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# PROSTITUTION, PORNOGRAPHY AND ISLAMIC LAW

**WOMEN'S NGOs CONFRONTING ISLAMIC  
CONSERVATISM IN POST-  
AUTHORITARIAN INDONESIA**

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This work is substantially my own, and where any part of this work is not my own, I have indicated this by acknowledging the source of that part or those parts of the work.

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## ABSTRACT

This thesis examines how increasing conservatism in Indonesia has affected Indonesian women. In order to avoid presenting them as passive victims of a conservative Islam ideology, the thesis examines women's NGO responses to this increasing conservatism. This thesis focuses on three legal measures that embody this state-sponsored and local authority enforced conservatism: the Anti-Pornography Bill, Islamic or *syariah* law in Aceh, and *syariah*-inspired regional bylaws. The thesis uses Muslim feminist theory and techniques that are employed by Indonesian women's NGOs in their efforts to repeal these patriarchal legal measures and analyses the nature of the Indonesian state and its relationship with Islam to discern how the state and Indonesia's history have impacted on Indonesian women. The thesis makes use of open-answer survey responses from selected women's NGOs to examine the responses of women's NGOs to the conservative Islam inspired legal measures it examines. These organisations have been vocal defenders of women's rights and have had some successes in refuting discriminatory policies.

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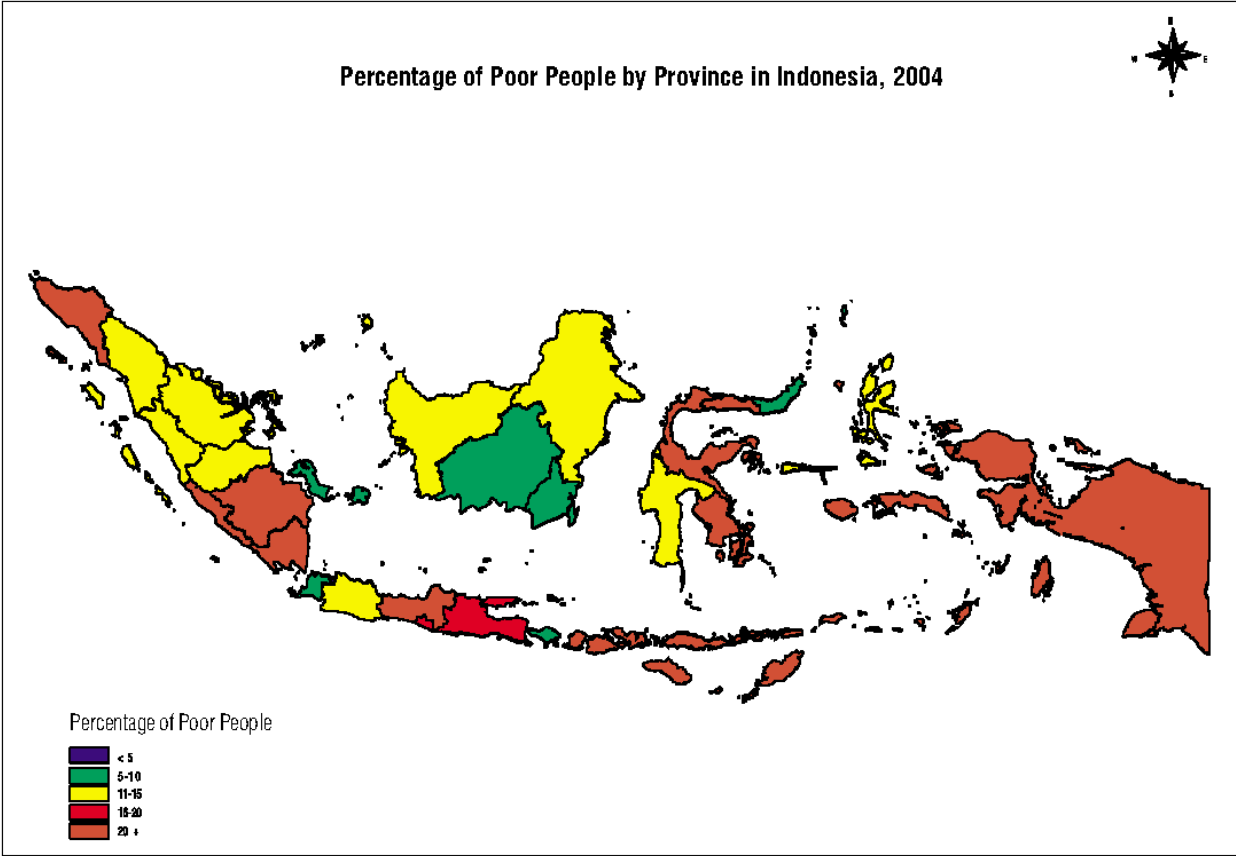


## MAP OF INDONESIA



**Figure 1: Map of Indonesia**

**INDONESIAN POVERTY BY PROVINCE**



**Figure 2: Poverty of Indonesians by province. Legend reads: Percentage of Poor People, <5, 5-10, 11-15, 16-20, 20+.**

## INDONESIAN STATISTICS AND ECONOMIC INDICATORS

**Table 1: Indonesian statistics and economic indicators (CIA 2007; DFAT 2007)**

<b>Population</b>	224 million
<b>Illiteracy rate</b>	9.6%
<b>Population below poverty line</b>	17.8%
<b>External debt</b>	\$130.4 billion
<b>Unemployment</b>	9.75%
<b>GDP growth (2006)</b>	5.5%

## GLOSSARY

<i>adat</i>	Customary law.
<i>al Qaeda</i>	International Islamic terrorist organisation that seeks the imposition of an Islamic caliphate. Claimed responsibility for the September 11 2001 terrorist attacks in New York, which prompted the US's War on Terror to dismantle it; has ties to the Indonesian group <i>Jemaah Islamiyah</i> .
<i>asas tunggal</i>	'Sole guiding principle'.
<i>aurat</i>	Parts of the body that must be covered up; commonly includes the breasts, shoulders and knees but interpreted by some to mean the whole body and hair of a woman.
<i>ayat</i>	Verse of the <i>Qur'an</i> .
<i>burqa</i>	Islamic head-covering and long robe, covers all of the body from the head to feet, including the arms. Generally black. Mandatory for females in Saudi Arabia.
<i>Darul Islam</i>	'Abode of Islam', Islamic separatist movement that sought an Islamic state. Active in from the 1940s to the 1960s, joined by other separatist movements including the Acehese separatist movement led by Daud Beureuh.
<i>Dewan Dakwah Islamiyah Indonesia</i>	Indonesian Council for Islamic Propagation, conservative Islamic group infamous for its attacks on nightclubs and bars during the Muslim holy month of Ramadan.
<i>Dewan Perwakilan Rakyat (DPR)</i>	People's Consultative Assembly; the main parliamentary body, similar to Australia's House of Representatives.

<i>fatwa</i> (pl. <i>fatawa</i> )	Religious decree.
<i>fiqh</i>	Human attempts to understand Islamic <i>syariah</i> law; the product of human interpretation of <i>syariah</i> or divine law.
<i>Front Pembela Islam</i> (FPI)	Islamic Defenders Front; a conservative Islamic group infamous for their vandalism of bars and nightclubs operating during the Muslim holy month, <i>Ramadan</i> .
<i>Gerakan Aceh Merdeka</i> (GAM)	Free Aceh Movement; a separatist movement seeking independence from Indonesia; attracted violent reprisals from the Indonesian armed forces particularly in the 1980s and 1990s through to the early 2000s.
<i>hadith</i> (pl. <i>ahadith</i> )	Report on the words and praxis of the Prophet Muhammad and his Companions.
<i>hajj</i>	The obligatory Islamic pilgrimage to the Holy city Mecca in Saudi Arabia; one of the five pillars of Islam; expected to be completed once during every Muslim's lifetime.
<i>hijab</i>	Traditional Muslim women's head or body covering.
<i>Hizbut Tahrir</i> (HT)	Party of Liberation; conservative Islamic group supportive of the RUUAPP.
<i>ijtihad</i>	Independent reasoning or interpretation, used to ascertain meaning when the <i>Qur'an</i> and <i>Sunnah</i> are silent; the opposite of <i>taqlid</i> or imitation.
<i>Jaringan Islam Liberal</i> (JIL)	Liberal Islam Network; Indonesia-based organisation espousing liberal Islam.

<i>Jemaah Islamiyah (JI)</i>	Indonesian Islamic terrorist group thought to be responsible for the Bali terrorist bombings.
<i>jilbab</i>	Head-covering sometimes worn by Indonesian women.
<i>khalifah</i>	‘Deputy’; following a directive to fulfill one’s human destiny as a moral agent and advance God’s will by establishing a society that reflects human dignity and justice.
<i>khalwat</i>	Illicit relations between men and women.
<i>kodrat</i>	‘Destiny’; a concept describing the ‘natural’ division of male and female roles.
<i>Komite Indonesia untuk Solidaritas Dunia Islam (KISDI)</i>	The Indonesian Committee for Solidarity with World Islam; a conservative Indonesian group.
<i>Kompilasi Hukum Islam</i>	Compilation of Islamic Law, used as the basis of the decisions made by Indonesia’s religious courts.
<i>Laskar Jihad</i>	Warriors of Jihad, conservative Islamic group; now defunct.
<i>Lembaga Swadaya Masyarakat (LSM)</i>	Non-government organisation.
<i>Majelis Mujahideen Indonesia (MMI)</i>	Indonesian Islamic Warriors’ Council, militant Islamic group led by convicted Bali bomber Abu Bakar Basyir.
<i>mahkamah syariah</i>	Islamic law courts.
<i>Muhammadiyah</i>	Mass modernist socio-religious organisation; Indonesia’s second largest Muslim organisation.
<i>Nahdlatul Ulama</i>	Mass traditionalist socio-religious organisation with more than 35 million members; probably the biggest Muslim organisation in the world.

<i>Pancasila</i>	The Indonesian state's national ideology, incorporating the Five Principles: belief in one God, humanitarianism, nationalism, democracy, social justice.
<i>Partai Bintang Bulan (PBB)</i>	Political party with the stated goal of introducing Islamic law into the Constitution.
<i>Partai Amanat Nasional (PAN)</i>	National Mandate Party, led by Amien Rais.
<i>Partai Demokrasi Indonesia Perjuangan</i>	Indonesian Democratic party of Struggle; party of Megawati Sukarnoputri, Indonesia's first woman President.
<i>Partai Keadilan Sejahtera (PKS)</i>	Prosperous Justice Party; conservative Islamic party that seeks the establishment of an Islamic state; its dictates and party guidelines are overtly patriarchal.
<i>Partai Persatuan Pembangunan (PPP)</i>	United Democratic Party; the Islamic political party into which all Islamic groups were required to merge during the Suharto era.
<i>perda</i>	Regional regulations issues by local governments.
<i>pesantren</i>	Islamic boarding school that teaches Islamic theology.
<i>pornoaksi</i>	Acts deemed 'pornographic', for example the exposure of 'sensual' body parts and 'erotic dancing'; a new term created for use in the original Anti-Pornography and <i>Pornoaksi</i> Bill.
<i>qadi</i>	Islamic judges.
<i>qanun</i>	Man-made laws.
<i>Qur'an</i>	The Islamic holy scripture; believed by Muslims to be the word of God as told to his Prophet Muhammad; revealed in the seventh century CE.

<i>Rancangan Undang-Undang Anti-Pornografi dan Pornoaksi (RUUAPP)</i>	The Anti-Pornography and <i>Pornoaksi</i> Bill.
<i>Rancangan Undang-Undang Pornography (RUUP)</i>	The revised Anti-Pornography Bill
<i>santri</i>	Religiously pious.
<i>syariah</i>	‘Divine law’ or God’s law; commonly Islamic law.
<i>tahwid</i>	Relegation of matters to God.
<i>umma</i>	World-wide Islamic community.
<i>ulama</i>	Islamic religious scholars.
<i>Wahhabi</i>	Islamic sect that advocates a return to an idealised Islamic past by relying on the <i>Qur’an</i> and <i>hadith</i> and a rejection of contemporary interpretations. Wahhabi Islam is the dominant religion of Saudi Arabia.
<i>wilayatul hisbah (WH)</i>	The Vice and Virtue Patrol, responsible for policing Aceh’s Islamic law.



## CHAPTER ONE: INTRODUCTION

Indonesia's traditionally moderate Islam is being increasingly influenced by a conservative brand of Islam with a strong patriarchal basis. This conservative Islam condones many practices deemed discriminatory and demeaning to women by women activists and Muslim feminist scholars. Such conservatism has been reflected in recent legislative measures taken by both the central Indonesian government and various regional governments within Indonesia. This thesis seeks to answer the two questions; how does the increasing conservatism of Islam in Indonesia affect women? How are women activists in Indonesia responding to this creeping Islamic conservatism, particularly legislative measures such as the Anti-Pornography Bill RUUP, *syariah* in Aceh, and regional regulations based on Islamic *syariah* law?

Answering this question necessitates an examination of the Indonesian state and how its national ideology *Pancasila*, although disputed by groups seeking the imposition of an Islamic state, continues to guarantee freedom of religion and protect pluralism in Indonesia, through its refusal to accord special status to Islam. Such protections are necessary in a fledgling democracy such as Indonesia, which is only just emerging from a thirty year period of authoritarian rule. The nature of Indonesian Islam since the 1960s will also be examined to provide the necessary historical background to the liberal-conservative Islam debate.

### TERMINOLOGY

Islam may be interpreted in a myriad of ways and these interpretations have produced many different strands of Islam. These different kinds of Islam may be presented along a continuum from liberal Islam through conservative Islam (incorporating militant groups) to Islamic terrorists

(Wright-Neville 2004, p.32). This thesis is concerned with liberal Islam and conservative Islam.<sup>1</sup>

Liberal Islam is the strand of Islam which advocates reinterpretation of the *Qur'an* and other Islamic texts to make them relevant to modern contexts. Indonesian women's non-government organisations (NGOs) work within this paradigm. Conservative Islam opposes new exegesis (Robothan 2007 p.28). It is firmly patriarchal and exemplified by the Wahhabi sect of Saudi Arabia.

### THE THEORETICAL BASIS

This thesis examines women's responses to conservative Islamic legal measures and government policies within the framework of Islamic feminist theory. This framework questions the patriarchal interpretation of religious texts that are used to justify women's subordination in Islamic countries. Prominent academics Asma Barlas, Fatima Mernissi, Leila Ahmed and Amina Wadud, are critical of the way that Islamic religious texts have been selectively read and misinterpreted to condone discriminatory practice and attitudes towards women. They advocate a re-interpretation of Islamic texts that is in line with the general spirit of the *Qur'an* and its accompanying texts. They are critical of the enforcement of veiling and restrictions on the movement of women in the public sphere as advocated by conservative male Islamists. These criticisms are echoed by the Indonesian female activists examined by this thesis. These Indonesian feminists also employ similar methodologies. The actions and responses of Indonesian women's non-government NGOs will also be examined within the broader context of the global debate between conservative and liberal interpretations of Islam. Many of these women's NGOs advocate a liberal form of Islam, in reaction to the rise of conservative Islam which has impinged on Indonesia's traditionally moderate Islam. This global theological clash between liberal and conservative variants of Islam and its impact on Indonesian Islam is highlighted throughout this thesis.

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<sup>1</sup> See Figure Three: Types of Islam in Indonesia

## METHODOLOGY

This thesis selects three legal measures to illustrate conservative political Islam's policy and theological advances in contemporary Indonesia. The Anti-Pornography and *Pornoaksi* Bill and its revised version, the Anti-Pornography Bill; *syariah* law in Aceh; and various regional regulations or *perda* introduced since 2001, will be examined. The three case studies will incorporate the responses of women's NGOs.

