

Model of gender and culture responsive regional regulation in the era of autonomy

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Abstract

Regional autonomy has opened space for local governments to formulate policies that align with the specific characteristics and needs of their respective regions. However, in practice, many regional regulations (Peraturan Daerah or Perda) are enacted without adequately considering gender perspectives and cultural diversity, thereby perpetuating discrimination against women and minority groups. This study aims to formulate a regional legislative model that is sensitive to both gender and cultural issues while proposing an adaptive regulatory transformation strategy in the era of autonomy. A qualitative approach using a case study method was employed to analyze several Perda in regions with rich cultural heritage and complex social dynamics, namely Bali, West Sumatra, and Yogyakarta. Data were collected through document analysis of regional regulations addressing gender-related issues in these three provinces. The findings reveal that gender- and culture responsive regional legislation requires a deliberative participatory design, a human rights impact assessment, and the integration of non-discriminatory local wisdom. The proposed model incorporates principles of inclusivity, social justice, and respect for cultural values. The study concludes that transforming Perda cannot rely solely on technocratic revisions; instead, it demands a paradigm shift in regional legislation toward a just and culturally grounded legal governance framework. These findings are significant as they provide valuable input for regional parliaments (DPRD), local executives, and civil society in strengthening the role of local law as an instrument of social justice.

Keywords

Culture, Gender, Regional autonomy, Responsive, Regional regulation

Introduction

Regional Regulations (Peraturan Daerah/Perda), as the principal legal instrument within Indonesia's era of regional autonomy marked by significant delegation of authority (Law No. 23 of 2014), are ideally expected to be aspirational, participatory, and uphold the principles of justice, equality, and non-discrimination, while being responsive to the specific needs of local communities [1]. However, in practice, several enacted Perda

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have not been fully inclusive or responsive to the diverse dimensions of community life, particularly in relation to gender perspectives and local cultural values [2] [3]. This imbalance reflects the weak integration of gender justice principles within the local legislative process from the drafting of academic papers and community engagement to the formulation of legal norms in Perda [4]. In reality, policies that appear textually neutral can be substantively discriminatory, as they fail to consider differences in needs, experiences, and bargaining positions between men and women [5].

According to data from the National Commission on Violence Against Women (Komnas Perempuan), many local regulations such as Perda, mayoral decrees, and These regulations often intrude into the private sphere by restricting mobility, imposing dress codes, or mandating virginity tests, disproportionately targeting women. circulars are deemed discriminatory and potentially violate women's constitutional rights. Between 2009 and 2023, there were 450 discriminatory local policies (Perda, gubernatorial, regental, and mayoral decrees), with approximately 56% targeting women, as reported by the Ministry of Women's Empowerment and Child Protection (KPPPA) and Komnas Perempuan [6]. Research in Tangerang Regency revealed that the implementation of gender mainstreaming instruments such as the Gender Analysis Pathway (GAP) and Gender Budget Statement remains suboptimal. This is evident from delays in ratifying gender-responsive Perda, limited technical capacity, and weak political commitment [7]. Komnas Perempuan noted a rising trend of discriminatory policies since 2016: from 154 in 2019 to 421 in 2021, and around 177 discriminatory Perda remain active in 2024 [8]. These findings illustrate the persistent dominance of morality based and culturally biased gender regulations.

Local wisdom (kearifan lokal) often contains discriminatory norms. A joint study by Komnas Perempuan and Lemhannas (2021) highlighted that many Perda legitimized local moral norms in the name of religion without human rights scrutiny thus perpetuating control over women and minorities. In many regions, local wisdom has yet to be formally codified as law and remains a cultural reference. Without formal legal grounding, these values are difficult to implement fairly or inclusively [9]. The 2022 Komnas Perempuan report identified 348 discriminatory local regulations and policies targeting women, children, and other vulnerable groups [10]. Discriminatory Perda grounded in moral or religious interpretations and social-cultural norms restrict women's freedoms and exclude them from decision-making particularly in natural resource management thus perpetuating injustice by disregarding women's unique knowledge and perspectives [11] [12]. This condition demonstrates that local legislation is often shaped by patriarchal norms that undermine gender equality as guaranteed by the Constitution and international legal instruments such as the CEDAW (Convention on the Elimination of All Forms of Discrimination Against Women), ratified through Law No. 7 of 1984.

