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Research Report 2016

When and Why the State Responds to Women's Demands: Understanding Gender Equality Policy Change in Indonesia

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prepared for the UNRISD project on
When and Why do States Respond to Women's Claims?
Understanding Gender-Egalitarian Policy Change in Asia

Funded by the Ford Foundation

May 2016

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Cite this publication as:

Eddyono, Sri Wiyanti, Estu Fanani, Dini Anitasari Sabaniah, Yurra Maurice, Haiziah Ghazali, Juni Warlif, Sisillia Velayati and Farha Ciciek. 2016. *When and Why the State Responds to Women's Demands: Understanding Gender Equality Policy Change in Indonesia*. Research Report. Geneva: UNRISD.

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Acronyms

| | |
|------------------------|---|
| ADBMI | Advokasi Buruh Migran Indonesia (<i>Indonesian Migrant Workers Advocacy</i>) |
| ALB | Aliansi Laki-Laki Baru (<i>New Men's Alliance</i>) |
| AMAN | Aliansi Masyarakat Adat Nusantara (<i>Indigenous People of the Nation's Alliance</i>) |
| APWLD | Asia Pacific Forum on Women, Law and Development |
| ASPPUK | Pendamping Perempuan Usaha Kecil (<i>Women's Small Business Owner Association</i>) |
| ATKI | Asosiasi Tenaga Kerja Indonesia (<i>Association of Indonesian Workers</i>) |
| AusAID | Australian Agency for International Development |
| BALEG | Badan Legislasi (<i>Legislative Agency</i>) |
| BAPPEDA | Badan Perencanaan dan Pembangunan Daerah (<i>Agency for Subnational Planning and Development</i>) |
| BEK SP Mataram | Badan Eksekutif Komunitas Solidaritas Perempuan Mataram (<i>Executive Board of the Mataram Women's Solidarity Community</i>) |
| BPfA | Beijing Platform for Action |
| BPM&KB | Badan Pemberdayaan Masyarakat dan Keluarga Berencana (<i>Agency for Community Empowerment and Family Planning</i>) |
| BPPKB | Badan Pemberdayaan Perempuan dan Keluarga Berencana (<i>Agency for Women's Empowerment and Family Planning</i>) |
| BPS | Badan Pusat Statistik (<i>Central Bureau of Statistics</i>) |
| BP3AKB | Badan Pemberdayaan Perempuan dan Perlindungan Anak dan Keluarga Berencana (<i>Agency for Women's Empowerment, Child Protection and Family Planning</i>) |
| CEDAW | Convention on the Elimination of All Forms of Discrimination against Women |
| CESCR | Committee on Economic, Social and Cultural Rights |
| CIDA | Canadian International Development Agency |
| CSSP | Civil Society Support Programme |
| CWGI | CEDAW Indonesian Working Group |
| DPR RI | Dewan Perwakilan Rakyat Republik Indonesia (<i>People's Representative Council of the Republic of Indonesia</i>) |
| ELSAM | Lembaga Studi Advokasi dan HAM (<i>Human Rights Study and Advocacy Organization</i>) |
| EXCEED | Eliminate Exploitive Child Labor through Education and Economic Development |
| FKP | Forum Keadilan Perempuan (<i>Women's Justice Forum</i>) |
| FP3BPTA | Forum Pemerhati dan Penggagas Penghapusan Bentuk-Bentuk Pekerjaan Terburuk Pada Anak (<i>Forum to Observe and Discuss the Elimination of the Worst Forms of Child Labour</i>) |
| FSPSI Reformasi | Federasi Serikat Pekerja Seluruh Indonesia Reformasi (<i>Indonesian Workers' Union of Reform</i>) |
| GEMA ALAM | Gerakan Masyarakat Cinta Alam (<i>People's Movement of Nature Lovers</i>) |
| GPP | Gerakan Peduli Perempuan (<i>Women's Care Movement</i>) |
| HTI | Hizbut Tahrir Indonesia |
| HWDI | Himpunan Wanita Disabilitas Indonesia (<i>Indonesian Association for Women with Disabilities</i>) |
| IAIN | Institut Agama Islam Negeri (<i>State Institute of Islamic Studies</i>) |
| ICESCR | International Covenant on Economic, Social and Cultural Rights |
| IDWF | International Domestic Workers Federation |
| IDWN | International Domestic Workers Network |
| IKIP | Institut Keguruan Ilmu Pendidikan (<i>Institute of Teacher Training and Pedagogy</i>) |
| ILO | International Labour Organization |
| INPRES | Instruksi Presiden (<i>Presidential Instruction</i>) |
| ISC | Integrated Service Centres |
| IWRAW-AP | International Women's Rights Action Watch—Asia Pacific |
| JAKERLA | Jaringan Kerja Layak (<i>Decent Work Network</i>) |
| JAKERLA PRT | Jaringan Kerja Layak Pekerja Rumah Tangga (<i>Domestic Workers' Decent Work Network</i>) |