A qualitative approach is employed which involves seeking the responses of individual women's NGOs towards these policies. A number of women's NGOs were contacted via email. They were asked various open-ended questions about their organisation, its sources of funding and activities; whether they considered Indonesia to be conservatively or liberally inclined, and how they felt Islamic texts dealt with the issue of women's rights. Their responses to the RUUAPP and RUUP, *syariah* law in Aceh and various *perda* were also sought. Responses were received from the non-government organisations LBH-APIK Aceh, *Rifka Annisa*, SPEK-HAM, *Komnas Perempuan*, and *Solidaritas Perempuan*.

Other primary sources examined include the mass religious organisation *Muhammadiyah*'s website and the popular Indonesian newspaper, *The Jakarta Post*. The websites of the women's NGOs studied in this thesis were examined. Many of these sources were translated from their original Indonesian language into English for inclusion into the thesis.

## SIGNIFICANCE OF THIS THESIS

The study focuses on women's agency, so as to avoid the portrayal of women as passive recipients of state policy and Islamic groups' actions. For example, literature on women's organisations in the New Order period, from the mid 1960s to the mid 1990s, tends to focus on 'the impact of state gender ideology rather than what women were actually doing.' (Blackburn 2004b, p. 13).

The Anti-Pornography Bill and various regional bylaws attempting to curb women's rights and regulate morality, have rendered previous examinations of women's rights activists and their organisations outdated. Blackburn's *Women and the State in Modern Indonesia* (2004b) is arguably the most authoritative academic analysis of the modern Indonesian women's movement, but does not include an examination of *syariah*, *syariah*-inspired laws or the Anti-Pornography Bill. These issues have been examined by the comprehensive *Voices of Islam in Indonesia* sourcebook, but with little focus on the role of women's organisations in defending women's rights.

This thesis also provides insights and information obtained directly from the leaders of the women's organisations it is examining, expanding on the secondary source material and analyses on Indonesian Islamic conservatism. Research pertaining to women activists and women's NGOs in Indonesia tends to focus on the general nature of these NGOs. By contrast, this thesis examines their individual responses to specific events or issues.

Analysis of Indonesian-language sources forms an important component of this thesis. Various articles authored by the organisation *Muhammadiyah*, the Islamic party PKS and articles from women's NGOs' websites were translated from their original Indonesian language. By contrast, many Western academic analyses of this topic have been limited to English language sources. The use of original, Indonesian-

language documents has provided this thesis with a deeper insight into the views of the various parties involved in the conservative-liberal Islam debate in Indonesia.

## CHAPTER TWO: CONSERVATIVE AND LIBERAL INTERPRETATIONS OF ISLAM

In recent decades there has been an upsurge in the spread of conservative Islam. This chapter demonstrates this using a combination of media articles and academic works. This conservatism has been prompted by a combination of frustrated and politically disenchanted Muslims vulnerable to an aggressively spreading brand of conservative Wahhabi Islam. Liberal Islam's response to the spread of this conservative brand of Islam is to challenge its methodology and theological worldview. This chapter locates the struggle between conservative and liberal brands of Indonesian Islam within the broader international theological struggle.

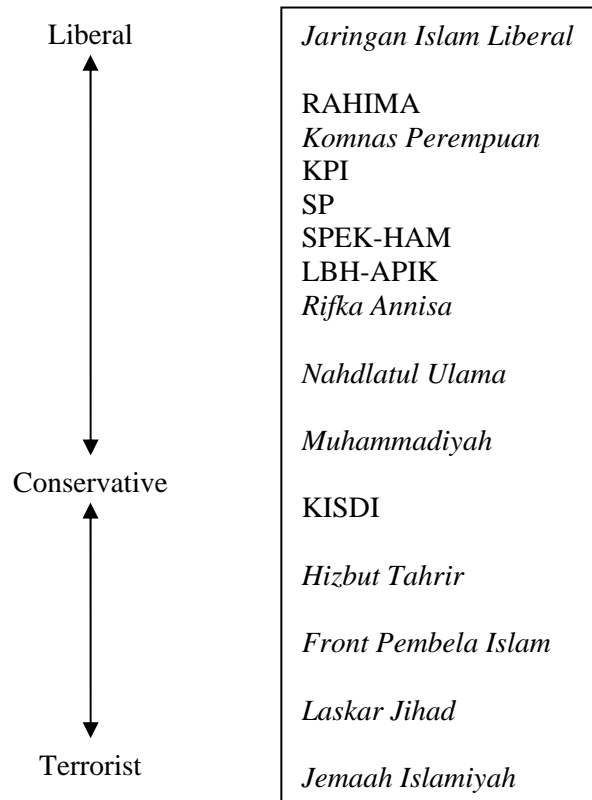
Muslim women have often been the targets of these conservative Muslims' anger. In Saudi Arabia women are not permitted to drive vehicles and are required by law to wear the *burqa*, a robe and headcovering that leaves only the eyes uncovered, and have not yet been granted suffrage (Warner 2002, p.468). Courts in Iran continue to sentence women accused of adultery to death by stoning (Amnesty International 2006). Australia's former conservative mufti prompted outrage in 2006 when he declared gang rape victims had incited attack. He declared:

If you take out uncovered meat and place it outside on the street ...without a cover, and the cats come and eat it ... whose fault is it, the cats or the uncovered meat? The uncovered meat is the problem (Kerbaj 2006).

Conservative Islam is based on a literal interpretation of Islamic sources and texts: the *Ahadith* (reports on the words and praxis of the Prophet Muhammad and his Companions), and the *Qur'an*, believed by Muslims to be the direct word of God, as conveyed to the Prophet through a series of divine revelations. This thesis employs the term 'conservative' to describe those who practice a

## CHAPTER TWO: CONSERVATIVE AND LIBERAL INTERPRETATIONS OF ISLAM

literal interpretation of Islamic religious texts. I define fundamentalism as incorporating both Islamic conservatism as well as radicalism. The term ‘radical’ or ‘terrorist’ refers to Muslims who often employ violence (Armstrong 2000).



**Figure 3: Classification of types of Islam in Indonesia**

### THE UPSURGE IN CONSERVATISM AND ITS ACCOMPANYING MISOGYNY

Wahhabism is the dominant faith of Saudi Arabian people, and has made inroads throughout the Muslim world. It advocates a literal interpretation of the Islamic texts. Its followers advocate a return to the perceived Golden Age of Muhammad and the Companions, and their immediate

## CHAPTER TWO: CONSERVATIVE AND LIBERAL INTERPRETATIONS OF ISLAM

successors. Wahhabi Islam's ability to become so dominant in the Muslim world stems from Saudi Arabia's control of the holy cities Mecca and Medina. As Abou el Fadl notes, 'By regulating what might be considered orthodox belief and practice while at [the obligatory] pilgrimage, Saudi Arabia became uniquely positioned to greatly influence the belief systems of Islam itself.' (2005, p.72). Additionally, the Saudi government has created proxy organisations to distribute Wahhabi literature, and to fund schools, mosques and religious organisations. Accordingly, 'individuals and institutions learned to shape their thought, speech, and behavior ... to ... benefit from Saudi largesse.' (Abou el Fadl 2005, p.70). Abou el Fadl asserts that, 'with Saudi Arabia bankrolling the Wahhabi creed, it is doubtful that anything could have effectively stemmed the spread of the Wahhabi influence.' (2005, p.93).

The phenomenon of increasing Islamic conservatism is in part a response to the frustrations and insecurities associated with the modern, globalised world, where modernity is characterised by an emphasis on scientific rationalism, capitalism, democracy, the ubiquity of the mass media and urbanisation. In *The Battle for God* (2000) Armstrong attributes the increasing appeal of conservative Islam since the late 1970s to modernity. The rapid social, economic and political transformations have resulted in many Muslims finding solace and consolation by strengthening their faith (Armstrong 2000, p.151). Importantly, their general sense of frustration and alienation has been exacerbated by the despotism of many governments in Muslim countries.

The misogyny associated with conservative Islam is driven by feelings of male inadequacy due to their low socio-economic status and unemployment. She purports that the deliberate conservative interpretation of the *Qur'an* to justify suppression of women is a way of appeasing male discontent. Importantly, the removal of women from the public sphere also removes female competition in the workplace (Ahmed 1992, p. 232).



### THE LIBERAL RESPONSE

Liberal Islam is less rigid in its interpretation of the *Qur'an* and other Islamic texts, emphasising that interpretations of these texts must be modified so that they remain applicable to modern contexts. Those who subscribe to liberal Islam describe it as a 'sprawling civilizational edifice under continuous construction and renovation: nothing about this edifice is ever fixed or frozen in either space or time' (Karamustafa 2003, p.108). Scholars working within the paradigm of liberal Islam make careful examination of sacred texts to produce new exegesis that promotes gender equality (Ali 2003, p.181). Muslim feminists, women activists and scholars within the liberal Islam trend, advocate that the *Qur'an* is not inherently patriarchal and misogynous, and, if read correctly, may ensure gender equality (Shaikh 2003, p.155).

### THE CLASH OF ISLAMISMS

Liberals focus on the general principles advocated by the *Qur'an*, and emphasise the *Qur'anic* principles of social justice, pluralism, and gender justice (Safi 2003, p.6) over literal exegesis of specific *hadith* or *ayat* (*Qur'anic* verses). Conservative Muslims are opposed to the pluralism encouraged by liberal Islam, as they consider it a threat to the unity of the *umma* or Islamic community (Noor 2002, p.326). Proponents of liberal Islam are concerned with what Safi terms 'engaging tradition': using the Islamic principle of *ijtihad* or critical reasoning to engage in 'critical thinking based on disciplined but independent reasoning, to come up with solutions to new problems.' (Safi 2003, p.8). The independent reasoning of liberals refutes the misogynous, intolerant, and violent doctrines of Wahhabism in accordance with their alternative interpretations of the *Qur'an* and the *Ahadith* (Safi 2003, p.6).

## CHAPTER TWO: CONSERVATIVE AND LIBERAL INTERPRETATIONS OF ISLAM

The 'vacuum of authority' arising from the ambivalent nature of religious authority in Islam allows religious fanatics to issue *fatawa* regardless of their training in and knowledge of Islamic jurisprudence. Abou el Fadl has observed that many Muslims currently issuing *fatawa* have little education in Islamic texts and law. The ambivalent nature of that religious authority means that ordinary Muslims are exposed to a host of contradicting interpretations.

### THE CLASH OF ISLAMISMS IN INDONESIA

It is within this global context of the fierce debate between liberal and conservative Islam that this thesis will analyse the Indonesian situation. Indonesia appears to have followed the global trend towards increasing religious conservatism since the 1970s. This trend was suppressed by the dictator Suharto throughout his thirty year rule. However Suharto's downfall and the new democratic freedoms afforded to political groups and non-political groups alike in Indonesia since the late 1990s have allowed a dramatic increase in the influence of conservative Islamic groups. Proponents of conservative Islam have been able to promote their visions and values almost unhindered within *pesantren*, universities, prayer groups and mosques (Chandrakirana & Chuzaifah 2004, p.4-5). Conservative Islam has found resonance amongst Indonesians living in politically and economically unstable times. Many Indonesians have lost their faith in the political leadership of their country (Chandrakirana & Chuzaifah 2004, p.6). This has added to the uncertainties of an already poverty-stricken population still attempting to recover from a series of horrific natural disasters, including the tsunami of 2004. Furthermore, the liberal dress and behaviour codes of foreigners in Indonesia are an affront to *santri* or pious Indonesian Muslims.

The spread of conservative Islam is increasingly influencing Indonesian Islam. This is thought to be antithetical to the moderate Islam that has up until now been practised in Indonesia. Former Chair of

## CHAPTER TWO: CONSERVATIVE AND LIBERAL INTERPRETATIONS OF ISLAM

the Indonesian National Commission on Violence Against Women laments that: ‘The Islam represented by militant jihads...and the Indonesia represented by our military and political elites – is not the Islam I believe in ... nor the Indonesia I used to know’ (Maychium & Pasimio 2002, p.15). Indonesian women’s NGOs have argued against conservative Islamist policies and opinions, which they assert are based on the imposition of selected aspects of Islamic law which regulate and restrict women’s rights.

Indonesianist Greg Fealy contends that radical Islam, as embodied by militant groups, is declining in Indonesia (Fealy 2004). However, a less violent but similarly conservative Islam in Indonesia remains influential. This conservative Islam is embodied by the political party *Partai Keadilan Sejahtera* (PKS). PKS achieved the largest percentage vote of any Islamic party in the 2004 parliamentary election and popularity has increased exponentially in recent years (McIntyre 2005, p.263). PKS is a staunchly patriarchal party whose leaders are all graduates of Saudi Arabian Islamic universities (Riddell 2005, p.172; Perlez 2002). Women are not permitted to hold the top leadership position in PKS (Trotter unpub., p.31), according to a *fatwa* or religious decree issued by them that asserts that, as men are the leaders of women, a woman holding such a leadership position would be unIslamic (Trotter unpub., p.31-32). The conservative exegesis and dictates proclaimed by groups such as PKS have influenced many Indonesians because few are aware of the contextual and historical background of the *Qur’an* and *hadith* (Umar, 19 September 2007).

PKS is also widely thought to be the driving force behind the implementation of *syariah* law in Aceh, the re-examination of the Anti-Pornography Bill, and the implementation of *syariah*-inspired bylaws throughout Indonesia (Vickers, A. 2007, pers. comm; *The Jakarta Post*, 8 July 2006). The conservatism of Wahhabi-inspired PKS and other Islamic groups in Indonesia is pandered to by a government eager for their patronage.

## CHAPTER TWO: CONSERVATIVE AND LIBERAL INTERPRETATIONS OF ISLAM

Legal attempts to institutionalise such conservatism in the last several years has provoked a vocal response from Indonesian women's activists and NGOs.

### **CHAPTER THREE: INTERPRETING ISLAMIC FEMINISM**

This chapter will examine the sentiments and techniques of Muslim feminists that form the theoretical basis of the thesis. In particular the ideas of the four seminal Islamic feminists, Fatima Mernissi, Amina Wadud, Asma Barlas, and Leila Ahmed will be examined. Their criticisms of conservative and patriarchal interpretations of Islamic texts have become an important source of contemporary Islamic thought. The leaders of the women's organisations and individual Indonesian Muslim feminists examined in this thesis have drawn on the ideas of these prominent Muslim feminists and employ their hermeneutic and historiographical discourses to promote gender sensitive interpretations of Islamic texts. This chapter will examine their critiques of veiling; the state and establishment Islam, and their focus on *Qur'anic* principles. It will outline the main arguments of these Islamic feminists and the methods they have used to interrogate patriarchal *Qur'anic* interpretations and reinterpret the *Qur'an* and *hadith*.

Indonesian translations of these seminal Muslim feminist texts have been published to counter the resurgence of conservative Islam. These Muslim women have all been outspoken in their condemnation of the way conservative Islam has decontextualised, selectively read and deliberately misinterpreted Islamic texts to reinforce preexisting misogynous and patriarchal attitudes. The assertions of these feminists have been supported by outspoken Indonesian feminists Julia Suryakusuma, Lily Munir and Siti Musdah Mulia. They claim that Islam is not discriminatory towards women and advocate a reinterpretation of Islamic texts to promote the inherent egalitarianism of Islam.

**METHODOLOGY: HISTORIOGRAPHY AND HERMENEUTICS**

The aforementioned Islamic feminists employ a range of historiographical and hermeneutic, or scriptural interpretation techniques, such as collecting verses on similar themes and analysing them together. For example verses pertaining to veiling are ‘put into conversation with another’ in order to question their absoluteness (Cooke 2000b, p.166-167). These techniques advocated by Muslim feminists have been employed by NGOs such as RAHIMA.

Reinterpreting the Islamic message of gender equality through the historical contextualisation of the *Qur'an* and *hadith* has been used by Leila Ahmed. Ahmed is concerned with the historical development of Islam and the historical role of women in Islam. Her technique involves historical contextualisation of the *Qur'anic* treatment of women. Ahmed's thesis is that it was those men of the Abbasid society from the eighth to the thirteenth century CE, who interpreted the Islamic message into what would become the ‘textual edifice’ of Islam. These men lived in a far more misogynous and patriarchal society than had existed at the time of the Prophet himself, and thus interpreted the Islamic message accordingly (Ahmed 1992, p.66-67). Ahmed highlights that at the time of the Prophet, men and women were not segregated, and Muhammad himself abhorred violence against women (Ahmed 1992, p.73). If women were respected and valued in this early Islamic community, any misogynous discourse claiming to represent this Golden Age of Islam is contradictory.

