

**THE WAR AGAINST WOMEN:
GENDER BASED VIOLENCE IN INDONESIA.**

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In 2007, more than 30 students from all over Indonesia gathered together in a hotel in Jakarta to declare a petition: "No to Violence Against Women!" These young students felt strongly for their cause after learning and discussing for two days about women and violence in the first conference of "Women for Peace " in Jakarta, 30 April-1 Mei 2007. They dedicated their time and energy to write papers on the theme "Women for Peace". Eighteen students published their papers in the book titled "Women for Peace, Students' Essays (WFP-SE)", published by the Department of Philosophy, University of Indonesia, in July 2007.

Andi Ghebi Wim, a high school student from Kendari, Sulawesi, wrote that gender inequality and gender bias are the main cause for poverty in Indonesia. He claimed that the government has neglected women's rights as human rights. Another student, Indah Yusari from SMA Negeri I, a high school in Banten, West Java, questioned the meaning of peace. She asks, "Peace for whom? If my neighbor beats his wife and the police does not think it's a problem, then, peace only belongs to those who has power" (WFP-SE, 2007, pg. 109-111). Kadek Dwityawati , a student from Bali, wrote that women in Indonesia is a second class citizen (WFP-SE, 2007, pg.127). She noted especially in the Balinese tradition, women have no voice, they are confined to tradition and religious authorities.

These young Indonesians, the future of Indonesia's leaders were critical in their papers, insightful and most of all they care about the future of women in Indonesia. Both male and female students understand the importance of gender equality for the future of Indonesia. They realized that democracy without women is not democracy. A democratic state should include women's participation.

Listening to the voice of the younger generation of Indonesia in the Women for Peace Conference I in Jakarta, there appears to be hope. However, this is not the case for the survivors of gender based violence that attended the conference and gave their testimonies. These women are survivors of the 1965 massacre and DOM (military zone) in Aceh in the 1990's. Their presence was a reminder that Indonesia has not given them justice to this day. Ignoring them, the war against women continues not only in conflict situations but in all private and public spaces. Thus, it has been downhill ever since.

The State Wars

In the conference, at least two forms of gender based violence were discussed, the 1965 PKI (Communist Party) massacre and DOM (Military Zone) in Aceh, Papua and East Timor (now

Timor Leste). The violence was considered as State violence, it was committed by the State in conflict situations. None of the cases mentioned have been brought to justice.

During the Indonesian authoritarian regime, gender based violence was identified mainly because of conflict situations and therefore dismissed merely as an unfortunate situation. Precisely because of this attitude, the organizers of WFP I conference, wanted to remind everybody that the survivors of the violence still exists and is still demanding justice. Put Muinah from Blitar, East Java, a survivor of the 1965 PKI massacre, addressed her problems in the conference:

Good afternoon everybody. I am one of '65 victims who have never received any attention from the government. I was arrested for 10 years without knowing what my mistake was. My children are still victims now because they are neglected from our community, seen as disreputable children. We want the government to rehabilitate our name because we are not communist. I was a member of Gerwani but that did not make me, what people call, a rebel. I suggest we also discuss the condition of '65 victims in this forum.

Put Muinah was a member of Gerwani (Indonesian Women's Movement), an organization that was banned after the 1965 massacre. Gerwani then named Gerwis (Women's Consciousness) started in 1951 led by Sutiye and Miyani from Dukuh Tembleng, a village in Lanjaran. They were struck by women's poverty and ignorance at the time. They decided to form a woman's organization that would work on education. They believed that by educating women, poverty would be eradicated. This organization became famous among the people who benefited their service. Gerwani was off course not only teaching women to read and write but was informing them of their rights, especially encouraging them to object to polygamy. When Suharto took power, Gerwani was labeled as a communist organization, they were ridiculed as "sluts" and was accused of helping PKI (Communist Party) murdering the Indonesian generals, known as the Lubang Buaya incident. To this day, in history books, Gerwani is portrayed as "loose" women who danced around the dead generals' bodies. Saskia Wieringa wrote in her book, "The Destruction on Indonesian Women's Movement" (1999), Gerwani was framed by the Indonesian Military. The pictures of the women dancing were not members of Gerwani, they were prostitutes from Halim and Senen in Jakarta, forced to dance in the nude and made them sign a confession admitting to the crime (Saskia Wieringa, 1999, pg. xxxvi).

When the 1965 incident occurred, Put Muinah was one among hundreds of women arrested and accused of PKI. They were put behind bars and was denied any trial, lost their family and was denied any rights. Most of these women families from husband to children even grand children were stigmatized, excluded from the community. Their children and grand children during the Suharto regime were denied access to public universities and government

jobs. Most of all, even after Suharto stepped down and a new regime is in power, the victims of 1965 still have not been rehabilitated.

