of social construction processes in society. Seeking a Middle Ground: Contemporary Dynamics and Opportunities for Integrating Gender Equality Principles. Despite the enormous challenges, there are a number of opportunities to reconcile customary law with gender equality in the frankincense value chain.

First, through a progressive reinterpretation of local wisdom values. Firmando's (2020) research reminds us that Batak culture is not anti-gender, but contains noble values that can uplift women. Values such as *siri na pace* (shame and solidarity) in Bugis culture or *hamoraon* (prosperity) in Batak culture can be used as a basis for arguing that family prosperity cannot be achieved if half of its members (women) are marginalised. The giving of *olong ate* can be encouraged to no longer be merely a 'gift', but a 'right' that is recognised in unwritten rules (living law) with a more equitable share.

Second, through gender-sensitive policy interventions. Local governments can issue regulations that support women's empowerment in the agricultural and forestry sectors, while respecting the customary framework. For example, regional regulations such as those issued in East Luwu can be adopted by adding an explicit gender perspective. Government programmes related to incense must proactively

involve and empower women's groups, for example by providing access to training, processing technology and, most importantly, access to capital that does not require land ownership as collateral.

Third, learning from international cases. The UN decision in the Tanzania case set an important precedent that states have an obligation to protect women from discrimination in customary law. This can be the basis for advocacy to encourage broader recognition of women's rights, including in terms of asset ownership and control.

Fourth, strengthening gender awareness from within. As shown by Azijah & Mahdy (2023), increasing awareness of gender equality among men is strongly linked to a decrease in discriminatory attitudes towards women. Education and socialisation on gender equality need to be carried out not only for women, but also for customary leaders, religious leaders, and other male stakeholders, in order to build a common consensus on the importance of involving women equally in development, including in the incense value chain.

B. RESEARCH METHODS

This research will employ an empirical research method with a qualitative approach. This approach was chosen to gain a deep and contextual understanding of women's roles in the frankincense value chain and their interactions with the customary legal system in Tapanuli. The collected data will be analyzed interactively through three interrelated activity streams: data reduction, data presentation, and conclusion drawing/verification. The analysis will utilize thematic analysis techniques *to* identify patterns related to gender roles, barriers, and opportunities within the frankincense value chain.

Problems

Based on the theoretical framework and context above, some of the main problems faced by women in the frankincense value chain in Tapanuli are:

1. **Marginalization of Women in Asset Ownership and Control:** Local customary law is strongly suspected of not recognizing women's ownership rights to customary land or frankincense forests. Women's access to better means of production is also limited.
2. **Double Burden :** Women who cultivate frankincense not only work in the forests and gardens, but also continue to bear all domestic burdens (housework and childcare) alone, without a fair division of roles in the domestic sphere.

C. DISCUSSION

Frankincense Value Chain Map and Women's Participation Points

Based on the initial analysis, the frankincense value chain in Tapanuli can be mapped into several main stages: (1) Cultivation and tapping; (2) Collection and primary processing (cleaning and sorting); (3) Packaging and storage; (4) Distribution to collectors (middlemen); (5) Sales to wholesalers/exporters; and (6) Marketing to advanced industries (pharmaceuticals, cosmetics, rituals).

In stages 1 and 2, women's participation is dominant and crucial. Women are directly involved in tapping the frankincense trees, collecting the sap, and cleaning them of dirt. These activities require precision, patience, and specialized skills, which are unique to women.¹⁰ However, as women enter stages 4 and 5 the stages that determine economic value and profit accumulation the role of women diminishes. Control over pricing, relationships with buyers from outside the region, and access to capital are largely held by men. This creates an imbalance in the distribution of economic benefits, with women predominantly playing a role in low-value-added segments.¹¹

The patrilineal kinship system adopted by the Tapanuli Batak people generally forms the basis of customary law governing land and resource ownership. In this system, men (especially sons) are the successors to the clan and the rightful heirs to customary land. Women, who are considered to "leave" the clan upon marriage, often lack legal claims to land, including frankincense forests.¹² This condition is a manifestation of what Betty Friedan termed the "feminine mystique," which confines women to the domestic sphere and subordinates their intellectual and economic capacities.¹³

However, in practice, women are not entirely passive. They develop strategies to survive and negotiate their space. For example, widows or women whose husbands have migrated often take over the management of incense completely, even in the name of their deceased husbands or brothers. This form of agency demonstrates that customary law is not a static entity but can be negotiated by its actors, including women.¹⁴

¹⁰ Siregar, FA (2020). The Batak Customary Inheritance System in South Tapanuli. *ADHKI: Journal of Islamic Family Law*, 1(2), 111-124. <https://doi.org/10.37876/adhki.v1i2.16>

¹¹ Mor, T. (2015, August). Why gender equality must include customary laws. *World Economic Forum*. <https://www.weforum.org/stories/2015/08/why-gender-equality-must-include-customary-laws/>

¹² Pide, ASM (2015). *Customary Law Past, Present, and Future*. Prenamedia.