Other feminists draw attention to the narration of the *hadith* to question conservative misogynistic and patriarchal interpretations of Islam. Mernissi discredits many of the interpretations of the untrustworthy and misogynous Abu Hurayra (Mernissi 1991, p.60). She questions the integrity of another narrator of many *hadith* who has been used to justify oppression of women; ‘Abu Bakra

must have had a fabulous memory, because he recalled them [the hadith] a quarter of a century after the death of the Prophet' (Mernissi 1991,p.50).

Still other feminists use a combination of the techniques to read gender equality into the *Qur'an*, such as highlighting commonly disregarded verses and focusing on semantics to reinterpret specific verses. Amina Wadud highlights specific *ayat* or *Qur'anic* verses that establish women's equality. Wadud cites the passage most commonly used to justify men's authority over women: the passage declaring that men are *qawwamuna'ala* over women. She refutes the common translation of *qawwamuna'ala* as 'in charge of', connoting male superiority, arguing instead that this *ayat* simply allocates male responsibility to 'see the woman is not burdened with additional responsibilities' that jeopardise her most important responsibility of caring for her children (Wadud 1999, p.73). This is a firm refutation of male superiority during the time of the Prophet.

### WESTERN AND ISLAMIC FEMINISM

Many Islamic feminists are careful to espouse a feminism that is distinctly 'Islamic' in character. Miriam Cooke terms their strategy *multiple critique*. This involves situating themselves within the broader transnational Muslim religious community, whilst forming alliances along national, local, class and ethnic lines. This identification with others on two different levels allows them to initiate new forms of dialogue across what were previously thought to be unbridgeable chasms' (Cooke 2000a, p.99). Cooke describes the four feminists noted above as 'Islamic feminists', a position that is 'a radical act of subversion' because of the attempt to combine two 'mutually exclusive identities' (Cooke 2000a, p.93). Their attempts to speak on behalf of the international Muslim community make it more difficult for the authorities to silence their message (Cooke 2000a 96). Such an

approach is also adopted by feminist NGOs in Indonesia, who explicitly state their indebtedness to the ideas of these prominent Muslim feminists (Kusumaningtyas 2003).

Islamic feminists are wary of Western feminism. While Barlas has acknowledged Western feminist theories as a starting point for her own work, she believes that *Qur'anic* and Western epistemology are unequivocally incompatible (Barlas 2002, p.25). By contrast, Wadud has drawn on some of the basic concepts explored by Western feminists, particularly the concept of 'power with'. This is a kind of collective solidarity through empowerment, to attain a common or shared end (Allen 1998, p.35). This emphasis on cooperation has been described by Hannah Arendt as 'the human ability not just to act but to act in concert' (cited in Allen 1998, p.35). Wadud sees this concept as essential to women's empowerment and wholly compatible with *Qur'anic* epistemology (Wadud 2006, p.54). Ahmed explains that the historical reasons behind her peers' distrust of the West stems from European colonisation of Islamic countries. Western ideas of feminism were used by these colonialists to justify the Western colonial project of eradicating indigenous customs:

Whether in the hands of patriarchal men or feminists, the ideas of Western feminism essentially functioned to morally justify the attack on native societies and to support the notion of the comprehensive superiority of Europe. (Ahmed 1992, p.154).

This advocacy of a specifically Islamic brand of feminism is inextricably linked to the desire of Muslim feminists to assert their own Islamic credentials. Muslim feminists are eager to assert their own credentials as pious Muslims. This allows them to claim these two simultaneous allegiances as they resist conservative Islamisation and 'the pervasive patriarchal system' (Cooke 2000a, p.94). Barlas prefaces her book with the assurance that she reads as a 'believing woman' (Barlas 2002, p.19). Wadud asserts her prioritisation of faith over her identification with feminism: 'I still refuse to



self-designate as feminist ... because my emphasis on faith and the sacred prioritise my motivations in feminist methodologies' (Wadud 2006, p.79-80).

Following the model of these prominent Muslim feminists, Indonesian women activists are part of the group of prominent women activists who argue that feminism is not exclusive to Western countries and 'view Islam as the basis of a distinctive feminist movement and of a unique form of gender equity' (Robinson 2006, p.173).

### THE POLITICS OF VEILING

In the Western world, the *hijab* or veil has become symbolic of Islamic women's repression, and thus all Muslim feminists addressing Islamic issues feel obligated to address the issue. Mernissi has re-interpreted the verse, '... And when ye ask of them [the wives of the Prophet] anything, ask it of them from behind a curtain...' (1991, p.85). She does not believe this was an instruction for Muslim women to adopt the *hijab*. Instead, *hijab* may also be translated to mean 'anything that separates and protects' (Mernissi 1991, p.96). Furthermore, she explains the adoption of the *hijab* in Muhammad's time as a way for free women entering the public sphere to differentiate themselves from slaves so that they would not be subject to sexual harassment (Mernissi 1991, p.197; p.180).

Ahmed explains that the mass adoption of the veil in colonised countries of the eighteenth and nineteenth centuries was a deliberate affirmation of Muslim identity in the face of Western colonialism. More recently, she contends that women's adoption of the veil is a way of easing their way into newly de-segregated and modern societies as they leave the home to seek educational and professional opportunities. These women are often the first generation of their family to participate openly in a gender integrated world; the veil is a means of 'enabling women to negotiate in the new world while affirming the traditional values of their upbringing.' (Ahmed 1992, p.223).

*TAWHID, KHALIFAH AND THE EGALITARIAN SPIRIT OF ISLAM*

Muslim feminists generally agree that the use of *Qur'anic* principles rather than decontextualised verses or *ayat* is a better guarantee of women's rights and gender equality. This sentiment is echoed by many Indonesian women's NGOs. The prioritisation of the principles of the *Qur'an* rather than literally implementing selected verses of *Qur'anic* texts is exemplified by Wadud's analysis of the passage most commonly used to justify domestic violence towards women: 'As for those women from who you fear, admonish them, banish them to beds apart, and scourge them...'. She notes that the action of striking has been previously identified by *fiqh* or human interpretation of the texts, as symbolic. Further, the Prophet himself never beat his wives and was vehemently against the practice (2006, p.202). Wadud argues that any kind of violence against women would be contravening *Qur'anic* principles of justice and human dignity (2006, p.203). She and Barlas assert that *Qur'anic* principles of *tawhid* (God's sovereignty in all matters and thus the inability of man to designate himself superior to others or as an extension of God's rule) and *khalifah* (advancing God's will by establishing a society that reflects human dignity and justice) (Wadud 2006, p.34; Barlas 2002, p.130), theoretically ensure gender equality. Barlas highlights the *Qur'anic* ideas of God's Incomparability and Unrepresentability. If this holds true, then He cannot be a male. Ultimately, it is the characteristics that the *Qur'an* attributes to God: incapable of being given partners; unrepresentable, and sovereign (2002, p.205) that demonstrate the inherent egalitarian equality of Islam. Leila Ahmed laments that Islam's focus on gender equality and justice, was sidelined by the Abbasid preoccupation with instituting a gender hierarchy, leading to the creation of unequal and unjust laws and institutions that still exist (1992, p.238).

**THE STATE AND ESTABLISHMENT ISLAM**

That the state is a promoter and sanctifier of patriarchal norms is a common theme of Muslim feminist writings. Julia Suryakusuma has noted how the state was able to extend its control over its citizens through advocacy of the patriarchal – or *Pancasila* – obedient and hierarchical family.

Barlas similarly asserts that the modern state condones conservative readings of Islam in an effort to appease conservative elements in society (2002, p.89). As such, the patriarchal stance of conservative Islamists towards women is approved.

In expanding this perspective, Mernissi asserts that a manipulation of Islamic religious texts is ‘a structural characteristic of the practice of power in Muslim societies’. In these societies power is legitimised by religious and political forces, dominated by a male elite. These have advocated recordings of false [patriarchal] traditions (Mernissi 1991, p.19) as they allow the male elite to retain their power over women and society. She explores the many problems inherent in the compilation of these narratives, some constructed under commission from political leaders (Mernissi 1991, p.45).

In linking the state, patriarchy, and conservative Islam, Ahmed attributes the prevalent patriarchal and misogynous attitudes of many Muslims as sanctioned by establishment Islam. Establishment Islam, defined as technical, doctrinal and legal Islam, (Ahmed 1992, p.229) defines women as different from men and thus legally accords them fewer rights (1992, p.7). Establishment Islam is ‘intolerant of all understandings of the religion except its own, which is authoritarian, implacably androcentric, and hostile to women’. This particular kind of Islam is the ‘Islam of the politically powerful’ (Ahmed 1992, p.225), and therefore the Islam that is translated into government policies.

**JULIA SURYAKUSUMA, LILY MUNIR AND SITI MUSDAH MULIA: THE SIMILAR CONCERNS OF INDONESIAN MUSLIM FEMINISTS**

Indonesian feminist writings address similar issues and concerns as the prominent Muslim feminists discussed above. These Indonesian women and their focus on recent Indonesian history and contemporary Indonesian life is important for demonstrating how the broader concerns of Islamic feminists are able to be incorporated into a critique of Indonesia's contemporary situation.

Julia Suryakusuma's examination of *kodrat* and 'state ibuisim' have become commonly accepted by those studying gender in New Order Indonesia (Blackburn 2004a, p.24). Her seminal work, *State Ibuism*, is a critique of the manner in which the New Order state modified the national ideology of *Pancasila* to produce the Five Duties of Women and guarantee women's submission (2004, xxiii). *Kodrat*, or destiny, is a way to justify division of tasks between genders; it is a 'biological, reductionist argument to keep women in their place in the home', espoused by conservative Islam and Indonesian ethnic groups (Suryakusuma 2004, p.130). Suryakusuma's focus is on the specific instances of the repression of women in Indonesia. As a columnist for the *Jakarta Post*, she has drawn attention to those local leaders that 'look for their legitimacy to conservative and socially-regressive value systems linked to local identity' and their subsequent implementation of 'syariah-derived moral norms' under the RUUAPP, regional regulations, and *syariah* in Aceh (Suryakusuma & Lindsey 2006). Suryakusuma condemns the RUUAPP as being not concerned with pornography but rather with 'denying women and sexuality public space' (Suryakusuma & Lindsey 2006), using pornography as a way to regulate morality according to conservative interpretations of Islam.

Lily Munir's arguments are strikingly similar to those of the Islamic feminists discussed above and she also adopts their technique of textual hermeneutics to demonstrate that it is not the *Qur'an* but

## CHAPTER THREE: INTERPRETING ISLAMIC FEMINISM

Islamic societies themselves that espouse gender inequality (Munir 2003). Munir works to address educational deficits in *pesantren*, and issues related to women, human rights and democracy. She asserts that women's equality is exemplified by the *Qur'an*'s description of men and women being created from a single source; *Qur'anic* verses guaranteeing equal rewards and punishment for men and women for good and bad deeds, and its urging of both men and women to pursue knowledge (Munir 2003). This gender equality espoused by the *Qur'an* is misinterpreted because of a pre-existing 'gender-biased mind-set' that is the product of Indonesia's patriarchal culture. Moreover, religious teachers and preachers have refused to promote women's rights, and this has been made easier by the absence of influential female figures (Munir 2003).

Siti Musdah Mulia is chief researcher at the Ministry of Religious Affairs. She led the Gender Mainstreaming Team that in 2004 sought to modify the *Kompilasi Hukum Islam* or Compilation of Islamic Law, which forms the basis of religious courts' decisions in Indonesia. The revolutionary (albeit unsuccessful) Counter Legal Draft sought to make the Compilation less discriminatory towards women. The Draft sought to raise the minimum age of marriage for women from sixteen to twenty one years; prohibit polygamy; change the provision of financial support or *nafkah* from being the husband's responsibility to the joint obligation of husband and wife, and provide for equal sharing of inheritance between sons and daughters rather than affording women only half of what is inherited by their sons (White 2006, p.348-50; Fealy 2006, p.207). Musdah Mulia has publicly expressed concern about regional regulations stipulating the wearing of the *jilbab*, deeming the regulations 'unIslamic' because they deny women freedom of choice (Jaringan Islam Liberal 2001).

## CONCLUSION

### CHAPTER THREE: INTERPRETING ISLAMIC FEMINISM

The challenges facing women in Islamic societies are formidable. Not only have they been oppressed in the name of Islam by conservative Muslims advocating selective, decontextualised and misinterpreted readings of the Islamic scriptures, they have also suffered oppression under Western colonial rule. Moreover, the state has sanctioned and promoted misogynous and patriarchal readings of the *Qur'an* and other Islamic texts. Confronted by these challenges, Muslim feminist scholars have challenged these patriarchal interpretations of the *Qur'an* through their hermeneutic and historiographical discourses. These discourses are based on re-interpreting texts and Islamic doctrines in light of the fundamental principles of equality and justice purportedly inherent in Islam's message.

## **CHAPTER FOUR: POLITICISATION OF ISLAM IN INDONESIA'S *PANCASILA* STATE**

This chapter will examine a range of academic texts pertaining to aspects of Indonesia's political history and how the relationship between the state and Islam have affected and continue to affect the rights of Indonesian women. It examines the overall moderate nature of Indonesian Islam and Islam's history of co-optation by the Indonesian state. Islam has always been intertwined with politics but it has never been the dominating force. Islamic radicalism is generally tempered by the moderating influence of the two groups *Muhammadiyah* and NU, grassroots socio-religious organisations with many millions of members each. NU educates students in Islamic theology. Both organisations manage a host of mosques, dormitories, and health facilities (Esposito 2003 p.227; p. 212). Inherent ideological divides, over the correct practice of Islam, stances on violence, and Islam's place in the Constitution, have characterised Islam in Indonesia since the founding of these two groups in the early twentieth century.

### **ISLAM AS A TOOL OF THE STATE**

Suharto's thirty year New Order period exemplified the uneasy relationship between Islam and the state. As part of his attempt to co-opt the mass socio-religious organisations *Muhammadiyah* and NU, Suharto created legislation in 1985 that decreed all organisations must adopt the *Pancasila*, not Islam, as their 'sole guiding principle' or *asas tunggal* (Cribb & Brown 1995, p.136). All Islamic parties were required to merge into a single party, the *Partai Persatuan Pembangunan*, or United Democratic Party (PPP). The government constantly interfered in PPP's internal affairs, particularly in the selection of leaders that Suharto anticipated would be more amenable to his agenda (Aspinall 2005, p.7). The 1990s 'U-turn' in the handling of Islam (Vickers 2005, p.200) signaled yet another

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manipulation of Islam. Suharto made a well-publicised *hajj* or pilgrimage to Mecca in 1991; lifted the ban on the wearing of the *jilbab* and increased funding to Muslim schools (Hefner 2000, p.18-19; Sukma 2003, p.66). These examples of the manipulation of Islam, either through suppression or selective rapprochement, demonstrate the manner in which Islam in Indonesia has been able to be co-opted by the state. Its amenability to such co-optation is frightening to women activists wary of state sponsored conservatism and the implications this has for women's rights if the state were to strengthen the power of conservative Islamists by catering to their demands.

### *PANCASILA* AS PROTECTOR OF PLURALISM

Indonesia's national ideology, the *Pancasila*, provides legislative protection for minority groups in Indonesia and protects pluralism. The *Pancasila* was created by President Sukarno and is enshrined in the 1945 Constitution. It contains five principles: belief in God, humanitarianism, nationalism, democracy and social justice (Fealy & Barton 1996, p.viii). Its first article refuses to accord special status to Islam, and has been a source of contention between liberals and conservatives, particularly those who sought to impose Islamic law on Indonesia by means of the failed Jakarta Charter (Bocquet-Siek & Cribb 1991, p.ii). It is the ideology of *Pancasila* that guarantees religious pluralism and provides a bulwark against fundamentalism (Eliraz 2004, p.78-79). Accordingly, it is on the basis of the *Pancasila* that women's activists in Indonesia argue against the imposition of conservative Islamic doctrines and *syariah* law.