Frustrations are mounting among the victims, sometimes they feel what the government said in public forums are just lip service for the sake of international image. In the WFP I Conference in Jakarta, Prof. Dr. Meutia Hatta, the Minister of Women's Empowerment, stated the government's efforts and achievement. The minister said:

Honored guests, the international community has acknowledged the vital role of justice, especially gender justice, in the fourth World Conference on women held in 1995 in Beijing, and the UN's outcome document in UN's 23rd Special Assembly titled "Gender Equality, Development, and Peace for the 21st Century." The government of Indonesia has also acknowledged this issue. It is shown on its assent on results of the two events and, in 2004, through its agreed conclusion on women and armed conflicts that called out for guarantee of women participation in reconstruction and rehabilitation process, access to social services and equal job opportunities. Government's commitment to eliminate gender discrimination has been proclaimed along with its ratification of Convention of Elimination of All Forms of Discrimination Against Women through Law Number 7 of 1984. Particularly to tackle domestic violence issue, the government passed Law on Elimination of Domestic Violence Number 23 of 2004 and Law Number 21 of 2007 on elimination of trafficking in person. Our government has been developing policies and work programs toward building gender equality through gender mainstreaming and other affirmative actions. (WFP I Conference, Jakarta, 30 April -1 May 2007).

Apparently the minister's elaboration of success did not impress the survivors that are present at the conference. Farida from Aceh, clearly expressed her disappointments and concluded that what the government says and does are two different things.

I only want to remind all of us, among this discussion about peace and justice, that our sisters in Aceh are living in injustice. They are victims of rape and sexual harassment whose existence has been denied by our government, which means these women can never expect any compensation and perpetrators can walk out freely. There is no use of discussing all over about peace and justice when we cannot enforce the justice itself on concrete problems around us. (WFP Proceedings, pg. 15).

Kemala Chandrakirana from Komnas Perempuan (National Commission of Violence Against Women), also stated that the government and International communities should do more. So far there has been minimum result.

One important finding from Poso is that women victims of violence were left in poor process as they have been neglected from reconstruction and reconciliation process and have not been able to access to available humanitarian assistance. Our special investigators in Poso found more than 50 sexual violence cases perpetrated by police or military officials, who ironically, were obliged to secure every citizen's security. A more heartbreaking finding is that half of the victims were of 14 to 18 years old. One result from continuous documentation we have conducted is that now we have a clear picture of violence against women in conflict situation. Victims are wife or family member over to proclaim their winning. Another result we gather is the fact that women's voice and interests have been neglected during post-conflict peace building process. (WFP, 2007, pg. 12-13).

State violence is not only a result from direct involvement but also a result from neglect or State omission. Such is the case of the 1998 May Rape where 152 rape cases of Indonesian-Chinese ethnicity were reported by Tim Relawan Kemanusiaan (Volunteer Team of Humanity). The rape occurred during the May Riots, after the shooting of the students who protested against Suharto. The report shows that the rape was systematic, meaning the women were targeted. This incident created a huge noise both in the national and international scenes, it also led to the birth of the national organization, Komnas Perempuan, formed by President Habibie. Unfortunately, the May Rape case, similar to other cases, is still in darkness.

The Religious Wars

The post Suharto period was expected to transform Indonesia to a democratic government, committed to citizen equality and human rights. But respect for women's equal rights, for example, the freedom to terminate a pregnancy, freedom of expression, freedom from polygamy, has not occurred. In short, Indonesia has enjoyed some political freedom, however, the civil liberties of the Indonesian people have not been protected.

The transition to democracy has not necessarily led to the liberalization of laws on gender and freedom of the individual. In fact it has led to the opposite. This is true in the case of women's sexual liberation where it is condemned and restricted both by the democratic elected government and the dominant religious institutions. For instance, in 2003, YJP conducted a research on shariah law. It was implemented in limited areas such as Sumatera: Aceh, Padang; West Java: Tasikmalaya, Cianjur, Ciamis; East Java: Jember. Shariah law designed in these regions govern three aspects of public life, (1) to eradicate social ills such as prostitution and gambling; (2) to enforce Muslim rituals, and (3) to enforce Islamic dress code such as head veiling for women. These laws also restricts the freedom of movement for women such as the case in Padang, where women are not permitted to be outside of their homes from 10 pm- 5 am (2004, p12,13).

A similar law is implemented in the municipality of Tangerang (West Java). 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 prostitutes (National Commission on Violence Against Women 2007). Lilies was detained for three days. She felt shamed and humiliated.