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| JALA PRT | Jaringan Advokasi Nasional Perlindungan Pekerja Rumah Tangga (<i>National Advocacy Network for the Protection of Domestic Workers</i>) |
| JANGKA PKTP | Jaringan Advokasi Kebijakan Penghapusan Kekerasan Terhadap Perempuan (<i>National Advocacy Network for the Elimination of Violence against Women</i>) |
| JANGKAR | Jaringan kerja untuk advokasi penghapusan kekerasan dalam rumah tangga (<i>Advocacy Network to Eradicate Domestic Violence</i>) |
| JARAK | Jaringan Penghapusan Pekerja Anak (<i>Network to Eliminate Child Labour</i>) |
| JARI PPTKILN | Jaringan Advokasi Revisi UU No.39 tahun 2004 tentang Penempatan dan Perlindungan Tenaga Kerja Indonesia di Luar Negeri (<i>Indonesian Advocacy Network for the Revision of the Protection and Placement of Indonesian Workers Abroad Bill</i>) |
| JBM | Jaringan Buruh Migran (<i>Migrant Workers' Network</i>) |
| JKAPRT | Jaringan Komite Aksi Pekerja Rumah Tangga (<i>Action Network Committee on Domestic Workers</i>) |
| JKP3 | Jaringan Kerja Prolegnas Pro Perempuan (<i>Pro-Women National Legislative Programme Network</i>) |
| KAPRTBM | Komite Aksi Pekerja Rumah Tangga dan Buruh Migran (<i>Action Committee on Domestic and Migrant Workers</i>) |
| KOHATI | Korps HMIwati (<i>Indonesian Student Association Women's Corps</i>) |
| KOMNAS PEREMPUAN | Komisi Nasional Anti Kekerasan Terhadap Perempuan (<i>National Commission for Violence Against Women</i>) |
| KOPRI | Korps PMIIwati (<i>Indonesian Movement of Islamic Students Women's Corps</i>) |
| KOSLATA | Kelompok Study Lingkungan dan Pariwisata (Environment and Tourism Study Group) |
| KOWANI | Kongres Wanita Indonesia (Indonesian Women's Congress) |
| KPI | Koalisi Perempuan Indonesia (untuk Keadilan dan Demokrasi) (<i>Indonesian Women's Coalition for Justice and Democracy</i>) |
| KPP&PA | Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (<i>Ministry of Women's Empowerment and Child Protection</i>) |
| KPPD | Komite Perempuan Pro Demokrasi (<i>Women's Pro-Democracy Committee</i>) |
| KSBSI | Konfederasi Serikat Buruh Seluruh Indonesia (<i>Confederation of Labour Unions Across Indonesia</i>) |
| KSPI | Konfederasi Serikat Pekerja Indonesia (<i>Confederation of Indonesian Trade Unions</i>) |
| KSPSI | Konfederasi Serikat Pekerja Seluruh Indonesia (<i>Confederation of Trade Unions Across Indonesia</i>) |
| LARD | Lembaga Advokasi Rakyat untuk Demokrasi (<i>The People's Advocacy Institute for Democracy</i>) |
| LBH | Lembaga Bantuan Hukum (<i>Legal Aid Service Jakarta</i>) |
| LBH APIK | Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia untuk Keadilan (<i>Women's Association for Justice and Legal Aid</i>) |
| LBHI | Yayasan Lembaga Bantuan Hukum Indonesia (<i>Indonesian Legal Aid Foundation</i>) |
| LGBTI | Lesbian, Gay, Biseksual dan Transgender dan Interseks (<i>Lesbian, Gay, Bisexual, Transgender and Intersex</i>) |
| LKAAM | Lembaga Karapatan Adat Alam Minangkabau (<i>Minangkabau Traditional Customs Organization</i>) |
| LLB | Laki-Laki Baru (<i>New Men</i>) |
| LPA | Lembaga Perlindungan Anak (<i>Children's Crisis Centre</i>) |
| LP2M | Lembaga Pemberdayaan Perempuan dan Masyarakat (<i>Institute for Women's and Community Empowerment</i>) |
| LPSDM | Lembaga Pengembangan Sumber Daya Mitra (<i>Partners' Resource Development Organization</i>) |
| LPKP | Lembaga Pengkajian Kemasyarakatan dan Pembangunan (<i>Research Institute for Communities and Development</i>) |
| MoU | Memorandum of Understanding |
| MUI | Majelis Ulama Indonesia (<i>Indonesian Council of Ulama</i>) |
| MWSC | Muhammadiyah Women's Study Centre |
| NGO | Non-governmental organization |
| NTB | Nusa Tenggara Barat (<i>West Nusa Tenggara</i>) |
| NU | Nahdatul Ulama |
| NW | Nahdlatul Wathan |