**ELECTORAL POLITICS AND ISLAMIST ORGANISATIONS**

While Islam has been integral to Indonesian politics, it has never been the dominating influence. This will ensure that conservative Islamists will find it difficult to institutionalise their patriarchal views. In the 1999 election twenty Islamic parties garnered thirty seven percent of the vote. This is a substantial number but does not indicate overwhelming support for any one party. Some Islamic political parties, such as the United Development Party (PPP) and the Crescent and Star Party (PBB), were formed with the intention of introducing Islamic law into the Constitution (Hosen 2005). However despite their ubiquitous presence these Islamic parties have failed to dominate the Indonesian political landscape. The failure of Islam to become a dominant political force in Indonesia can be partially attributed to the consistent abstention from politics of the mass organisations *Muhammadiyah* and NU. This is a positive sign for those who advocate a secular state and refute the introduction of Islamic law.

**Table 2: Indonesian 1999 National Legislative Election Results (Suryadinata 2002, p.103). Islamic parties are indicated in bold.**

<b>PARTY</b>	<b>NATIONAL VOTE (PERCENTAGE)</b>	<b>DPR SEATS</b>
PDI-P	33.73	153
Golkar	22.46	120
<b>PKB</b>	<b>12.66</b>	<b>51</b>
<b>PPP</b>	<b>10.72</b>	<b>58</b>
PAN	7.12	34
<b>PBB</b>	<b>1.94</b>	<b>13</b>
Other 42 parties	11.4	33

**Table 3: Indonesian 2004 National Legislative Election Results (Hosen 2005, p.428). Islamic parties are indicated in bold.**

PARTY	NATIONAL VOTE (PERCENTAGE)	DPR SEATS
PDI-P	18.5	109
Golkar	21.6	128
<b>PKB</b>	<b>10.6</b>	<b>52</b>
<b>PPP</b>	<b>8.2</b>	<b>58</b>
PAN	6.4	52
PD	7.5	57
<b>PKS</b>	<b>7.3</b>	<b>45</b>
<b>PBB</b>	<b>2.6</b>	<b>11</b>

### *MUHAMMADIYAH AND NAHDLATUL ULAMA: MODERATING ISLAMIC RADICALISM*

Historically, the socio-religious organisations *Muhammadiyah* and NU have exerted a moderating influence on conservative Islamic elements in Indonesian society. There has, however, been a small but vehement fundamentalist movement within Indonesia. *Laskar Jihad*, now disbanded, had previously announced its disapproval of former President Sukarnoputri on the grounds that Salafi doctrine deems women unsuitable to be leaders (van Bruinessen 2002, p.2). Another group, the *Front Pembela Islam* (FPI) is infamous for its raids on Jakarta brothels and nightclubs deemed to be in violation of Islamic morals and doctrines of modesty and sobriety. Perpetuating the ideology of *Laskar Jihad* and FPI is the *Majelis Mujahidin Indonesia* or Council of Jihad Fighters (MMI), led by Abu Bakar Ba'asyir. The group advocates the creation of an Islamic state and is the 'biggest body that articulates a fundamentalist position on Islam.' (Vickers, A. 2007, pers. comm., 2 July).

## CHAPTER FOUR: POLITICISATION OF ISLAM IN INDONESIA'S *PANCASILA* STATE

The radicalism of these groups has been tempered by *Muhammadiyah* and NU, which have a history of moderate doctrines and leaders. Together these religious groups represent close to a quarter of the Indonesian population (DFAT 2007). Since the late Suharto era, both organisations have made concerted efforts to return to their original status as socio-religious organisations (Barton & Fealy 1996, p.xxi). Former NU leader Abdurrahman Wahid, has publicly warned that the elevation of Muslims as a special class of citizens threatens the consensus that has so far protected minority groups and the national unity of Indonesia (Aspinall 2005, p.74), based on the *Pancasila*. As these moderate organisations collectively represent millions of Indonesian Muslims, their directives have much influence. Hasyim Muzadi, the chair of NU acknowledges that: 'NU and Muhammadiyah are instrumental in providing guidance about how to understand Islam and how to guard the religion against misuse' (van Doorn-Harder 2006, p.50). Thus although *Muhammadiyah* and NU cannot therefore be classified as liberal organisations, they have the potential to temper the conservative rhetoric of other Islamist organisations. However, the sheer size of their membership bases are a cause for concern particularly if their leaders were to fall under the influence of government ideological dictates.

### A HISTORY OF THEOLOGICAL DIVISION

The contemporary ideological rift between conservative and liberal forms of Islam is similar to the division between modernist and traditionalist forms of Islam, embodied by *Muhammadiyah* and NU respectively. NU adherents have long been criticised by *Muhammadiyah* for their adherence to Javanese mysticism that *Muhammadiyah* believes to be incorrect Islamic practice. Ideological rifts have additionally always been present within these groups. A small number of *Muhammadiyah* followers are also members of radical Islamic organisations (Barton 2002, p.48) and seek to strengthen Islam's constitutional status within the Indonesian state. This is at odds with the overall

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secularist agenda of the organisation. Ideological and leadership rifts have created splits within the *Partai Bulan Bintang*, *Partai Kebangkitan Bangsa*, and PPP, leading to the subsequent formation of rival Islamic parties (Azra 2004, p.144-145). This tendency towards fracture and ideological divisions has made it close to impossible for any one brand of Islam to dominate Islamic politics and impose its particular brand of faith on the larger Muslim population.

### DECENTRALISATION, REGIONAL AUTONOMY AND THE IMPLICATIONS FOR WOMEN'S RIGHTS

The decentralisation process in Indonesia and the granting of regional autonomy has meant women are now subjected to formal infringements of their rights at the local level. Law No. 22 / 1999 devolved substantial political authority to Indonesia's 360 or more regional governments (Aspinall and Fealy 2003, p.3). Prior to this law, villages and regions were unable to influence national government, nor to control their own affairs. Under the new autonomy laws, districts are responsible for policies pertaining to public works, health, education and culture, and transportation (Satriyo 2002, p. 223). They do not have the authority to make policy in the areas of legal and religious affairs (Aspinall & Fealy 2003, p.3). As such, *syariah*-inspired bylaws are justified not as religious policies, but policies to uphold morality and order (Satriyo, p.221). Unsurprisingly, the transformation of the Indonesian political and bureaucratic system from a highly centralised, Jakarta-based system to a dispersed one has been strongly supported by these newly empowered local politicians and administrators (Aspinall & Fealy 2003, p.7).

CONCLUSION

Historically, Islam within Indonesia has been characterised by moderation. *Muhammadiyah* and NU encompass close to a quarter of all *santri* or practising Indonesian Muslims, and are thought to have exercised a restraining role over the small but not entirely insignificant militant and conservative Islamic groups and political parties. Nevertheless, this general liberal nature of Indonesian Islam since the 1960s is prone to manipulation and co-optation by the state and largely dependent on the Islamic ideology and approach of the influential leaders of NU and *Muhammadiyah*. Despite Indonesian Islamic organisations being overwhelmingly supportive of secularism, the future direction of Islam in Indonesia will be subject to the influence of powerful political and religious leaders. At the same time, the fractured nature of Indonesian Islam will make the domination of any one ideological strand difficult, at least at an official and national level. Despite its obligations under the national *Pancasila* ideology, the Indonesian state continues to disregard the rights of its citizens, aided by recent regional autonomy laws that devolve greater authority to opportunistic local elites, often willing to politicise Islam for their own partisan interests.

## **CHAPTER FIVE: WOMEN'S NGOs**

This chapter examines women's NGOs in Indonesia and their responses to Indonesia's increasing conservatism through the investigation of the backgrounds and methods of operation of seven of these more prominent groups. This chapter has relied strongly on primary material derived from open-ended response surveys, as well as secondary internet sources and media articles.

### BEING A WOMAN IN CONTEMPORARY INDONESIA

The life of an Indonesian woman from the lower socio-economic classes is characterised by poverty, poor health, hard work and the expectation that she will be a good mother, wife and keeper of her household, as well as a primary breadwinner.

Most Indonesian women in poverty are wage earners (Blackburn 2004b, p.10), engaged in low-paid jobs requiring little skill. In recent years, women have found it increasingly difficult to gain employment in the formal sector (Asian Development Bank 2006, p.12). Women's earnings remain substantially lower than men's due to their involvement in minimally productive small businesses and the informal sectors (Oey-Gardiner and Bianpoen 2002, p.12), and discrimination on the grounds of gender (Oey-Gardiner and Bianpoen, p.13). Almost sixteen percent of adult females in Indonesia remain illiterate (GLOBALIS n.d.), which compounds the problem of their poverty.

Increasingly, Indonesian women are becoming heads of households without proper recognition and support from the government, or due acknowledgement from society (Chandrakirana, 6 September 2007; Chandrakirana & Chuzaifah 2004, p.8). Although there exists an expectation that women will contribute to the household earnings, Indonesian society remains notoriously patriarchal.

Indonesia's ideal woman continues to be a traditional house-bound individual, primarily concerned with her duties as a wife and mother (Suparno, 18 September 2007; Oey-Gardiner & Bianpoen 2002, p.17).

The Indonesian state affords little protection to women and often systemically violates their rights (Chandrakirana & Chuzaifah 2004, p.9): the most obvious example being the introduction of discriminatory policies based on conservative interpretations of Islam. Life for the average poverty-stricken, marginalised and desperately overworked woman remains harsh.

### WOMEN'S NGOs

In this thesis, NGOs are defined as autonomous organisations that do not seek to profit from their actions. Although some class the socio-religious mass organisations NU and *Muhammadiyah* as NGOs (Falaakh 2001; Nagata 2000), this thesis categorises them separately, as both are mass organisations and do not have the specialised foci of the smaller-scale NGOs discussed here (Sakai 2002, p.173).

The NGOs examined in this thesis were almost all formed in the 1990s, when the advocacy of human rights issues, incorporating issues of gender equality, first became popular (Ibrahim 2006, p.19). They remain, however, an essentially urban phenomenon; around seventy percent operating within metropolitan areas (Ibrahim 2006, p.33). Following the decentralisation of the Indonesian provinces under the Habibie government, there has been a rise in the number of NGOs in regional districts. This can be attributed to the ease with which organisations can now register and obtain approval for their programmes under regional autonomy laws (Sakai 2002, p.173). The NGOs examined in this thesis have been chosen because of their 'commitment to breaking down the structure of gender subordination' (Hadiwinata 2003, p.131). They all espouse feminism, despite the

Indonesian historical suspicion of the movement as a Western colonial construct. They pursue 'strategic' gender interests: their focus is on discrimination against women and women's rights. This distinguishes them from organisations concerned with 'practical' gender interests, such as better health facilities for infants (Molyneux 2001, p.14-15). Organisations such as *Rifka Annisa*, SP and the Indonesian Women's Association for Justice (LBH-APIK) are part of a growing movement of NGOs in Indonesia focusing on the rights of individual citizens rather than on administrative matters which they see as state responsibilities (Blackburn 2004b, p.28).

With their immediate focus on the empowerment of women, and human rights more broadly, women's NGOs are a minority among NGOs in Indonesia (Sakai 2002, p.167), as most are more concerned with social and economic issues rather than rights (Eldridge 2005). Women's NGOs display one characteristic that clearly sets them apart from the rest of civil society: they are the only NGOs in Indonesia in which women hold leadership positions (Ibrahim 2006, p.33). The women's NGOs studied in this thesis are dynamic and diverse. They are adaptable to the changing circumstances of society and of women. While many were founded for specific purposes, such as protection of Indonesian migrant workers overseas, the eradication of domestic violence and the legal defence of disadvantaged women, most have channeled their energies towards the defence of women affected by the Anti-Pornography Bill, *syariah* and *syariah*-inspired by-laws. The following women's NGOs were chosen because of their high-profile nature. They are all well established, and have all chosen women's rights as the key focus of their work.

The following table summarises some key features of NGOs operating in Indonesia. The table is followed by a more detailed analysis of each organisation



**Table 4: Women's organisations at a glance.**

<b>ORGANISATION</b>	<b>YEAR FOUNDED</b>	<b>TYPE OF WORK</b>	<b>RELIGIOUS ORIENTATION</b>	<b>SOURCE OF FUNDING</b>
<b>RAHIMA</b>	2000	Research; public campaigning; education and training.	Islamic	Insufficient information provided
<b>RIFKA-ANNISA</b>	1993	Running women's crisis centres; lobbying to influence policy; education.	Ambiguous; not officially Islamic but its leaders are described as 'strongly Islamic' (Blackburn 2004b, p. 28).	International organisations; staff contributions; fundraising activities; Indonesian government.
<b>KOALISI PEREMPUAN</b>	1998	Advocacy for gender-sensitive policy change; lobbying and working with political parties to promote gender-equality within their parties (KPI 2007).	Insufficient information provided.	Members fees and contributions, fundraising activities and contributions from other non-binding organisations (KPI 2007).
<b>KOMNAS PEREMPUAN</b>	1998	Consciousness-raising; advocating legal and policy reform; networking	Secular	Foreign and international agencies and foundations (Tan 2006, p.239), has received substantial grants from the Indonesian government.
<b>SOLIDARITAS PEREMPUAN</b>	1990	Legal aid; research; awareness-raising; training; policy advocacy	Neither secular nor Islamic.	Membership fees; community contributions inc. 'domestic contributions' (Umar,

		(Solidaritas Perempuan); strengthening women's solidarity at the grassroots level.		19 September 2007) <sup>2</sup> ; international donors inc. the EU, UNDP, Oxfam, UK Dept. for International Development.
<b>LBH-APIK</b>	1995?	Legal advocacy for disadvantaged women;	Not stated. <sup>3</sup>	Member subscriptions; fundraising activities; domestic and international donors including US AID, European Union (Farizal, 14 September 2007).
<b>SPEK-HAM</b>	1998, initially as a pro-democracy group with a gender perspective, but came to focus on gender equality in the post- <i>reformasi</i> period	Lobbying government; attempts to influence policy; networking; runs a crisis centre for women and children.	'Pluralist':	75% of finding is obtained from NGOs and 25% from the community and the government (Suparno, 18 September 2007).

<sup>2</sup> Possibly implying state assistance although SP specifies any monetary contributions must be non-binding.

<sup>3</sup> According to Farizal of LBH-APIK Aceh, the organisation has always enjoyed good relations with the community, the government, and religious figures. It frequently cooperates with the police, courts, public prosecutors and various government officials. Thus it is careful to avoid being seen to have any specific kind of orientation, so that it can maintain good relations with all sections of the community as well as the state.

**RAHIMA**

RAHIMA was developed as an offshoot from an Islamic human rights group which some members believed did not devote sufficient attention to the issue of women's rights. The organisation is a centre for training and information on Islam and women's rights, all from a liberal perspective (Blackburn 2004b, p.226). RAHIMA's Board of Management features some of Indonesia's best-known Muslim intellectuals and activists (Blackburn 2004a), including Syafiq Hasyim, and is closely associated with NU. RAHIMA operates at a grassroots level, working closely with NU-affiliated *pesantren* (Islamic boarding schools) across Java. The group advocates an end to domestic and other forms of violence against women, and gender equality in education and community decision-making processes (Schott 2005). Its regular publication, *Swara Rahima*, contains articles that relate to domestic violence in Indonesia, political under-representation of women, and polygamy, issues deemed important to women's rights. RAHIMA is a progressive organisation that attempts to empower women through awareness-raising activities and encourages debate about Islam and the role of women in Islam (Candraningrum 2006). Former RAHIMA leader Farha Ciciek asserts that:

The queens of Islam used to be a symbol of women's strength. Today they are viewed as a harem, which is a symbol of the oppression and sexual exploitation of women. Many such harems exist in a figurative sense today – in the home, the education system, and the workplace. And that is exactly what we intend to change (Schott 2005).