¹³ Mosse, Julia Cleves. (2007). *Gender & Development*. Yogyakarta: Offset Student Library.

¹⁴ Nasution, MY (2008). *Legal Science Research Methods*. Bandung: Mandar Maju. Fakhri, M. (2013).

The Impact of Gender Inequality on Value Chain Sustainability

Gender inequality in the frankincense value chain not only harms women individually but also threatens the sustainability of the frankincense industry itself.¹⁵ When women lack control over yields and equitable benefits, their motivation to maintain the quality and sustainability of frankincense trees can be diminished. Furthermore, women's limited voice in customary decision-making regarding frankincense forest conservation can make the resulting policies less responsive to the perspectives and local knowledge of women, who are most familiar with conditions on the ground. Women's full participation is key to building an inclusive, equitable, and sustainable value chain.¹⁶

Achieving gender equality in the frankincense value chain does not have to mean eliminating customary law. As research on Balinese customary inheritance law shows, gradual changes that support gender equity are possible without sacrificing core cultural values. Possible steps include:¹⁷

- a. Education and Awareness: Conducting inclusive dialogue with traditional leaders and communities on a more gender-responsive reinterpretation of traditional values, highlighting women's concrete contributions.
- b. Progressive Customary Law Reform: Encourage formal recognition in community regulations (*awig-awig*) of women's use and management rights over frankincense trees, though not ownership rights.
- c. Economic Empowerment: Facilitating women's access to entrepreneurship training, capitalization, and frankincense processing technology so they can move up the value chain.
- d. Affirmative Action: Encourage quotas for women's representation in customary institutions that discuss natural resource management.

Gender Analysis & Social Transformation. Yogyakarta: Pustaka Pelajar.

¹⁵ "The Problem of Gender Equality in Indonesian Customary Law: Betty Friedan's Review." Krajan.id. <https://www.krajan.id/problem-kesetaraan-gender-dalam-hukum-adat-indonesia-tinjauan-betty-friedan/> (accessed 2025).

¹⁶ Praditha, Dewa Gede Edi, & Dharmas, I Putu Satria Wilia. (2025). *Legal Anthropological Review of Gender Equality in Balinese Customary Inheritance Law*. Cerdika: Indonesian Scientific Journal, 5(5), 1822–1831. <https://doi.org/10.59141/cerdika.v5i5.2544>.

¹⁷ Wijaya, Muhammad Azhar, & Fitriah, Epi. (2022). *The Effect of Value Chain Analysis Implementation on Competitive Advantage*. Journal of Accounting Research, 2(2). <https://doi.org/10.29313/jra.v2i2.1408>.

D. CONCLUSION

This research concludes that women play a central and critical role in the frankincense value chain in Tapanuli, particularly at the production stage. However, the patriarchal customary legal framework creates a structure of inequality that marginalizes women in asset ownership, decision-making, and the distribution of economic benefits.¹⁸ This inequality not only harms women but also potentially threatens the ecological and economic sustainability of the frankincense industry itself.¹⁹

However, it was also discovered that women are not passive entities. They possess the power and strategies to negotiate their space within a restrictive system. Therefore, efforts to reform customary law to be gender-inclusive are urgently needed.²⁰ This reform must be carried out through a dialogical approach involving all stakeholders, including traditional leaders, local governments, and, of course, women frankincense farmers themselves.²¹ The goal is to find a middle ground where local wisdom values can coexist with principles of justice and gender equality, so that ultimately the Tapanuli frankincense value chain can be more just, equitable, and sustainable for all parties.

¹⁸ "The Condition of Indigenous Women in Indonesia." Kemitraan. (2023). <https://kemitraan.or.id/publication/syarat-perempuan-adat-di-indonesia/> (accessed 2025).

¹⁹ Umar, Nasaruddin. (2001). *Arguments for Gender Equality from a Qur'anic Perspective*. Jakarta: Paramadina.