The roles of men and women in local development remain unequally accommodated in regional policies and regulations [13]. Many Perda still exhibit explicit or implicit gender

bias, potentially perpetuating inequality or discrimination by overlooking the distinct experiences and needs of both genders across various sectors [14]. The frequent neglect of local wisdom serving as the social foundation, identity, and key to sustainable development in the legislative process results in inconsistent and poorly implemented Perda that often face public resistance. Because local wisdom is inherently informal, adaptive transformation strategies are essential in the era of autonomy to inclusively integrate gender and cultural perspectives throughout the Perda formulation and evaluation stages [15]. The effort must go beyond adding gender or cultural clauses; rather, the entire substance, process, and implementation of Perda should embody gender justice and cultural diversity [16].

Previous studies, such as Nurul Hidayah's, concluded that the rise of Islamic conservatism during Indonesia's democratization and the lack of gender perspectives in decentralization policies have contributed to the enactment of discriminatory local Sharia-based regulations [17]. Fatwa Nurul Hakim emphasized the necessity of gender equality to minimize discrimination and violence against women, arguing that cultural patriarchy and ineffective governmental regulations hinder the transformation of district laws toward gender equality in the autonomy era [18]. Similarly, Rostiena Pasciana (2025) reaffirmed Sustainable Development Goal 5 (SDG 5) on gender equality, underscoring the importance of empowering women and promoting their rights to achieve just and inclusive community development [19].

The limited legislative capacity of local actors, minimal involvement of women's groups in Perda drafting forums, and the absence of gender audits as evaluative instruments have resulted in numerous exclusive policies that fail to address citizens' needs equitably [20][21]. Therefore, conducting gender audits on Perda is a strategic necessity to identify, analyze, and recommend revisions for discriminatory legal norms in local legislation. Moreover, this process can foster the creation of inclusive and equitable Perda aligned with the principle of substantive equality within Indonesia's legal framework. A comprehensive approach encompassing legal reform and public awareness campaigns is crucial for establishing an inclusive and responsive political and legal environment [22]. This study, therefore, seeks to answer the following research problems: how to formulate a regional legislative model that is sensitive to gender and cultural issues, and how to design an adaptive regulatory transformation strategy in the era of autonomy

Method

This research method uses a legal normative approach [23], which positions law as a system of norms combined with statutory and case study approaches. The object of the study is the Model of Gender and Culture Responsive Regional Regulations in the Era of Autonomy, with secondary data sources consisting of three regional regulations from Bali, West Sumatra, and Yogyakarta that address gender issues. The selection of these regions is based on their diverse socio-cultural characteristics and distinct customary

legal systems, allowing for a broader representation of regional legislative practices in Indonesia. The criteria for selecting the regional regulations include the presence of local cultural values, relevance to gender issues, and the level of implementation within the community. Furthermore, the selected regulations also consider data availability and their significance in illustrating the interaction between law, culture, and gender equality. Data were collected through the examination of primary, secondary, and tertiary legal materials. The analysis was conducted using qualitative descriptive methods through stages of reduction, classification, interpretation, presentation, and systematic conclusion drawing.

Results and discussion

Local legislation models that are sensitive to gender and cultural issues

The Critical Synthesis Legislative Model represents a conceptual approach that offers a middle ground between two extreme paradigms in regional legislative practices in Indonesia at [Table 1](#). This approach departs from the reality that regional autonomy has provided significant space for local governments to formulate regulations that align with their respective social and cultural contexts. However, many local regulations have inadvertently reinforced gender bias and cultural domination [\[24\]](#). This model emerges to address the weaknesses of two conventional patterns namely, the Top-Down Centralistic-Gender Model and the Cultural Romanticism of Conservative Autonomy Model through a synthesis that is critical, reflective, and grounded in the principle of substantive justice [\[24\]](#) [\[25\]](#).

The Top-Down Centralistic-Gender Model positions the state as the primary source of justice values through the application of normative and legalistic equality concepts [\[26\]](#). This approach often formally adopts the principles of CEDAW but fails to comprehend the social context of local communities [\[27\]](#). Regulations born under this model appear gender responsive on paper but frequently face resistance for being perceived as disregarding local cultural values and identities. The lack of sensitivity to local contexts renders this model ineffective in implementation, as communities often interpret such regulations as forms of foreign value intervention.