RAHIMA's director Aditiana Dewi Erdani believes that the organisation's relationship with various Javanese *pesantren* is vital:

[T]hese religious institutions have a significant influence on the Islamic discourse in the public sphere ... Our strategy is to establish contact with these school directors and when a door is opened to us, we undertake certain educational activities within the “pesantren.” ... for instance, training courses for teachers and other leaders in the field of education to sensitize them to “gender” issues. The goal is that they will appropriate our material and then later step forward themselves as facilitators by passing this material to their students...(Fariborz 2007).

RAHIMA has now extended its activities to other community-based Muslim groups (RAHIMA 2003). This unique technique of forming relationships with the Muslim community to promote community education has prompted Greg Fealy’s assertion that RAHIMA actually promotes new Islamic thought (Fealy 2006). Aditiana Erdani believes that it is Indonesia’s poverty and political and religious uncertainties that have prompted the increasing conservatism within Indonesian society:

[T]he fundamentalists are meeting with such resonance not only because of their ideas and practices, but because they have undertaken much that the communities were sorely lacking. They offered medical assistance and medical care for free (Fariborz 2007).

### *Rifka Annisa Women’s Crisis Centre*

*Rifka Annisa* was formed by several Muslim women activists as an organisation to help female victims of gender based violence. This group advocates a critical examination of Islamic jurisprudence concerning women and politics (van Doorn-Harder 2006, p.153). It has been overtly criticised by traditionalist and reformist leaders for its use of Western methods and advocacy of divorce (van Doorn-Harder 2006, p.186).

*Koalisi Perempuan untuk Keadilan dan Demokrasi*

*Koalisi Perempuan*, or the Indonesian Women's Coalition for Justice and Democracy (KPI), was the first mass-based women's organisation formed in Indonesia since 1965 (Vermot-Mangold 2005). Upon its creation, KPI 'broke away from the traditional image of women (Oey-Gardiner & Bianpoen 2000, p.292), as women's rights was a far less popular cause at the time of its creation. KPI is concerned specifically with women's political rights. It is an agent of change that helps to defend women's rights, and facilitates greater cooperation between organisations and groups concerned with women's issues (KPI 2007). Its Secretary General, renowned feminist Nursyahbani Katyasungkana, is a member of the People's Consultative Assembly. On its board of advisors is Siti Musdah Mulia. Membership is afforded to any Indonesian woman who witnesses or experiences gender injustice within Indonesian society (KPI 2007).

**The Indonesian National Commission on Violence Against Women (*Komnas Perempuan*)**

*Komnas Perempuan* was established by Presidential Decree in 1998, in response to the infamous mass sexual assaults of Chinese-Indonesian women in Jakarta earlier that year. *Komnas Perempuan* reports directly to the Indonesian President and is the only women's NGO to enjoy such a close relationship with the government. Despite this formal relationship and system of reporting, *Komnas Perempuan* describes itself as 'an independent public institution' (*Komnas Perempuan* 2007, p.4) as funding is not reliant on the government (Blackburn 2004b, p.207). However, its 2006 government grant of US \$811 000 (*Komnas Perempuan* 2007, p.6) calls this official independence into question, as the voracity of its criticism of the government may be compromised. It has also received financial assistance from the State Secretariat for operational costs (Tan 2006, p.236). It must be noted, however, that the organisation receives much of its money from other sources. *Komnas*

*Perempuan*'s work is divided into three sections: research, legal reform and advocacy, and public education (Blackburn 2004b, p.207). Its primary goals include the promotion of public awareness about all forms of violence against Indonesian women; assessing and researching existing laws relevant to the protection of women's rights; documenting violence against women and violation of their rights and publicising these findings, as well as making recommendations to the government on the basis of their findings (*Komnas Perempuan* 2007, p.1-2). Its mandate is much broader than most women's NGOs as it extends to migrant workers, women in armed conflict situations, and displaced women. *Komnas Perempuan* stipulates that its membership must include people from outside the capital city Jakarta and from the outer regions (Tan 2006, p.236). As well as its advocacy of policy and legislative change, and its awareness-raising activities, *Komnas Perempuan* encourages and chairs public dialogues on issues relating to violence against women, and produces various publications (Tan 2006, p.238).

### *Solidaritas Perempuan*

*Solidaritas Perempuan* (SP), or Women's Solidarity, defines its aims as being to 'Struggle for and defend women, especially marginal classes and the oppressed', 'Advance, defend and raise awareness of human rights with a focus on women's rights', and 'Struggle for a change in values, attitudes and behaviour that are the manifestations of patriarchy' (*Solidaritas Perempuan*).

Following the 2004 tsunami, which devastated Aceh's infrastructure and killed over 160 000 Indonesians, mostly from Aceh, SP worked with other NGOs to provide counseling to the traumatized (American Jewish World Service 2006).

**LBH-APIK**

LBH-APIK is a small organisation, with its central office employing eleven people and three volunteers (Parsell 1998), but the group has branch offices throughout Indonesia. LBH-APIK's Aceh branch has stated that women's NGOs in Indonesia are important because of the alarming conditions women face, arising from patriarchal policies (Farizal, 14 September 2007). LBH-APIK provides legal aid to women who are politically, economically or socially disempowered and advocates changes of policies and laws deemed discriminatory against women. It promotes reformation of patriarchal values, laws and policies (LBH-APIK Aceh 2007) and has petitioned the Indonesian Supreme Court for a judicial review of bylaws in Tangerang. These bylaws have been deemed discriminatory against women, as they allow the arbitrary arrest of unaccompanied women accused of being prostitutes (Fidrus 2006, p,2). LBH-APIK works with other organisations such as *Komnas Perempuan* and is involved in monitoring the situation of women in Aceh affected by conflict between GAM and the Indonesian government. A focal concern is the sexual assault of local women suspected of collaborating with GAM. LBH-APIK's Nursyahbani Katyasungkana is described by the Ford Foundation as 'the best-known advocate of legal justice and human rights protections for women in Indonesia.' (Parsell 1998).

**Women's Solidarity for Humanity and Human Rights (SPEK-HAM)**

SPEK-HAM is concerned with human rights promotion, gender issues and good governance. Initially formed as a pro-democracy group, SPEK-HAM in the post-*reformasi*<sup>4</sup> period evolved into an organisation with a focus on the promotion and defence of women's rights (Suparno, 18 September 2007). Although it is not clear whether SPEK-HAM sees itself as a secular or Islamic group, Suparno is critical of the way that Islamic texts have been interpreted in a patriarchal manner

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<sup>4</sup> *Reformasi* was the period following the forced resignation of Suharto, characterised by greater civil and political freedoms.

(Suparno, 18 September 2007). Suparno believes that the injustices perpetrated against women stem from Indonesia's lingering feudal beliefs, patriarchal customs and religious fundamentalism. She believes it is important that women's NGOs advocate awareness of gender equality issues and build 'women's strength.' (Suparno, 18 September 2007).

All seven organisations discussed here are diverse in their backgrounds. Their foci range from female sufferers of domestic violence, to women's political rights, and to impoverished women seeking legal aid. Thus the Indonesian women's movement has been enriched by their diverse interests and expertise. RAHIMA is the only explicitly Islamic organisation, but all are critical of the manner in which conservative Islam in Indonesia represses the rights of women and direct their often limited resources towards combating their resultant disadvantage. All are partially reliant on donations from the international community, a precarious situation considering the potential obligations that come with such reliance.

#### NGOs AND ISLAM: ISLAM AS A LEGITIMISING FORCE

Many female activists within NGOs are eager to promote their Islamic credentials. According to Saskia Wieringa, 'opposition to the growing importance of hard-liner groups...is almost always voiced within a discourse of Islam, not in secular terms' (Wieringa 2006). This deliberate advertisement of their piety and adherence to Islam will give them further credibility, particularly when they criticise conservative interpretations of women. Says RAHIMA leader Farha Ciciek, 'We promote ideas about democracy and equality through Islam. Since religion is the foundation of our society, this is the only way that we can convince people.' (Schott 2005). RAHIMA's publication *Swara Rahima* (Voice of Rahima) is based on the principles of the *hadith* and *fiqh* (Rinaldo 2002). KH Husein Muhammad, internal director of RAHIMA, asserts that verses used to justify veiling



have been decontextualised. He asserts that the wearing of the *jilbab* was a way to distinguish slave women from free women, so that free women would not suffer the sexual harassment endured by slaves. He argues, 'considering there are no longer slaves, then wearing the jilbab now is not a requirement ... the jilbab is only an accessory or a supplement.' (Muhammad 2003) The group's library contains copies of classical texts discussing Islam and women's rights that have been translated into Javanese, Sundanese, and Maduranese by local *ulama* (RAHIMA 2004). *Rifka Annisa* reinterprets the holy texts to justify its support for gender equality (van Doorn-Harder 2006, p.250). Muhammad Saeroni of *Rifka Annisa* states that, although his organisation's views are based on the values of pluralism, democracy and human rights,

[T]he majority of our members and staff of our organization are Muslims, as a result there is a large possibility it will influence our organization's views... we are faced with a religious society, that acknowledges and believes in one particular religious teaching [Islam]. With the result that, whether we want to or not, we must respond to this. (Saeroni, 20 September 2007).

LBH-APIK has attempted to develop close relationship with religious figures and institutions and advocates a reinterpretation of religious laws. It promotes legal reform by removing gender biases inherent in *fiqh* and patriarchal rulings (Wieringa 2006). SP, by contrast, prefers to not argue for women's rights on the basis of religion and its staff members keep their private religious beliefs separate to their activism (Rinaldo 2002). This is most likely to be part of a general NGO emphasis on protecting pluralism. As such, SP may not wish to be seen to be according Muslims higher status than other citizens.

The academic Saskia Wieringa explains that, as secular women's groups do not command the mass appeal of those groups who voice gender concerns 'within a discourse of Islam', they are inclined to expediently collaborate with 'more religiously oriented groups' (Wieringa 2006). This elucidates the

need for secular groups to collaborate with those religiously affiliated NGOs in order to appeal to the predominately Muslim population.

### WOMEN'S ACTIVISM AND CEDAW

Indonesia ratified the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) in 1984. This is an international convention which provides for the protection of women in the public and private spheres. Its broad directives on the protection of women, combined with its advocacy that states take measures and to address their own complicity in the violation of women's rights in these spheres, gives the CEDAW a radical and far reaching potential (Chappell 2002, p. 477-478). Indonesia has also signed the Optional Protocol to the Convention, that allows individuals to take complaints to the Committee that oversees state compliance with the Convention (Robinson & Bessell 2002, p.6). The state believed that, as the principle of gender equality was already officially embodied in the National Constitution, reservations concerning any additional articles were not required. (Sadli 2002 , p.86; Surbakti 2002,p.212).

The introduction of *syari'ah* in Aceh and *syariah*-inspired bylaws, as well as the attempted introduction of anti-pornography legislation, demonstrate that the CEDAW convention does not automatically guarantee women protection from state discrimination. This is also elucidated by the conduct of other signatories. Saudi Arabia, despite being a signatory, is infamous for its mistreatment of women (Warner 2002, p. 468). Therefore, as Saparinah Sadli, a woman's activist, notes, ratification of CEDAW 'would not automatically change existing cultural views, attitudes or patterns of behavior that discriminate against women.' (Sadli 2002, p.87).

The establishment of the women's organisation *Komnas Perempuan* was based partly on CEDAW and the organisation prepares regular reports which it presents to the CEDAW Committee. Its 2007

report named the Tangerang regulation on Prohibition of Prostitution and governmental failure to repeal *syariah*-inspired legislation, as contravening Indonesia's obligations as a signatory to the Convention (National Commission on Violence Against Women 2007, p.1-4).

## **CHALLENGES CONFRONTING WOMEN'S NGOs**

### **Uneven geographic representation**

The Javanese bias of NGOs presents a challenge for women's NGOs. NGOs generally are far more prevalent in the islands of Java and Sumatra than in Eastern Indonesia (Sakai 2002, p.165; Blackburn 2004b, p.12). Indonesians from the eastern provinces have little knowledge of these urban NGOs, and therefore have little trust in them (Ibrahim 2006, p.9). Another major concern is the lack of woman-focused NGOs in areas such as Aceh, Western Sumatra and parts of Sulawesi, where the implementation of *syariah* and *syariah*-nuanced bylaws have compromised women's rights.

### **A dangerous profession**

NGO activists have been known to face physical threats to their security from those who disagree with their views. Lily Munir, known for her vehement criticism of conservative Islam, has faced death threats. LBH-APIK workers have been directly confronted with men wielding sickles. In 2002, a group of NGOs including *Koalisi Perempuan*, *Komnas Perempuan* and LBH-APIK issued a joint statement calling on the police to investigate physical assaults against human rights defenders (2002).

### **A disconnected leadership**

Indonesian NGO leadership tends to be dominated by people from the most privileged section of society, with middle class women dominating groups claiming to speak on behalf of all Indonesian women (Blackburn 2004b, p.12). This may prove alienating to most Indonesian women, who may feel they have little in common with the NGO leaders. The grassroots work being done by women's NGOs to protest against these legal measures also allow them to develop a greater rapport with those they are representing. Further, the immediate practicality of many NGOs programs, such as legal advocacy (see Table Four), allow them to communicate directly with those affected by Indonesian Islam's rising conservatism.

### **Dictates of donors and a general lack of resources**

Smaller NGOs in Indonesia are plagued by problems of funding and limited resources. Many women activists are only able to contribute to the activities of their organisation on a part-time basis as they are divided between responsibilities to their organisation and their roles as mothers and child-carers (CMI 2006). Additionally, since the tsunami, qualified women's activists have left Indonesia to work for larger, international organisations. In Aceh specifically, the regular programs of many women's NGOs have been distracted by the tsunami and diverted to humanitarian assistance provision and counseling duties (CMI 2006). NGO's reliance on foreign aid for their funding is also problematic, as this allows substantial donors to potentially dictate which programmes and issues they wish their funding to support. NGOs may feel obligated to adhere to the dictates of such donors because of their own 'limited financial, human, technical and infrastructural resources' (Ibrahim 2006, p.7). Lack of resources means women's NGOs are sometimes forced to be reliant upon foreign funding, despite its possible negative implications. This may elicit questions

about their subsequent ability to dictate their own independent agenda and policies. SP, *Rifka Annisa*, *Koalisi Perempuan*, and LBH-APIK, all rely at least partly on contributions from their members; LBH-APIK and *Koalisi Perempuan* rely strongly on contributions from the community and their members. *Rifka Annisa* even accepts donations from its staff, indicating the extent of its financial problems.

### WOMEN'S NGOs AND DECENTRALISATION: REGIONAL FOCUS AS A POTENTIAL ADVANTAGE

Regional Autonomy laws have given much more power to provincial and regional governments. However, in these recently empowered legislatures and parliaments, women continue to be grossly under-represented. Of two hundred and forty five regency parliaments, just six are chaired by women (Bessell 2005, p.19). Decentralisation has also allowed increased opportunities for the suppression of women. Regional autonomy laws have allowed 'reinvigorated' local governments to introduce local regulations regulating women's dress and movements. Although the laws potentially award women greater access to decision-making, they tend to 'empower local male-dominated elites who may be even more patriarchal than the central government.' (Bessell 2005, p.19). Risma Umar from SP asserts that the regional autonomy laws and the decentralisation process that have produced them, have allowed Islamic politicians the opportunity to promote the interests of religious and ethnic groups (19 September 2007). Consequently, decentralisation and the ensuing regional autonomy laws have been exploited by powerful local politicians, often in the name of conservative Islam.