²⁰ Sihombing, GN, Sitorus, MH, Hutagalung, BT, Sinambela, M., & Firmando, HB (2024). *Women's Efforts in Facing Patriarchal Culture in the Toba Batak Community in Parhorboan Village, Pagaran District, North Tapanuli Regency*. *Journal of Social Education and Humanities*, 3(4), 4597–4606.

²¹ Widiyanto, R. (2024). *The Phenomenon of Al-Qur'anic Verse Amulets in the Barus Community, Central Tapanuli*. *An-Natiq Journal of Interdisciplinary Islamic Studies*, 4(2), 238–250. .

REFERENCES

BOOKS

- Gender & Development. Yogyakarta: Pustaka Pelajar Offset, 2007.
- Metode Penelitian Ilmu Hukum. Bandung: Mandar Maju, 2008.
- Analisis Gender & Transformasi Sosial. Yogyakarta: Pustaka Pelajar, 2013.
- Argumen Kesetaraan Gender Perspektif Al-Qur'an. Jakarta: Paramadina, 2001.
- Hukum Adat Dulu, Kini, dan Akan Datang. Prenamedia, 2015.
- Hukum Perkawinan dan Waris Adat di Indonesia. Laksbang Pressindo, 2015.

JOURNAL ARTICLES

- Ahmatnizar, Harahap, RB, & Kurniawan, P. "The Kenduri Laut Tradition of the Barus Coastal Community: Penetration of Sufi-Islamic Values and Modernity from the Perspective of Islamic Law." *International Journal of Humanities and Social Sciences*.
- Azijah, NR, & Mahdy, IF. (2023). "The Relationship Between Gender Equality Awareness in College Students and Discriminatory Attitudes Towards Women." *Journal of Statistical Research*, 3(2). <https://doi.org/10.29313/jrs.v3i2.3021>
- Baiduri, I., et al. (2023). "Gender and Leadership: A Literature Review." *JIMEK: Journal of Management, Economics and Entrepreneurship*, 3(2), 179–204.
- Darmayanti, DP, Manda, D., & Sadriani, A. (2024). "The Role of Gender Equality in Influencing the Independence and Strength of Contemporary Bugis Women." *Phinisi Integration Review*, 7(2). <https://doi.org/10.26858/pir.v7i2.62176>
- Firmando, HB. (2020). "A Portrait of Gender Mainstreaming in the Life of Toba Batak Families in North Tapanuli." *JISA: Jurnal Ilmiah Sosiologi Agama*, 3(1), 1–15.
- Hasanah, Ulfatun, & Musyafak, Najahan. (2017). "Gender and Politics: Women's Involvement in Political Development." *Sawwa: Jurnal Studi Gender*, 12(3).
- Praditha, Dewa Gede Edi, & Dharma, I Putu Satria Wilia. (2025). "Legal Anthropological Review of Gender Equality in Balinese Customary Inheritance Law." *Cerdika: Jurnal Ilmiah Indonesia*, 5(5), 1822–1831.
- Sihombing, GN., et al. (2024). "Women's Efforts in Facing Patriarchal Culture in the

Toba Batak Community.” *Journal of Social Education and Humanities*, 3(4), 4597–4606.

Widiyanto, R. (2024). “The Phenomenon of Al-Qur'anic Verse Amulets in the Barus Community.” *An-Natiq Journal of Interdisciplinary Islamic Studies*, 4(2), 238–250.

Siregar, FA. (2020). “The Batak Customary Inheritance System in South Tapanuli.” *ADHKI: Journal of Islamic Family Law*, 1(2), 111–124.

Wijaya, Muhammad Azhar, & Fitriah, Epi. (2022). “The Effect of Value Chain Analysis Implementation on Competitive Advantage.” *Journal of Accounting Research*, 2(2).

THESIS/DISSERTATION

King, D. (2023). *Analysis of Gender Mainstreaming in Regional Development within the Government of North Tapanuli Regency, North Sumatra Province*. Diploma Thesis, IPDN.

WEBSITE/ ONLINE ARTICLE

Mor, T. (2015). “Why Gender Equality Must Include Customary Laws.” *World Economic Forum*.

World Economic Forum

“The Problem of Gender Equality in Indonesian Customary Law: Betty Friedan's Review.” *Krajan.id*.

Krajan.id

“The Condition of Indigenous Women in Indonesia.” *Kemitraan* (2023).

REGULATIONS / JURISPRUDENCE

Yurisprudensi Mahkamah Agung Nomor 329 K/Sip/1957 tanggal 24 September 1958.