Recent development in Padang, goes as far as to force all students regardless of their religion to wear head veils (jilbab). An investigation by Jurnal Perempuan found many non-Muslim students feel uneasy with the dress code but they are too scared to oppose the rules (Guntur, Jurnal Perempuan Online, April, 2008). A report has also been published by Tempo on

the matter (TEMPO, Edisi. 08/XXXVII/14 - 20 April 2008). Padang's local law of 2005, instructed by the Mayor, declares that all students must wear Muslim/Muslimah attire and non-Muslims must adjust.

The women's organizations have protested endlessly on the implementation of Shariah based law. In the case of Aceh, they have documented incidents of violence from the local authorities such as shaving the heads of women who are not wearing their "jilbabs". They have also protested against public government signs urging women to cover themselves. Recent incidents include such as:

- ✓ women raided in Banda Aceh, 100 detained for not wearing a "jilbab" (20 May 2005).
- ✓ women not wearing "jilbab" have their hair cut off in East Aceh (25 May 2005).
- ✓ 2 women lashed 40 times for drinking alcohol (27 August 2005).
- ✓ 2 teenagers forced to marry after being caught together alone (28 Januari 2008).

Syariah law that has started in Aceh despite many women's organizations protests spread widely across Indonesia. Dewi Chandraningrum, an Islamic Scholar and feminist from Muhammadiyah University, Surakarta, noted that until 2006, at least 26 regions implemented Sharia law. Here are some of the laws she noted (2006):

Regulation Kabupaten Bulukumba (South Sulawesi) No 04/2003 regulating Muslimah uniform (which covers "aurat", that is all parts of body which is forbidden to be seen in the public except face and palm of the hand). The state obligates women civil servants to cover themselves which limit the freedom of women to express their civil liberty. If they refuse to abide the rule, it would cost their jobs.

Regulation Kabupaten Enrekang (South Sulawesi) No 6/2005 regulating Muslimah dress code.

Policy Letters from Bupati Cianjur No 025/3643/Org and No 061.2/2896/Org obligating for all civil servants to wear Muslim/ah uniform during the weekdays.

Regulation District Solok (West Sumatera) No 6/2002, obligation to wear Muslimah dress.

Walikota Padang Instruction (West Sumatera) No 0451.442/BinsosIII/2005, obligation to wear Muslimah dress.

Regulation Kabupaten Maros (South Sulawesi) No. 15, 16, 17/2005 about Quranic illiteracy, Muslim/mah dress and zakat management.

Policy Letters Bupati Garut about Muslimah dressing for all women civil servants.

Kabupaten Gowa regulation which obliges all civil servants to wear jilbab and study Islamic teaching.

Policy Letters Bupati Tasikmalaya No 451/SE/04/SOS/2001 enforcing the quality of iman (faith) and taqwa (observance of Islamic teaching).

District Regulation Takalar (South Sulawesi) about Muslimah dressing.

Policy Letters Bupati Indramayu, regulating Muslimah dressing and Quranic literacy.

Religious based laws in Indonesia are becoming a trend. Both the government and religious leaders articulate policies extremely injurious to women. A recent controversial law passed by the parliament and signed by the president, Susilo Bambang Yudhoyono, is the pornography law. This law sought to regulate the use and spread of pornographic materials and related acts deemed pornographic. However, the definition of pornography includes sensuality and any movements, sounds, pictures, images and films that could provoke desirousness. In short, the law's purpose is not to regulate pornographic materials but to regulate women's bodies, denying women's sexuality in public space.

This law is heavily supported by PKS (Partai Keadilan Sejahtera), a political party based on Islamic platform, and is on the rise, winning recently North Sumatra and West Java in the local elections. PKS is also a key player to push syaria law in the district levels. Its website displays articles favoring polygamy, rejecting the rights of sexual minorities as well as condemning literary communities such as KUK (Komunitas Utan Kayu), that promotes Ayu Utami's novel, *Saman*, which is considered too sexual, too liberal and Western oriented.

The pornography law is a perfect example of how both the government and the religious leaders use euphemism. The euphemism usually used to promote female subordination is "protection of women and children". This is ironic, after all, which sex have always consistently been preying upon the other? Take for example for millions of women, the home is the most dangerous place they could be. Women suffer cruelties in their homes worldwide. The statistics of 2008 shows that 31% of women claimed they have been beaten by men in the US, 70% of women have been physically abused in Bolivia, 53% of women experienced domestic violence in Bangladesh, and in Indonesia a significant increase of domestic violence reported by various women's organizations. As Marilyn French quoted Charlotte Bunch in one of her personal communications in 1986, "if one ethnic or national group were attacking another, killing and maiming them at the same rate as men attack and kill women (and she is speaking only of intimates), the situation would be held to constitute a state of emergency or even war."