Notwithstanding the challenges noted above, the regional focus of many women's NGOs is essential, in view of Indonesia's ethnic and cultural diversity. In order to correctly respond to the

various localised forms of gender discrimination, groups familiar with a region's needs, its cultural practices, and its specific dialects are required. This specialisation allows NGOs to identify the most pressing concerns of women in that area. Additionally, the local nature of these NGOs largely mitigates what Hadiwinata describes as the problem of the 'outside' nature of many other types of NGOs, with their over-ambitious and impractical programmes (Hadiwinata 2003, p.198). The NGOs examined in this thesis tend to work at a grassroots level and conduct practical programmes, such as providing legal aid and financing women's shelters. These programmes and government lobbying are generally accompanied by educational programs and awareness-raising campaigns.

Thus the local and national focus of different NGOs can actually be complementary, provided they cooperate. The experiences of women's NGOs suggest that it is imperative for regional, national and Java-based women's NGOs to work more closely with one another.

#### COMMONALITY AND COALITION-BUILDING

In a country with as many inhabitants and organisations addressing women's rights as Indonesia, communication and networking are essential tactics. *Komnas Perempuan* recognises the importance of coalition building, and explicitly names one of its tasks as developing regional partnerships to address the issue of violence against women and women's human rights (*Komnas Perempuan* 2007, p.2). Each member brings special expertise to *Komnas Perempuan* and the group's membership includes members of *Solidaritas Perempuan*, and Nursyahbani Katjasungkana of LBH-APIK (Tan 2006, p.237-40). KPI has adopted similar tactics and names its main activities as organising and strengthening its membership base; and motivating and facilitating a network between institutions, groups and individuals that care about women's issues (KPI 2007). SP purports that an important

aspect of its mission is joining with other NGO's to help develop women's strength throughout Indonesia (Solidaritas Perempuan).

Despite these efforts at coalition-building, Katyasungkana laments that the women's movement remains divided rather than integrated. Networking and cooperative efforts with other NGOs are integral to LBH-APIK because of their small staff, but many other NGOs continue to work on a project by project basis rather than working towards structured long-term goals (Diani 2006b).

Nunuk Murniati of *Komnas Perempuan*, criticises the lack of cooperative efforts between women's NGOs in Aceh, and their failure to build an organised movement (Murniati 2003). Many women's activists in Indonesia participate in various NGOs and are affiliated with both non-governmental and governmental bodies. Siti Musdah Mulia is part of the senior board of LBH-APIK (LBH-APIK Jakarta 2007). Indriyati Suparno of SPEK-HAM is concerned at what she calls the polarisation of the women's movement and their different approaches to religious fundamentalism. She claims this hampers their ability to influence policies and legislation that are discriminatory towards women (Suparno, 18 September 2007). She questions the effectiveness of one group of women opposed to the discriminatory implications of forced veiling if they do not have the support of other similar-minded groups (Suparno, 18 September 2007). Since the rise of conservative Islam, more women's NGOs are working towards the common goal of women's empowerment and have formed coalitions to act in concert. This increases their effectiveness, and is a strategy that needs to be pursued further.

Many women's NGOs and mass organisations such as NU and *Muhammadiyah* are linked. Many female activists participate in both women's branches of these mass organisations as well as much-smaller scale NGOs. For example, *Koalisi Perempuan Indonesia* leader Masruchah has enjoyed a prominent position within *Fatayat NU*, an independent NU-related organisation. NGOs provide a platform for women active in both to address issues, such as women's rights, that they feel are not yet sufficiently addressed by

*Muhammadiyah* or NU. These dual roles and memberships of many prominent women's activists is advantageous for the propagation of a gender equality discourse within *Muhammadiyah* and NU circles. As van Doorn-Harder notes, 'These activities create an enormous network that helps carry an irreversible trend of new gender understandings' (2006, p.38).

### NGOs AND THE STATE

Due to their links with major political forces and policy makers, the NGOs discussed above are well placed to communicate the needs and concerns of women to the state (Blackburn 2004b, p.11). However, many involved with civil society in Indonesia still perceive the state as an adversary, which hampers genuine dialogue, support or cooperation between the two (Ibrahim 2006, p.7). The government also tends to view NGOs with suspicion (Oey-Gardiner and Bianpoen 2002, p.241) and has always tended to be more responsive to the Islamic movement than to women's organisations (Blackburn 2004b, p.31). Some women's organisations however, have developed relationships with the state and local authorities. *Rifka Annisa*, for example, engages in regular dialogue with local government institutions to try and ensure that public policies are made more gender sensitive (Satriyo 2002, p.227). Other NGOs are wary of causing conflict with the government and avoid confrontation so that their projects and the funding for them are not compromised. (Sakai 2002, p.172).

Although civil and political rights such as freedom of expression and freedom of association are undoubtedly better guaranteed in Indonesia's newly democratised state, all organisations are still officially subject to a 1985 law that requires them to seek the approval of local authorities before registering and provides for intervention in the selection of their management (Elridge 2005, p.152). Therefore, the government has the potential to legally interfere in the activities and creation of any NGO.



## CONCLUSION

Women's NGOs in Indonesia, although a minority among civil society with its multitude of more general, development-focused NGOs, are nevertheless outspoken elements. The leading women's activists among their leadership have become well-publicised figures, particularly since they have begun to speak out against the increasingly conservative brand of Islam infiltrating traditionally more moderate Islam. Their advertisement of their Muslim identity may have helped to endear these women to fellow Muslims, as well as legitimising their statements and actions, despite their often controversial claims and outspoken critiques. Their concerted efforts at coalition-building, in conjunction with their specific regional foci, is a promising strategy, although one that needs to be expanded further.

The uneasy relationship of women's NGOs with the government and the impact of this relationship on their programmes appears to be mitigated by the greater freedoms they are accorded under recent decentralisation policies, and since the fall of the Suharto government. This has allowed them far greater freedom over their operations and greater freedom of speech. The establishment of *Komnas Perempuan*, with its legally cemented relationship with the Indonesian government is an encouraging step forward for state-women's NGO relationships. Developing this particular kind of relationship will be integral to the further progress of women's organisations in having their agenda heard by the state. This relationship is particularly important as it is the state and establishment Islam that condones conservative interpretations of Islam in order to preserve its power (Ahmed 1992). It is significant that *Rifka Annisa* nominates one of its activities as working with the government on various activities as a way of gaining financial support, and that *Koalisi Perempuan* works together with political parties in advocating greater political participation for women. The defence of human rights is important, and other women's groups should follow the examples these

organisations have set in forging relationships with those in positions of power as a means of influencing their policies and attitudes towards women.

## CHAPTER SIX: THE ANTI-PORNOGRAPHY BILL

Draft legislation currently scheduled for debate in the Indonesian parliament could entrench conservative-Islam inspired discrimination against women. The Anti-Pornography and *Pornoaksi* Bill or *Rancangan Undang-Undang Anti-Pornografi dan Pornoaksi* (RUUAPP) in its original form sought to regulate the actions of couples in public, the use and spread of pornographic materials and related acts deemed pornographic. The Bill sought to ‘Uphold and revere the dignity and human values...in the framework of shaping a society with a glorious identity to the great one and only God.’ (DPR n.d.), terminology indicating its religious basis. It described what it termed ‘every citizen’s responsibility’ to bring about the ‘moral, mental, spiritual, and character construction of society...that has an identity that is noble, believing, and faithful to God.’ (DPR n.d.). Under the provisions of this Bill, ‘exhibiting certain sensual parts of the body’, kissing on the lips in public and ‘erotic swaying’ or dancing could be punishable by a gaol term of between one and five years or a 500 000 000 Rupiah fine (DPR n.d.). This amount would be crippling for the forty nine percent of Indonesians who earn less than \$US2 [approximately Rupiah 18 000] a day (World Bank 2006, p.xxii). Women’s NGOs throughout Indonesia have condemned the Bill as threatening Indonesia’s pluralism and being an infringement of women’s rights.

The Bill has already been modified or diluted, giving hope to those who lamented its strict prohibitions on the exposure of female body parts: the original definition of *pornoaksi* as ‘an action, in public, that exploits sex, obscenity and/or erotica’ was modified in mid-2006 to ‘the attempt to gain profit by marketing or displaying pornography’ (Allen 2007, p.101). This modified form of the Bill is now before parliament. The continuing vagueness in the definition of key terms such as pornography, remains a cause for concern. The definition of pornography has now been broadened

to include anything that arouses sexual desire (Dateline 2006), undoubtedly to encompass the eliminated *pornoaksi*. As such, the Movement to Reject Female Poverty, a group that protested against adoption of the Bill in early 2006, has deemed the Bill unclear and sought to have it dismissed on these grounds (KPI 2006b).

Debate over the Bill has split the religious and political communities. On International Women's Day 2006, thousands of women opposed to the Bill marched through Jakarta to the national parliament. The protestors included representatives from many civil society organisations, including KPI. Current President Yudhoyono has remained silent with regards to his personal opinion on the Bill, emboldening its supporters. Yudhoyono's own party, the Democrat Party, has so far supported the RUUAPP (Lane & Mardzoeki 2006). A controversy had been ignited about the President's conservative stance on morality and women when he expressed his aversion to TV programs that showed women's navels because he considered this inappropriate (Unidjaja 2004). Journalists have expressed their concerns about the implications of this statement for policy and legislation:

In a mature democracy, ... people would be confident in their leader's commitment to democracy to the extent that they would find his personal tastes mildly interesting but not terribly relevant to any government action on the subject. That however, is not yet the case in Indonesia (Guntensperger 2004).

Certainly President Yudhoyono holds a very powerful position within the Indonesian parliament. In a very recently democratised state, where authoritarian tendencies may continue to linger, the President's own conservative opinions on women's dress and the regulation of morality are significant.

#### **CONSERVATIVE AND MODERATE GROUPS IN SUPPORT OF THE RUUAPP**

The Islamic party PKS has been publicly very supportive of the Bill and is thought by many to be the driving force behind it, possibly at the encouragement of *Front Pembela Islam* (Allen 2007, p.103). *The Jakarta Post* reports that the Bill had ‘languished in the House for several years before the PKS and other parties revived interest in it recently’ (8 July 2006). Admittedly, however, PKS members comprise just four of the fifty six member special committee deliberating the Bill (*The Jakarta Post*, 8 July 2006). Other conservative Islamic groups that have announced their support for the Bill include MMI and *Hizbut Tahrir* (Allen 2007, p.104). NU and *Muhammadiyah* have both supported the Bill. NU’s chairman, Hasyim Muzadi, has described the Bill as the best means of combating pornography and pornographic acts proven to damage national morality (*Muhammadiyah Online* 2006). *Muhammadiyah*’s leader Din Syamsuddin has similarly advocated ratification of the Bill (*Muhammadiyah Online* 2006). Much of this Islamic support for the Bill, according to Allen, is in fact a way of exercising Indonesia’s difference to ‘the degenerate West’ (Allen 2007, p.104), with its perceived advocacy of the ‘free sex’ so abhorred by Muslims.

## WOMEN’S RESPONSES

### The RUU APP and morality

Kamala Chandrakirana, chairwoman of *Komnas Perempuan*, names the Pornography Bill as a ‘major setback’ for the human rights of women in Indonesia (Planet Mole 2006a). She describes the Bill as worrying because it demonstrates the government’s desire for greater control of its citizens.

According to Chandrakirana, the Bill:

‘actually envisions the state as being the main controller of the way women should be ... who will then be given the responsibility ... to enforce the idea of what this one kind of woman is?’ (Planet Mole 2006a).

LBH-APIK's Ratna Batara Munti has expressed concern about the Bill imposing 'unreasonable limitations on women's activities' in an attempt to impose morals on society, through dress codes and restrictions on people's behaviour. Like *Komnas Perempuan*, LBH-APIK is concerned that the Bill confuses morality with pornography, when the two are really separate issues. Batara Munti has highlighted that existing laws already provide for the regulation of pornography. She has declared that:

The use or promotion of pornography is a crime that must be regulated by the state acting within the law, but the state cannot interfere in morality. The state cannot regulate ethics and people's expressions, including what clothes they wear... We [already] have societal norms and customary laws, which people can relate to (Suciati 2006, p.24).

### **Threatening pluralism**

*Komnas Perempuan* has publicly condemned the Bill as discriminatory towards women and accuses it of attempting to undermine pluralism in Indonesia (Chandrakirana, 6 September 2007). The Indonesian archipelago is renowned for its diversity: its plethora of ethnic groups, languages and religions. Although the greater percentage of Indonesians are Muslims, the nation is still home to a substantial number of Christians. Collectively this religious group comprises over eight percent of the population (CIA 2007). The tourist-destination island of Bali is populated by mostly Hindus, who are far less strict in their dress codes. Until recently Balinese women would often work bare-breasted. Finally, Indonesia is home to many non-Muslim expatriates who may feel discriminated against by the imposition of dress codes and ethical and moral guidelines foreign to their own, generally Western, customs and expectations.

LBH-APIK Aceh has echoed *Komnas Perempuan*'s concern about the RUUAPP undermining Indonesia's pluralistic society: 'We support the action of our comrades in refusing the approval of the RUUAPP. This is based on our consideration of Indonesian society's very diverse background' (Farizal, 14 September 2007).

### Women's actions

Women's responses towards the RUUAPP have not all been rhetorical. SPEK-HAM has criticised the Bill, at every available opportunity, in Indonesian newspapers, magazines and on radio. Indriyati Suparno, of SPEK-HAM, says that her organisation is working with other civil society organisations to lobby against ratification of the Bill and monitor its progress. Early in 2006 a collection of organisations formed the Movement to Reject Female Poverty, opposing the Bill on the grounds that they deem it harmful to women. The group, led by KPI, undertook a march from the Hotel Indonesia, along one of Jakarta's main streets to President Yudhoyono's residence. At the culmination of the march, women activists took turns to voice their concerns about the RUUAPP and how it conflicts with numerous existing legislative guarantees in Indonesia, including legal guarantees of civil, political, and cultural rights. They spoke of the Bill as undermining the CEDAW Convention to which Indonesia is a signatory. Indonesia's membership of this Convention provides a firm legal basis which can be used to justify NGO criticism of the Bill and its potential negative effect on women. Actions such as these may have had some effect on governmental policy and the Bill. In any case, it has been modified and the anti-*pornoaksi* provisions that had attracted particularly vehement opposition have been excluded.

## CONCLUSION

The Anti-Pornography Bill has been condemned on several bases, not least as an infringement on Indonesian citizens' civil rights. Worryingly, the Bill appears to be supported by various important political figures and groups, including PKS, NU, and *Muhammadiyah*, with implicit approval from President Yudhoyono himself. NGOs representing women have been outspoken in their criticism of the Bill, condemning it for its infringement on women's rights, labelling it an attempt to exert unprecedented government control over women, and an unreasonable imposition of limitations on women's activities. That the Bill contravenes Indonesia's obligations as a signatory to CEDAW, is a common assertion of these women. Several women's NGOS have questioned the motivations behind introducing a Bill that attempts to regulate pornography when pre-existing laws regulating the sale and import of pornography already exist. However women's responses to the Bill have not been simply verbal: many have issued public statements rejecting the Bill and others have participated in mass protest marches to demonstrate their opposition. Clearly, if the Bill is to be passed, it will be a setback for women's freedoms in Indonesia. However, these women will undoubtedly continue to protest in unison for its abolition.



## **CHAPTER SEVEN: SYARIAH LAW IN ACEH**

This chapter will use a combination of academic articles as well as open-ended survey responses from women's NGOs to examine the implications of conservative interpretation of *syariah* law for women in the province of Aceh. *Syariah* is implemented under the Aceh autonomy law (Law No. 18 / 2001) and a 2003 law providing for the establishment of *syariah* courts or *mahkamah syariah* which have jurisdiction over family, property and criminal issues (ICG 2006, p.5). Their rulings, as well as general policing of Islamic law, has created controversy in Islamic circles and within women's NGO circles, particularly since the increased applications of *syariah* since the 2004 tsunami (*The Sunday Mail* 2007, 14 January p.39). Women's NGOs have condemned *syariah* as being discriminatory towards women and infringing their rights. Almost all have accused the Acehese law of unfairly targeting women at the behest of local and national conservative Islamic elements.

