

# **Politicizing Islam: New Challenges for Indonesian Women**

## **Sri Wiyanti Eddyono**

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I would like to start my presentation by asking the question; why is this campaign important for Indonesia? We have never heard of stoning in our country. However, we have cases in many areas where women are dying as a result of violence. There are many incidences of domestic violence, as well as violence against migrant workers, which happens in the Middle East as well. There is also violence happening which is the result of armed conflict in Indonesia in the past. So while these forms of violence are occurring, today I would like to focus on a new phenomenon which is increasingly serious in the Indonesian context.

I would like to start by talking about the province of Aceh. Perhaps some of you know of it, because it received much attention especially after the tsunami, but it is also well known because of a civil war that broke out over religious and political tensions. In 2004, Aceh began using Islamic law, and established a religious penal code which legitimizes the use of corporal punishment. Since then we have found that there have been at least four cases of women being whipped; three on accusations of adultery and one because of gambling. These women had no option to defend themselves, nor did they have access to a lawyer. The execution of the whippings occurred in public, in front of the Mosque, and everyone, including children were allowed to watch the execution. The victims were traumatized, and people and society continues to isolate them. Two of them felt the need to move to other provinces.

In 2007, in the small village, Padang Village in Bulukumba, a 13 year old girl was whipped, without her knowing what exactly what the accusation against her was. The men in the

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community were suspicious that she had committed `adultery`, or sexual relations outside of marriage, but no evidence was presented, nor did she have the right to legal defense. She was simply brought to a meeting and was then informed that she would be whipped. This was an arbitrary ruling by a government official, made despite the fact that there was no official legislation, regulations or policies in place to support a sentence of whipping.

This is not only an issue about whipping. Now more than 56 local governments have published their own local policies, contrary to national legislation, in the name of `religious autonomy`. These policies are based on the interpretations of Islamic values, and use concepts of morality and disgrace to form regulations which control women's sexuality and mobility. They also sanction those who violate the regulations.

There are two things which these polices regulate. First, they regulate the dress code of adult women in the public sphere. Similarly, girl children are obliged to wear the *jilbab* head-scarf in the school. If they do not comply, girl children cannot attend school. Secondly, they regulate mobility by the implementation of a 'Public Order' policy. This policy officially bans prostitution, but establishes the assumption that any woman who goes out at night is a prostitute. Therefore women are subject to maltreatment by men, who harass them, strip them, check them for their identity cards. If the women happen to have left their ID cards at home, they are arrested and held in prison for two to three days, unless they give money to the police. This happens in Tangerang, Bulukumba, Yogyakarta. Along with these local regulations, these policies also establish a local team of so-called 'religious police' – who are responsible for monitoring the streets.

Why has this shocked us? Indonesians are suppose to have progressed in terms of the treatment of women. We have a strong women's movement, women are allowed to join politics, in education, and women have human rights guaranteed by the Constitution. We have also ratified the important international instruments, such as the International Covenant of Civil and Political Rights (ICCPR), CEDAW (Convention on the Discrimination and Elimination of All forms of Violence Against Women) and ECOSOC (the United Nations Economic and Social Council) instruments. So we have so many laws that guarantee women's rights in Indonesia. We have also

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passed our anti-domestic violence laws, anti-trafficking laws, and citizenship rights that are very progressive for women. However these remain only laws, not implemented effectively in practice. We think there is a gap between the national law and the local laws. There is a space in the middle, at the meso-level, which has been used by the interest groups who want to influence and penetrate society by gaining control of the local government units. They do so by preying on the lack of information amongst society, using the claim that their demands represent the demands of the majority, to create these local regulations. The national government on the other hand, has become very weak and has less clout at the local level, due to claims to local autonomy. It seems that they're afraid to intervene or else they will be tagged as 'denying the democracy'. So it appears that 'democracy' is a legitimation for some to continue a culture of violence.

So what has been the response of the women's movement to these issues? Apart from coming here and talking with you, launching this campaign at the international level, we also feel the need to have a serious dialogue among actors at the local level. We do map, monitor and challenge the legal system because of the way these policies victimize women. Women's organizations have applied to the Supreme Court for appeals and acquittals on cases, and seek judicial review of the local governments. Unfortunately in Tangerang, the Supreme Court says there is nothing wrong with the local regulations. The women's NGO there are still trying to use other cases to prove the invalidity of this decision. The second judicial review has already been prepared and applied to the Supreme Court, even though it was denied before.

We also engage in dialogues with the national government. We pushed the national government to exercise its control over local authorities. Some officials are aware of the situation but some have used it for their gain. While we know we need to work towards women's empowerment at the local level, some of us have to talk to those operating at the national level because it is really the national level that can influence and change the situation at the local level directly. That's why we deal with them. We start at that level.

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Then we have to engage the religious leaders in the community. Before we avoided them, but now it's important to communicate and dialogue with them because they are part of the community. They could help us to change the situation.

What needs to be done? I think it's important to build coalition amongst the movement, both at the national and international levels. We have to support what happens in Iran, and we have to support those wherever domestic violence happens. We need to influence local and international bodies, work towards the empowerment of women in the community, and develop support and solidarity for the victims. Thank you.