The Cultural Romanticism of Conservative Autonomy Model arises as a reaction to national legal centralism by positioning customary law (adat) as the main source of authority [\[28\]](#). While this approach carries the spirit of cultural preservation, it often embraces traditional values uncritically without normative filtering [\[29\]](#). Such practices risk perpetuating patriarchal social structures that limit women's roles in public and decision-making spaces. Regulations produced through this model tend to be regressive toward gender equality, as they treat social and cultural relations as unquestionable entities.

The Critical Synthesis Model resolves this dichotomy by constructing a conceptual framework that integrates cultural sensitivity with the principles of substantive equality.

This model operates through three interrelated phases aimed at producing inclusive, participatory, and constitutional regional regulations. The first phase, Deconstruction, functions to dismantle monolithic views of culture and tradition. The academic drafting team reexamines cultural narratives that have long served as legal foundations [30]. Critical analysis is conducted to distinguish practices that represent wisdom values from those that embody power constructs. This approach unveils hidden dimensions of social practices often overlooked, such as women's roles in inheritance distribution, which have been marginalized by dominant patriarchal narratives.

The second phase, Progressive Filtering, ensures that every accommodated cultural element undergoes two layers of verification [26]. The first layer is the Constitutional Compliance Test, which examines the alignment of customary practices with the 1945 Constitution, the Human Rights Law, and the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), ratified through Law No. 7 of 1984. Practices that violate the principle of non-discrimination, such as child marriage justified in the name of custom, must be excluded from the legislative process. The second layer, the Substantive Justice Test, employs the Gender Analysis Pathway (GAP) method to assess whether a cultural practice produces unjust outcomes for women. Practices that appear formally neutral but socially marginalize women such as restrictions on their participation in customary deliberations must be reformulated to ensure equality of voice and participation.

The third phase, Hybrid Synthesis, produces new normative formulations that are not merely a juxtaposition of pro-gender and pro-customary clauses but integrative norms that embody harmony between substantive justice and cultural values [31]. The legal drafting process in this phase demands analytical sensitivity to avoid creating dichotomies between state law and customary law [32]. A concrete example can be found in the formulation of dispute resolution norms that emphasize settlement through customary deliberations while guaranteeing women's equal voting rights and ensuring that decisions do not contravene the principle of non-discrimination [33].

The Critical Synthesis Approach not only offers a legal drafting technique but also introduces a paradigm shift in perceiving legislation as a social instrument. Legislation is understood as a process of value negotiation, not merely a procedural exercise. Through this approach, regional law transforms into a medium of dialogue between national norms, global human rights values, and local cultural dynamics. Regional regulations are no longer positioned as static legal products but as reflective instruments that continuously adapt to social change.

This model demonstrates its effectiveness through a case study of Bali Provincial Regulation No. 4 of 2019 on Customary Villages (Desa Adat). The regulation strengthens the recognition of customary villages while mandating the alignment of awig-awig (customary codes) with constitutional and human rights principles. This approach embodies a concrete form of synthesis between the reinforcement of local culture and the assurance of substantive equality. The regulation recognizes cultural authority

without sacrificing equality principles, illustrating how regional law can serve as an arena for integrating diverse values without losing social or constitutional legitimacy.

The Critical Synthesis Model asserts that forming regional legislation responsive to gender and cultural issues cannot rely solely on administrative revisions but requires a transformation in local legal-political paradigms. Regional legislation must be understood as a deliberative process involving community participation, particularly that of women and minority groups. This approach paves the way for a legal governance system that is equitable, culturally grounded, and oriented toward sustainable social transformation.

Table 1. Comparison of three models of regional legislation

Analytical Parameter	Gender-Blind Model (Formally Neutral)	Accommodative-Conservative Model (Cultural Romanticism)	Critical Synthesis Model (Gender & Culturally Responsive)
Core Assumption	Law is regarded as neutral and universal without considering social inequalities.	Culture is viewed as a static heritage that must be preserved in its original form.	Culture is understood as a dynamic entity, with gender justice as its ultimate objective.
Focus on Gender	Ignores power relations between men and women.	Utilizes cultural norms to justify traditional gender roles for women.	Identifies inequalities and formulates affirmative provisions based on gender analysis.
Focus on Culture	Neglects legal pluralism and local contextual realities.	Accepts dominant narratives of customary elites without critique.	Appreciates culture as a social process open to reinterpretation and redefinition by indigenous women.
Normative Example	“Every citizen has the right to employment.”	“Women are prohibited from going out at night without a male guardian to uphold eastern customs.”	“Local governments shall allocate budgets for vocational training programs for women-headed households based on local wisdom.”
Primary Risk	Maintenance of the status quo and weak social legitimacy.	Institutionalization of patriarchy and potential discrimination.	Political resistance from conservative groups and ideological activists.