### **ACEH: PIOUS BUT POOR**

The province of Aceh, with its ninety nine percent Muslim population (Smith 2002, p.69), is proud of its long history of Islamic piety. Aceh was the scene of the 1953 *Darul Islam* rebellion, which sought to establish Aceh as an Islamic state. This history has been used to justify the application of *syariah* in Aceh. From the seventeenth century until the arrival of Dutch colonialists, Islamic judges or *qadi* made legal rulings based on a combination of *syariah* and customary law, or *adat* (ICG 2006, p.2). In 2004, Aceh, one of the poorest provinces in Indonesia, (see Figure 2), was devastated by a Pacific tsunami. Its people had previously suffered at the hands of Indonesian military forces

brutally responding to the Acehese separatist movement. Such destruction and loss of life have made the poverty-stricken province particularly amenable to the influence of conservative Islam.

#### ***QANUN* No.11 / 2002: FOCUSING ON MORALITY**

*Qanun* No. 11 / 2002 is the regulation that requires all women to wear Muslim dress: clothing that covers the *aurat*, or knee to navel for men and the hands, feet and face for women. This must not be transparent, must not show the shape of the body, and must be worn at all government offices and educational institutions (ICG 2006, p.6). It is this restriction that has come under much scrutiny by women's NGOs, who believe its enforcement is discriminatory towards women: often the rule requiring men and women to cover the *aurat* is only enforced in regard to women.

Some of the most commonly punished infringements of *syariah* law are its morality-based provisions – sex out of marriage and inappropriate dress. Early this year a young Acehese couple were publicly caned for having sexual relations out of marriage (*The Sunday Mail*, 14 January 2007, p.39). Women have been publicly whipped for being out in public with men who are not their husbands (Perlez 2006a), flogged for kissing their boyfriends in public (Cochrane 2006), and arrested for not wearing headscarves. The International Crisis Group (ICG) reported in 2006 that a proposed revision would extend punishment to unmarried couples holding hands, kissing or 'not covering the body properly' in front of each other (ICG 2006, p.12). The provisions and timing of these changes, parallel with the introduction of the Anti-Pornography Bill, illustrate recent conservative religious preoccupation with these issues.

## CONSERVATIVE GROUPS MEET PUBLIC APPREHENSION

Conservative groups within Indonesia have applauded the introduction of *syariah* to Aceh.

Muhammad Ismail Yusanto, a spokesperson for the conservative Islamic group *Hizbut Tahrir*, has openly declared his group's support for *syariah*:

‘[W]e complain that life is getting harder and more unsafe, the prices of everything are rising, immorality is rampant, pornography is easy to find...why do we just ignore Islamic law, which we believe must surely be able to solve all our problems and regulate the life of society properly?’  
(Hooker 2007, p.143).

FPI and the now defunct *Laskar Jihad* had also demanded *syariah* be implemented in Indonesia (Riddell 2005, p.168-169). By contrast, leaders of both NU and *Muhammadiyah* publicly expressed opposition to the implementation of *syariah* in Indonesia (van Doorn-Harder 2006, p.56). According to a 2002 survey, seventy one percent of Indonesians supported the application of *syariah* in one way or another, although academics and liberals are concerned that many do not know what *syariah* would actually entail (van Doorn-Harder 2006, p.262). Indonesian women may now be substantially less supportive of *syariah*, if only because of the way it has been applied in Aceh. Also indicative of significant disquiet towards *syariah* was PKS' decision to exclude the implementation of Islamic law from its policy platform before the 2004 election (van Doorn-Harder 2006, p.56). This public wariness towards the creation of an Islamic state and Islamic law provides further incentive to women's NGOs to lobby against *syariah* and its conservative implementation in Aceh, and further supports the contention that they are capable of modifying conservative thinking.

## LIBERAL BASIS BUT CONSERVATIVE-INSPIRED ENFORCEMENT

Officially, Acehnese *syariah* is liberal in nature, based not only on the *Qur'an* and *hadith*, but on interpretation or *ijtihad* of scholars from the four schools of Islamic jurisprudence, as well as an assessment of public needs (ICG 2006, p.7). This liberal basis is supported by the assertions of the *Syariah* Office head, Al-Yasa' Abubakar, who 'explicitly rejects a salafi [Wahhabi] approach, calling it an effort to turn the clock back to the seventh century CE, and stresses the importance of making Islamic teachings relevant to modern challenges' (ICG 2006, p.7).

Nevertheless, this ostensible liberal approach does not mean the law is free from conservative influences. *Qanuns* are subject to drafting by executive and legislative branches of the Acehnese government; making their creation open to the influences of conservatively-inclined politicians and their patriarchal interpretations of the *Qur'an*. Also of concern is that the offence of *khalwat*, or illicit relations between men and women, has no particular punishment prescribed in the *Qur'an* or *hadith*. This makes offenders liable to overtly strict punishments by those conservatives intent on imposing harsh punishments on women. In Takengon, women found in public unaccompanied by a husband or male relative after 10pm may be subject to prosecution under Aceh's *khalwat qanun* (ICG 2006, p.13).

Religious police charged with enforcing *syariah* in Aceh have pursued their task with zeal. Over a nine month period between 2005 and 2006, Aceh's Vice and Virtue patrol or *wilayatul hisbah* have publicly flogged more than 135 people, many of them women, for violations of *syariah*. These 2500 policemen have been described as 'a power unto themselves – uneducated, arrogant young men operating outside of any legal framework or rules' (Cochrane 2006). They are financed by the central Indonesian government (Riddell 2005, p.179), a sure indication of the state's attempts to appease conservative forces within its regions. They appear to have modeled themselves on the notorious religious police of Saudi Arabia of the same name, responsible for an horrific incident in

2002 where they refused to allow schoolgirls trapped in a burning school to flee because they were deemed ‘inappropriately’ dressed according to Saudi law (BBC News, 15 March 2002).

A more concerning issue is a demand by the head of Banda Aceh’s *wilayahul hisbah* for more discretionary powers in enforcing *syariah* law in the province. Equally alarming for Acehnese women is that *syariah* implementation in Aceh has prompted a plethora of self-appointed enforcers of its dress code, eroding still further the freedoms of women (Chandrakirana & Chuzaifah 2004, p.15). According to the ICG report, the establishment of *syariah* and the actions of the WH have led ‘to a kind of religious vigilantism, with conservative Muslim groups taking enforcement into their own hands’ (2006, p.9), exemplified by the informal patrols and arrests by the self-appointed Anti-Vice Team. The Acehnese police force now inspects women to ensure they comply with dress standards. Young women without the *jilbab* have been attacked by young men with scissors who have forcibly cut off their hair (Chandrakirana & Chuzaifah 2004, p.15).

## WOMEN’S RESPONSES

In early March 2006, hundreds of Acehnese women took to the streets in protest against what they view is a discriminatory application of *syariah* and the heavy-handed tactics of its enforcement officers (Cochrane 2006). Their actions are supported by vocal women’s NGOs.

### **Arab-inspired *syariah* and its accompanying interpretations**

Farha Ciciek, former leader of the women’s NGO RAHIMA, has openly criticised the traditionalists she sees as responsible for advocating implementation of Islamic law in Indonesia. She adds,

[W]e disagree with those who insist that Islamic law is a signed and sealed package. Islamic law must be interpreted according to the time, period, and place in which it operates ... And it is our commitment to this viewpoint that has created friction with more traditionalist streams of thought.

Here, in her advocacy of a contextualised reading of the *Qur'an* and the practice of *ijtihad*, Ciciek is clearly identifying RAHIMA as a liberal organisation, compared with conservative and traditional 'community groups struggling to promote the implementation of Islamic law, according to a very narrow interpretation'. She laments that 'the conservatives' view of Islam is 'based on perceptions that are centuries old.' (Ford Foundation 2007). Saldi, too, clearly identifies *syariah's* implementation as indicative of fundamentalist interpretations of Islam, and even 'state-sponsored fundamentalism' (Maychim & Pasimio 2002, p.16). Suraiya Kamaruzzaman of Flower Aceh is critical of what she sees as the 'Arabisation' of Islam embedded in Acehnese *syariah* implementation (Kamaruzzaman 2004).

Syafiq Haysim, the internal director of RAHIMA and an admirer of Amina Wadud, supports her assertion that *syariah* enables Muslim men to not only dominate their women but monopolise political power. He is concerned that *syariah* Islam in Aceh will be monopolised by those Muslims who believe women should be confined to the private sphere of the home, and who justify their stance by claiming the *Qur'an* and *Sunnah* do not afford women roles in the political sphere; and that men have superiority in handling public matters. He voices his concern that, if this is the case, 'how will groups concerned with women's issues be able to negotiate with the Council of the Conference of the Ulama of Aceh to influence Shariah Islam?' (Hasyim 2003). Kamaruzzaman attributes the victimisation of women that has characterised implementation of *syariah* law in Aceh to a narrow interpretation of Islam – what this thesis has termed a conservative Islam.

### **Vague and superficial provisions**

Those studying the implementation of *syariah* in Indonesia draw attention to the fact that no government official has defined exactly what *syariah* implementation in Aceh entails. Additionally,

no government official has clarified the precise legal limits of *syariah* (Salim & Azra 2003,p. 227). This is a common concern of women's organisations, and echoed by academics opposed to the way *syariah* has been implemented in Aceh. This lack of definition is another argument used by women in their attempts to have the system reviewed or withdrawn completely.

Kamaruzzaman laments that physical symbols of Islam such as the wearing of the *jilbab* have become the focus of enforcement. However, for local figures wishing to impose an inherently complicated set of legal dictates, regulations dictating women's dress and movements in the public sphere are the quickest and easiest method whereby local male politicians can demonstrate they have 'Islamised' Aceh. LBH-APIK Aceh is concerned that in Aceh Islamic law has been interpreted so as to cater to the self-interests of its interpreters – those in authority, inevitably misogynist males. She believes that true Islamic law values women but the *syariah* law formulated as state law in Aceh does not. (Farizal 2007, survey response, 14 September).

### **Women as targets**

Saparinah Sadli, former Chair of *Komnas Perempuan*, and her colleague Kamaruzzaman of the Acehese NGO, Flower Aceh, have echoed the common accusation made by women's NGOs that women have disproportionately been the targets of *syariah* in Aceh. She identifies the *syariah* regulation as 'the first time in history' that Indonesian women will be obliged by law to be fully covered from head to wrists and ankles when they are in public, and the first time that genders have been segregated in schools and sports (APWLD 2002, p.16).

### **Women's actions**

*Komnas Perempuan* is monitoring *syariah's* implementation in Aceh, including its impact on women's human rights, and engaging in dialogue with the local authorities about the policy

(Chandarakirana 2007, survey response, 6 September). SPEK-HAM has been less involved in the women's NGO movement against *syariah* in Aceh than in opposing the RUUAPP and in refuting *syariah*-inspired bylaws elsewhere, probably as the result of its Central-Java operational basis. SPEK-HAM has 'always communicated with our friends in women's organisations in Aceh to monitor cases that make women the victims of Islamic law implementation' (Suparno 2007, survey response, 18 September) but have avoided participating in the protest marches and the government lobbying of its other campaigns. Their reticence demonstrates the occasional disadvantage associated with women NGOs' regional focus.

## CONCLUSION

Whether or not *syariah* in Aceh was imposed at the demand of the Acehnese population, or whether its basis is in fact liberal, there is little doubt that women have become its primary targets as conservative local authorities and conservative Islamic elements within Acehnese society seek to implement it in a way that is both discriminatory and violent. Women's NGOs unanimously claim that *syariah* in Aceh and the WH unfairly target women, and question whether the law is truly based on *Qur'anic* principles or has been hijacked by misogynist conservatives. Another of their concerns is the lack of a clear definition surrounding *syariah's* implementation. Women's organisations are closely monitoring the implementation of *syariah* and all agree that it is linked with conservative Islamic elements in society, but it remains to be seen whether their efforts will modify the impact of the legislation on Acehnese women as lobbying and staged protests have had no discernable effect on its implementation.



## **CHAPTER EIGHT: SYARIAH-BASED REGIONAL REGULATIONS**

In 2005, Tangerang in Banten province created a regional bylaw imposing clothing restrictions upon women and allowing for the arrest of suspected prostitutes. Many other provinces have since created similar regulations. These regulations have been of particular concern to women's NGOs and are examined in this chapter.

### **LILIES LINDAWATI OF TANGERANG**

The case of Lilies Lindawati of Tangerang illustrates the impact of these laws on women. Under Tangerang's Local Regulation on the Prohibition of Prostitution No.8 / 2005, police may arrest anyone in any public place whose attitude or behaviour seems suspicious, thus creating the impression that they are a prostitute (National Commission on Violence Against Women 2007).

Lindawati was apprehended by law enforcement officers at 8pm as she boarded a bus to return home from work. She was charged with being a prostitute and gaoled for three days (Perlez 2006a). Other women unaccompanied at night have been similarly arrested and accused of prostitution (National Commission on Violence Against Women 2007, p.2). Lindawati claims around twenty other women were detained at the same time (Perlez 2006b). Tangerang's mayor denied the regulation attempts to impose Islamic law on the province; rather that Tangerang is attempting to 'develop good morality, good behaviour, to be a more civilised society' (Perlez 2006b).

*Komnas Perempuan* has identified twenty five regional discriminatory policies. They include directives to wear the *jilbab*, provision for gender segregation in public pools, the outlawing of women seen in public without husband or male guardian, and allowing for the arrest of women at

night on the pretext they might be prostitutes (National Commission on Violence Against Women 2007, p.3). In Sulawesi, where three districts have passed *syariah*-inspired regulations, schoolgirls have been sent home for wearing clothes deemed immodest, and female government officials are required to wear the *jilbab* at work (Perlez 2006b). Padang Pariaman in West Sumatra, Bengkulu in South Sumatra, Batam in Riau and Tasikmalaya have all introduced similar bylaws. Padang schoolgirls must wear the *jilbab*, regardless of their religious persuasion (Allen 2007, p.107). In Padang Panjang women must be indoors after 10pm (van Doorn-Harder p.262). In West Sumatra, under the Bill on Social Ills, women are banned from going out at night without a guardian.

## WOMEN'S RESPONSES

### Harmful to women

All women's organisations studied by this thesis agree that bylaws introduced by local governments not only harm women but have specifically chosen women as the targets of their conservative Islam-inspired regulations. As such the laws have been labelled as discriminatory and oppressive.

Consequently, in obvious reference to the implementation of *syariah*-inspired bylaws, Kamala Chandrakirana has named 'ensuring fulfilment of legal guarantees of women's constitutional rights under regional autonomy' as one of the most important issues facing Indonesian women today (Chandrakirana, 6 September 2007).

### Demeaning and Criminalising women

*Rifka Annisa* is concerned that regional regulations are based on presumptions of women that are biased and discriminatory (Saeroni, 20 September 2007). The organisation draws particular attention to stipulations that women wishing to leave the home at night must be accompanied by a male relative or male family member. *Rifka Annisa* asserts such regulations reflect government ignorance

of the real life experience faced by many women; for example it is often the male family escorts themselves who perpetrate violence against women. Equally as important is the presumption inherent in regional bylaws that it is women who incite sex-related crime. This is reflected by dress regulations and curfews implemented throughout Indonesia's provinces. According to *Rifka Annisa*:

'It should be that those who need to be regulated and controlled are the perpetrators of crimes, not the women. It is as if it is the woman who is the trigger or cause of the crime happening, thus she must be controlled.' (Saeroni, 20 September 2007).

### **Clothing and Morality**

Masruchah, General Secretary of KPI believes unequivocally that regional bylaws discriminate against women: 'In some regencies in South Sulawesi province, the bylaws require women to wear Muslim clothes but they do not prescribe the same thing for men' (Review of shariah law 2006). Erdani echoes this accusation. RAHIMA is working to strengthen women's access to education and political participation in four nominated areas of West Java (Fariborz 2007). Masruchah notes that much of this legislation is focused on regulating women's clothing: 'women are seen as 'good women' only if they wear Muslim clothes.' This demonstrates the perceived nexus between women's clothing and women's morality. KPI also believes that the concept of morality has been misused to introduce the oppressive regulations (KPI 2006a). Since local governments are exceeding their jurisdictions in creating such religious-based regulations, it is in their interests to justify them as being based on morality rather than religion. These local authorities may also have surmised that liberal Muslims will find it more difficult to criticise regulations officially created to protect the morality of Indonesian society.