The Cultural Wars

Often when the women's organizations in Indonesia presented the statistic numbers of Indonesian women in poverty, maternal mortality, access to women in higher education or politics, men have dismissed the facts by saying that women are just simply not competitive or competent enough. It is hard to "prove" that there is a problem with men towards women or male hatred for women by citing statistics.

According to Marilyn French, the real attitudes of a society often lie buried from view, and can be extricated only by close analysis of behavior, language, and images (Marilyn French, 1992). Not too long ago, a well known "dangdut" (folk music) artist, Inul Daratista, was humiliated publicly by a much older prominent male "dangdut" artist, Rhoma Irama, for her dance. Rhoma Irama condemned the way Inul gyrated her hips when she dance. Rhoma calls it inappropriate and not suitable for Indonesian women to gyrate their hips. Once the "God" of

“dangdut” has proclaimed that the young Inul is out of line, all artists of dangdut, especially women are now afraid to express themselves by gyrating their hips.

Not only male “dangdut” artists are telling what female “dangdut” artists can and cannot do publicly, public officials are also issuing statements on how women should dance. Recently, the governor of Bandung, West Java, Ahmad Heryawan, ordered “Jaipong” dancers to cover themselves more conservatively, not using “kemben”, a traditional outfit that shows their bare shoulders and also not to shake their bodies too aggressively (Tempo Interactive, 7 February 2009).

A more absurd local law made by the mayor of Kota Batu, East Java, Imam Syono, is the idea of locking women’s underwear who are working in massage parlors. “All masseuses are required to lock their skirts and underwears”, states the local law. The mayor says in Kompas.Com on 3 April 2008, “At this point, this policy is just encouraged. But in the near future it will take into effect as a law administered by the city of Kota Batu”.

The women hatred culture in Indonesia has a long list and it is getting longer and longer. The language of high-ranking officials in the government is getting worst. For instance, one hardly knows whether to cry or laugh on learning the comments of the vice president of Indonesia, Yusuf Kalla, at a travel industry seminar on attracting more Arab visitors to Indonesia. Kalla noted that many Arab tourists currently traveled to Puncak - a hill town near Jakarta notorious for prostitution, where signs in Arabic at restaurants and hotels testify to the its popularity with Arabs - to enter into short-term marriage contracts with Indonesian women.

"We need different kinds of marketing campaigns, more targeted. At the moment most Arabs go to Puncak. If they go there looking for widows or divorcees that is not our business, it is not a problem. So what if the man goes home, the lady gets a small house, that is good isn't it?" (Associated Press, 29 June 2006).

The Vice President remark certainly is not helping. It is precisely in this pattern of short term marriage contracts that trafficking and bride sales are a serious problem in Indonesia. Government officials tend to dismiss the widespread problems of trafficking or play the rhetoric games but not showing really any efforts. Many NGOs are impatient and started their own efforts and working with survivors. Many NGOs set up various programs such as health care, welfare, economic opportunity and training.

Gender Justice

The question remains in this paper, whether, setting up programs by NGOs for survivors are sufficient? These efforts are important and yet survivors are always seeking for justice. What kind of justice do they seek? Do they want to take revenge against men? Do they want a “Guantanamo” like prison for bad officials who are careless and insensitive with their remarks?

Many survivors that I have talked to through YJP (Yayasan Jurnal Perempuan) define justice as recognition of what had happened to them. For example, Mardiyem, a survivor of “Jugun Ianfu” (Women Comfort) during the Japanese occupation in Indonesia, wanted only an apology from the Japanese government and a recognition that it happened to her. Mardiyem died in 2007 and never got what she wanted. This recognition from the community and the state will not completely heal their pain because it will always be painful, but it will give them some hope that whatever happened to them will never happen again to their children or grandchildren.

In other words, justice for women is not always just distribution of legal or economic. According to a number of theorist feminists such as Nancy Fraser (1995), redistribution justice aims to overcome social inequalities and hierarchies, where as recognition aims to win public acceptance, it claims to promote and affirm it.

Iris Marion Young, identifies five forms of injustice—exploitation, marginalization, powerlessness, cultural imperialism and violence. These forms of injustice are not adequately captured by distributive approaches (Young, 1990). There is a strong call to move beyond redistribution and it opens a new terrain about justice. Violence against women and homosexuals for instance is to some extent autonomous from questions of resource distribution. It is also the case with stigmatized persons or groups, they are not concerned with resource redistribution but with the redistribution of voice. A voice gives hope and change. A voice strengthens information and communication and a theory of justice that starts not from abstract forms but from concrete forms, from the voices of the survivors.

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Note:

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