Cultural and gender dynamics in regional legislation in Bali, West Sumatra, and Yogyakarta

Regional legislation in Indonesia reflects the complex interaction between local cultural identity and the constitutional principles of gender equality. Cultural diversity provides the sociological foundation for the formation of regional regulations; however, in practice, tensions often arise between customary values and human rights principles, particularly concerning women’s representation and participation [34]. In Bali, the social structure rooted in *desa adat* and the values of *Tri Hita Karana* creates a strong social regulatory mechanism grounded in harmony among humans, nature, and spirituality [35]. This structure provides high social legitimacy for customary-based regulations, yet patriarchal norms within the customary system continue to limit women’s participation

in decision-making spaces [36]. Regional legislation often aligns procedurally with customary norms without substantively revising the unequal gender power structure. This situation underscores the need to integrate a deconstructive approach in legislation, reexamining cultural values to identify more just and inclusive practices.

West Sumatra presents a different social configuration through the principle of *adat basandi syarak, syarak basandi Kitabullah*, which combines Islamic values with Minangkabau customary law [37] [38]. The matrilineal kinship system should, in theory, provide women with strategic positions in social and economic life. However, the application of these principles in regional policy has not been consistently translated into gender-responsive legal instruments [39]. Most local regulations remain focused on public morality and social order without prioritizing gender equality as a regulatory goal. In fact, the combination of religious and matrilineal values holds transformative potential for legislation that upholds substantive justice. A deeper analysis indicates that regional lawmaking in West Sumatra must broaden the concept of “morality” into a space encompassing social justice, women’s protection, and equal rights in public participation.

Yogyakarta demonstrates a more progressive pattern by developing a legislative system based on deliberative participation [40]. The local government creates spaces for public dialogue through public hearings, academic consultations, and collaboration with women’s organizations and customary institutions. The legislative process not only emphasizes compliance with formal norms but also ensures social legitimacy through representative and consultative mechanisms. This approach produces regional regulations that are more adaptive to socio-cultural dynamics and more aligned with human rights principles [41]. This practice proves that local culture can evolve into a normative force supporting gender equality rather than serving as a justification for discrimination. The deliberative model developed in Yogyakarta can be replicated in other regions as a best practice for harmonizing cultural and gender considerations in local policymaking.

The dynamics among these three regions reveal that gender and cultural sensitivity in regional legislation cannot be separated from the local social context and power structures. Gender- and culturally responsive legislation requires a progressive filtering mechanism to assess customary values, ensuring their alignment with constitutional principles and substantive justice. This comparison highlights that the success of regional legislation depends on the political will of local authorities to position women not merely as policy objects but as strategic subjects actively shaping the direction of regional legal frameworks show in [Table 2](#).

Table 2. Comparison of cultural and gender dynamics in regional legislation across three regions

Analytical Parameter	Bali	West Sumatra	Yogyakarta
Socio-Cultural Structure	Desa Adat, Tri Hita Karana	Adat Basandi Syarak, matrilineal system	Royal values, multicultural society
Legislative Tendency	Adaptive to customary law but lacks gender sensitivity	Focused on morality, with minimal gender mainstreaming	Participatory, deliberative, and gender-inclusive
Role of Women	Limited in public and customary deliberative spaces	Strong social position but weak political influence	Actively involved in consultative and public forums
Transformative Potential	Deconstruction of patriarchal customary values	Reinterpretation of moral principles based on equality	Replication of participatory and deliberative models
Primary Challenge	Resistance from entrenched patriarchal culture	Dominance of conservative interpretations of custom	Consistency in applying gender inclusion across sectoral regulations