### **Inciting violence**

*Rifka Annisa* is disturbed that regional regulations are based on the assumption that it is women who incite crimes of violence and rape. Furthermore, the criminalisation of women inherent in these measures, promotes and condones violence against them:

‘[I]f there is a woman who doesn’t wear the jilbab or wears skimpy clothing who experiences violence or is raped, people tend to be able to accept it or consider it fair, and that it occurs because it is the woman who invites the crimes. [It is] assumptions like this [that the *perda* and the RUUAPP are based on] that I think are biased against and discredit women.’ (Saeroni, 20 September 2007).

### **Pluralism**

*Komnas Perempuan* is concerned that the bylaws threaten Indonesia’s pluralism; the preservation of which must be a focus of women’s activism (Diani 2006b). The pluralism of customs, religious beliefs and ethnicities is important in an archipelagic nation as large and diverse as Indonesia, and is enshrined in Indonesia’s constitution (See Chapter Four).

### ***Perda* and misogyny**

Farizal of LBH-APIK is concerned that although Islamic texts address issues of women’s rights, women are discredited repeatedly when texts are interpreted in a misogynistic way. This misogyny, inherent in the practical implementation of ‘Islam’, is made possible because interpreters of these religious texts are invariably men (Farizal 14 September 2007). Masruchah of KPI believes that the laws have been created at the insistence of fundamentalist groups which aim to turn Indonesia into a theocratic state. She believes that many Indonesian residents are dissatisfied with the laws, justifying the formation of an organised movement (*BBC Monitoring Asia Pacific* 2006) to express women’s concerns publicly in attempts to repeal the regulations.

### ***Perda* as incorrect *Syariah***

Indonesian women activists interpret regional regulations as a means of introducing *syariah* by proxy. Erdani, of the women's NGO RAHIMA, rejects the 'patriarchal discourse' embodied in Indonesia's *syariah*-inspired regulations: 'this is the reason why we reject sharia laws in Indonesia – because they do not represent the real Islamic Sharia, but only a politically instrumentalised Sharia.' (Fariborz 2007). LBH-APIK Aceh assumes that Tangerang's law is based on *syariah*. The belief that the laws do not represent *true syariah* is widespread among female activists. They attribute this to a range of reasons – the influence of Indonesia's pre-Islamic patriarchal culture and indigenous belief systems; decontextualised readings by male exegetes; and deceitful misreadings by conservatives trying to oppress other societal groups in order to maintain political power.

### Women's actions

Women's organisations appear to have been more active concerning the issue of specific discriminatory local regulations in provinces such as Banten rather than in protesting the implementation of *syariah* in Aceh. No organisation offered an explanation. It is likely they feel chances of annulling such specific regulations little by little are greater than those of overturning the national government-approved *syariah* in Aceh. Possibly they are also more concerned by the plethora of regional regulations because they impact larger areas of Indonesia.

*Komnas Perempuan* believes these local laws that impose dress regulations and curfews violate and undermine the national constitution, and as such is working to build a network with other groups pushing for judicial review of laws regulating women's bodies, behaviour and mobility (Chandrakirana, 6 September 2007). LBH-APIK is one of three organisations that make up the Coalition for Opposition to Discriminating Local Ordinances. The group has formally requested the Indonesian Supreme Court review the Tangerang regulation within three months (Fidrus 2006, p.2).

A successful precedent in this case would significantly advance the cause of women's NGOs throughout Indonesia.

Women's NGOs prevented the ratification of the draft 2001 regional regulation of Minangkabau in Western Sumatra. This is a significant achievement of the women's movement in their efforts to combat the woman-discriminatory regulations. The draft resolution sought to impose a strict dress code on Minangkabau women and prohibit them from leaving their homes at night unless accompanied by a male guardian. Both LBH-APIK and KPI campaigned against the proposed legislation, because it violated not only the constitution but CEDAW, (Wieringa 2006) which Indonesia ratified in 1984 (See Chapter Five). KPI has specifically named the Tangerang law, with its provision for seizure of women violating its curfew, as violating the 1945 Constitutional Amendment that guarantees the upholding of human rights and democracy (KPI 2006b).

KPI, together with other human rights groups in early 2006 gathered in front of Tangerang's mayoral office to protest against the anti-prostitution regulation that they deem uses the excuse of morality to oppress women (KPI 2006a). This protest was countered by the protests of conservative Islamic groups who pelted women protestors with stones and forcibly removed their *jilbabs* (KPI 2006a). Such violence and confrontation exemplifies the dangers faced by women speaking out against discriminatory legal measures.

SPEK-HAM supports the 'struggle to revise or refute the arbitrary application of these regulations' (Suparno, 8 September 2007) and cooperates closely with KPI in Tangerang by providing them with technical as well as moral support. SPEK-HAM's own working area is in Central Java. They carry out 'prevention activities' in adjoining areas so that the same discriminatory policies are not

expanded into their own. This demonstrates again that despite the many advantages of the regional orientation of many women's NGOs, cooperation between regional groups can be of benefit.

SP is in the process of researching local *syariah* law implementation and its impact on Indonesian women (Rahayaan, S. 2007, pers. comm. 9 September). Comprehensive research conducted by liberals is important in the struggle against the discriminatory local regulations discussed in this chapter. It is important that women's organisations protesting against the regulations demonstrate their negative impact on women. The government may also be more likely to accept this reasoned approach to the issue, rather than the protest actions that have so far proven unsuccessful.

### CONCLUSION

Indonesian women's NGOs unanimously decry regional regulations which impose curfews on women and which introduce mandatory dress codes. Morality is cited by several women's NGOs as merely an excuse for the discrimination and oppression supported by conservative Islam. Responses to these regional laws have revealed the diversity of Indonesian women's NGOs: some believe they violate women's rights and infringe on Indonesia's fragile democracy, others highlight that the regulations will encourage violence against women. There is little doubt amongst women's NGOs that the laws are based on selective readings of the *Qur'an* as a means of implementing *syariah* by stealth: 'creeping syariah', according to Peter Riddell (2005). Indonesian society is susceptible to the introduction of such regulations because of increasing conservatism, according to Muhammad Saeroni of *Rifka Annisa*. Women's NGOs have been most active around the issue of these regional regulations, encouraged by their success in forcing the dismissal of the Minangkabau 2001 draft law.

## CHAPTER NINE: CONCLUSION

This thesis has addressed how the increasing conservatism of Indonesian Islam is affecting women, and how women activists are responding to this phenomenon. Its focus is on three legal legislative measures: the RUUP, *syariah* law in Aceh, and regional laws based on *syariah* law. Laws introduced to protect free speech and devolve substantial power to Indonesia's provinces have, as well, allowed conservative Islamists to insert patriarchal and misogynistic ideologies into government policy and regulation. This same ideology, so repressive of women's rights worldwide, is embodied in the Anti-Pornography Bill, *syariah* law in Aceh, and *syariah*-inspired regional regulations. Women's NGOs interpret all three as attempts by predominantly male Indonesian authorities to exert control over women's bodies, mobility, and activities (Umar, 19 September 2007). This is the view of all NGOs canvassed and supports the thesis that the three legal measures outlined above embody the most discriminatory elements of conservative Islam.

Provincial women, already suffering the effects of poverty and patriarchal local cultures, are now subject to restrictions on their dress, movements and displays of public affection. Violations of these restrictions subject women to exorbitantly high fines, gaol sentences, public canings and the violence of conservative Islam-inspired vigilante groups.

Women, however, have not been the passive recipients of this state condoned and locally implemented conservatism. They have established women's NGOs that vehemently and vocally defend the rights of Indonesian women.

The women's NGOs studied agree that the original RUUAPP and the amended RUUP, *syariah* law in Aceh and various *perda* are discriminatory towards, and unfairly target, women. All believe that a



re-interpretation of Islamic texts, with a focus on gender equality as undertaken by the Muslim feminists discussed in Chapter Three, will benefit women. As such it is these imported techniques and arguments that are employed by Indonesian female activists in their attempts to combat the increasing Islamic conservatism that has been, and will be, so detrimental to women.

### **IMPLICATIONS OF HISTORY AND POLITICS**

Indonesia's complex social, religious and political history and the evolving relationship between the state and religion have important implications for Indonesian women. Islam has been intermittently co-opted by the state, as demonstrated by Suharto's alternate repression and courting of the Islamic community. This perceived manipulation of religion by the state is of concern to Indonesian women should the state decide to promulgate those tenets of Islam that further suppress women's freedoms. Fortunately, the mass organisations *Muhammadiyah* and *Nahdlatul Ulama* with their multi-million membership base, have historically exerted a moderating influence over Indonesian Islam. However, because of the size of these organisations and the influence they exert over their members, there is concern over what may happen if their leadership trades its current moderate rhetoric for conservative rhetoric. The *Pancasila* is another, somewhat less specific guarantee of the protection of women's rights because it enshrines pluralism within the Constitution. However this level of protection depends upon the state's interpretation of the term 'pluralism'.

### **WOMEN'S RESPONSES: DIFFERENT MEASURES OF SUCCESS**

Women have not been passive recipients of increasing Islamic conservatism in Indonesia. Women's organisations have used their expertise as defenders of women's rights to condemn those measures that they claim discriminate against women and are an infringement of women's rights and that they stem from decontextualised, selective and sometimes blatantly incorrect interpretations of Islamic

texts. Women's NGOs in Indonesia have been vehement in their criticisms of the RUUP and what they categorise as locally inspired, government supported regulations based upon a patriarchal interpretation of religious texts. They have voiced their concerns through radio campaigns, educational programs, articles on their websites, and using the mass media. They have also responded to written and verbal communications, such as those surveys that provided much of the primary source material for this thesis. They have staged demonstrations advertising their rejection of the conservative Islam-inspired laws and approached local and federal governments as well as the Indonesian Supreme Court with their concerns and complaints.

Those organisations discussed in this thesis do not constitute the only non-government women's organisations in Indonesia. However, they are the best known and most vocal. Furthermore, only those active in refuting the RUUP, *syariah* in Aceh, or *syariah*-based *perda* were considered, and of these only those which were willing to detail their activities in response to my survey questionnaires were analysed. The convergence of their responses is indicative of the common views of these women activists. It is statistically probable that other small-scale organisations would have spoken out against these legislative measures had they been contacted, although smaller groups may have been more concerned about reprisals.

The success of female activists and their NGOs in Indonesia cannot be measured against the same standards one might apply to feminists in Western countries. Indonesia presents great difficulties for feminists, and even more so for women's activists. Indonesia has a long history of repression of civil society. It is a fledgling democracy that has only just emerged from a thirty-year period of authoritarian rule. Provisions still exist that subject NGOs to strict government control. In Indonesia, the terms 'feminist', 'feminism' and even 'gender' still create disquiet among Indonesians

(Robinson, Bessell, 2002, p.7). In this environment it is a remarkable accomplishment that these NGOs even dare to criticise government policy, let alone publish their views.

Undoubtedly these organisations, through their campaigns and condemnation of the laws, have raised public awareness of the plight of Indonesian women, and have highlighted the discrimination against them. Furthermore, their actions have in practice provided the impetus for policy change: success has been attained in the Minangkabau area where draft legislation imposing a curfew and dress regulations on women has been withdrawn and, on a national scale, the RUUAPP has been modified.

Increasing cooperation and networking between women's NGOs will assist in efforts to defend women's rights. Already many women's NGOs explicitly name networking as one of their objectives and activities: *Komnas Perempuan*, *Solidritas Perempuan* and SPEK-HAM all view this fostering of cooperation and networks between women's NGOs as an integral component of their work in the defence of women's rights. Director of Flower Aceh, Suraiya Kamaruzzaman, believes that defending and promoting women's rights is 'now much easier than before, as many organizations are working on similar issues, including organizations facilitated by FA during its early days.'

## CONTINUING CHALLENGES

### Local Elites

Decentralisation has afforded regional governments increased power. This has meant Indonesian women are now faced with discriminatory and patriarchal policies at the local and federal levels. Although it was the federal government that granted Aceh permission to implement *syariah* law, it is regional governments that are responsible for implementing and monitoring adherence to their

particular regulations. The federal government exerts little supervision over the administration of these laws, either because of lack of resources, motivation, or both. Rural women particularly, are at the mercy of local elites as a consequence.

### **Poverty as an obstacle**

Poverty is a fact of life for the majority of Indonesians. Their day in most cases is devoted to the duties that ensure survival, with little time for advancing social conditions through political action. Poverty is thought to be one condition leading to an acceptance of conservative forms of Islam as marginalised and poverty-stricken Muslims react to the failure of their governments to provide for them. This is obviously not the only explanation, because there are conservative Muslims worldwide who do not live in poverty. Even so, Karen Armstrong and Abou el Fadl identify Muslims' frustrations with their current situation as contributing to their turning to conservative forms of Islam to address their rage and insecurity. Undoubtedly, poverty-stricken, war-ravaged and tsunami-damaged Aceh is a perfect contender for this orientation towards conservative Islam, with its strict enforcement of *syariah* law. As a third world economy struggling to free itself from debt and with forty nine percent of its population living in poverty, Indonesia in general is particularly susceptible to the ideas of conservative Islam. Many consider a strong Islamic state as a panacea which will relieve them from the stress of their daily lives. It is poverty that also undoubtedly restricts the ability of women's NGOs to respond to conservative Islam: for the many women's NGOs consulted for this thesis, all were partially reliant on fundraising activities and member donations or membership fees. This is inevitably a limited and precarious source of funding considering the poverty that is endemic throughout Indonesia. Finally, the fact that women's NGOs are a minority in Indonesia compared to other NGOs focused on social and economic issues could

be attributed to poverty, as basic economic concerns have priority over gender injustice in an impoverished nation.

### **Indonesia's size as an impediment to the protection of women's rights**

Indonesia's sheer size presents a major impediment to women's groups. There are over three hundred and sixty regional governments. Not only will the federal government struggle to monitor the legality and fairness of their regulations, but women's NGOs will struggle to address and confront the thirty or so regulations *Komnas Perempuan* has deemed discriminatory against women. Indonesia's one hundred and twenty million female citizens cannot all be represented by the handful of women's NGOs studied here, no matter how strong their dedication to the task. Primarily Java based women's NGOs will struggle to deal with the discriminatory regulations and policies that have proliferated in Sulawesi and Sumatra, and will struggle to represent those women who will be affected by the RUUP in remote areas of the archipelago.

### **The state as an impediment to women's rights**

The contemporary Indonesian state itself comprises one of the biggest challenges to those defending women's rights. The post-Suharto state retains vestiges of its authoritarian past. Politics itself is overwhelmingly a male domain and there is extremely limited representation of women in parliament. The state has politicised Islam in the hope of gaining the support of conservative elements within society, and the new powers devolved to regional governments have allowed local politicians to exploit the situation, often to the detriment of women.

**LOOKING TO THE FUTURE**

Women in Indonesia are undoubtedly the gender most maligned as a result of the increasing conservatism of Indonesian Islam as manifested in the RUUP, *syariah* law in Aceh and *syariah*-based *perda*. However, they have refused to allow themselves to be portrayed as the passive victims of these discriminatory policies: Indonesian women's NGOs have been vociferous in their condemnation of the legislative measures and have continued to protest the implementation of these laws. These women are Indonesia's new wave of Islamic feminists. They face formidable challenges in the repressive and poverty-stricken environment that is Indonesia, but their commitment gives hope to the thesis that Indonesian women will not be entirely suppressed and overwhelmed by conservative Islam. Indonesian activists themselves are hopeful. Says Kamala Chandrakirana:

There are multiple faces of the women's movement emerging ... There is the whole new, young generation coming up. We have reason to be confident it is happening (Diani 2006b).

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