Adaptive regulatory transformation strategies in the era of regional autonomy

Adaptive regulatory transformation within the context of regional autonomy demands a fundamental shift in how law and public policy are conceptualized. Regional legislative models can no longer rely on static and positivistic command-and-control paradigms, as such approaches fail to address the complex interplay between local culture and gender equality [29]. Rigid regional regulations whether normatively oriented toward gender equality or conservatively toward cultural preservation often produce legal and social paradoxes. Legislation that merely imitates international gender equality terminology frequently loses social legitimacy for being perceived as alien to local realities, while regulations that overly glorify custom risk legitimizing patriarchal structures [42]. Adaptive regulation thus emerges as a new approach that treats regional bylaws (Perda) as living and dynamic legal systems rather than as final legal texts. This approach enables local law to learn from and adjust to social changes through reflective and experimental mechanisms.

The first pillar of adaptive regulation, philosophical argumentation based on pragmatism, places emphasis on substantive outcomes rather than procedural or formal cultural compliance [43]. This principle reorients law from normative obedience toward social utility. Regional legislation should prioritize achieving substantive justice for women and vulnerable groups without negating local cultural expression [43]. Outcome-oriented regulations empower communities to determine culturally relevant mechanisms, provided that equality and non-discrimination principles are upheld. Such a pragmatic approach aligns with the spirit of regional autonomy by providing space for local governments and communities to manage differences through socially innovative solutions based on tangible results rather than legal symbolism.

The second pillar, juridical argumentation based on experimentalism, asserts that regional legislation must incorporate continuous learning mechanisms [44]. Adaptive

bylaws serve as experimental frameworks that allow for periodic revision and evaluation of the implementation of cultural norms. Adaptive clauses such as review clauses and gender impact assessments become essential instruments to ensure that the enforcement of local regulations remains relevant to evolving social dynamics [45]. Regional legislation should not be viewed as a static legal monument but as a normative laboratory that actively tests the social impacts of each regulation. This mechanism allows local wisdom to evolve through internal adaptation without requiring repressive intervention from national law. Consequently, regional law becomes a dialogical arena where traditional values and modern justice principles coexist and enrich one another.

The third pillar, sociological argumentation based on co-regulation, positions society as an active partner in the process of legislation and legal implementation [45]. Local governments are no longer the sole regulatory authority but rather facilitators within a polycentric system involving multiple actors such as customary institutions, women's organizations, academics, and civil society. Adaptive bylaws institutionalize cross-norm collaboration through the establishment of deliberative forums such as the Polycentric Deliberation Forum or Cross-Norm Expert Council [44]. These forums are responsible for data monitoring, interpreting customary norms in alignment with constitutional principles, and providing adaptive recommendations for the implementation of bylaws. This approach not only broadens the social legitimacy of local law but also strengthens the regulatory function of law as a medium of inter-norm negotiation that balances cultural identity with gender justice principles [29].



Figure 1. Adaptive regulatory transformation strategies in the era of regional autonomy

The adaptive regulation strategy creates a new legislative paradigm oriented toward social learning processes. This approach transforms law into a reflective and evolutionary negotiation space rather than a unilateral control mechanism shown at Figure 1. The success of this strategy depends on the local government's capacity to integrate all three pillars within the legislative process and ensure the sustainability of evaluation and adaptation mechanisms. Adaptive regulation offers a new direction for regional autonomy by enabling the creation of bylaws that are not only legally valid but also socially vibrant and gender-just. This approach reaffirms that regional law is no longer a final product of political authority but a living instrument of justice emerging from a reflective dialogue between the state and society.

Conclusion

The strategy of adaptive regulatory transformation is the core of the Gender and Culturally Responsive Regional Regulation (Perda) Model. This approach functions not only as a methodology but also as a fundamental prerequisite for the creation of regional legislation that is sensitive to cultural values while upholding the principles of gender equality. Without an adaptive strategy, efforts to realize gender- and culturally responsive Perda will tend to be trapped in the dichotomy between formal legal texts and local socio-cultural contexts. The adaptive regulatory approach offers a middle path through the creation of “contextual texts” and “continuously learning contexts,” where legal norms and customary values dynamically interact. Adaptive regulatory transformation is not merely oriented toward legal drafting techniques but signifies a paradigmatic shift in understanding local law. From this perspective, Perda is no longer viewed as a rigid final product, but as a living and participatory facilitation process a continuous arena of negotiation between the principles of gender equality, cultural values, and regional autonomy within the framework of a pluralistic rule of law.

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