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| PBHI | Perhimpunan Bantuan Hukum Indonesia (<i>Indonesian Legal Aid and Human Rights Association</i>) |
| PDIP | Partai Demokrasi Indonesia—Perjuangan (<i>Indonesian Democracy Party of Struggle</i>) |
| PeKka | Perempuan Kepala Keluarga (<i>Female-Headed Household Empowerment Programme</i>) |
| PGI | Persekutuan Gereja-Gereja Indonesia (<i>Council of Churches in Indonesia</i>) |
| PSIHA | Pusat Studi Informasi Hak Anak (<i>Centre of Information on Child Rights</i>) |
| PKDRT | Penghapusan Kekerasan Dalam Rumah Tangga (<i>Domestic Violence Eradication</i>) |
| PKB | Partai Kebangkitan Bangsa (<i>National Awakening Party</i>) |
| PKBI | Perkumpulan Keluarga Berencana Indonesia (<i>Indonesian Association for Family Planning</i>) |
| PKK | Pemberdayaan dan Kesejahteraan Keluarga (<i>Family Empowerment and Prosperity</i>) |
| PKS | Partai Keadilan Sejahtera (<i>Prosperous Justice Party</i>) |
| PKTP | Penghapusan Kekerasan Terhadap Perempuan (<i>Elimination of Violence Against Women</i>) |
| PROLEGDA | Program Legislasi Daerah (<i>Subnational Legislative Agenda</i>) |
| PROLEGNAS | Program Legislasi Nasional (<i>National Legislative Agenda</i>) |
| PSW | Pusat Studi Wanita (<i>Women's Study Centre</i>) |
| PUI | Persatuan Umat Islam (<i>Union of Muslims</i>) |
| P2TP2A | Pusat Pelayanan Terpadu untuk Perlindungan Perempuan dan Anak (<i>Integrated Service Centres for Empowering Women and Children</i>) |
| P3 | Partai Persatuan Pembangunan (<i>United Development Party</i>) |
| P3A | Pusat Perlindungan Perempuan dan Anak (<i>Centre for Women's and Children's Protection</i>) |
| RAN PKTP | Rencana Aksi Nasional Penghapusan Kekerasan Terhadap Perempuan (<i>National Action Plan for the Eradication of Violence Against Women</i>) |
| RTND | Rumpun Tjoet Njak Dien |
| RUU PKDRT | Rancangan Undang-Undang Penghapusan Kekerasan Dalam Rumah Tangga (<i>Draft Domestic Violence Eradication Bill</i>) |
| RUU PRT | Rancangan Undang-Undang Pekerja Rumah Tangga (<i>Draft Protection of Domestic Workers Bill</i>) |
| SA KPPD | Samitra Abhaya Kelompok Perempuan Pro Demokrasi (<i>Samitra Abhaya Women's Pro-Democracy Group</i>) |
| SANTAI | Yayasan Tunas Alam Indonesia (<i>Indonesian Tunas Alam Foundation</i>) |
| SBMI | Serikat Buruh Migran Indonesia (<i>Indonesian Migrant Workers Union</i>) |
| SCN-CREST | Semarak Cerlang Nusa, Consultancy, Research and Social Transformation |
| SKETSA | Studi Kebijakan dan Transformasi Sosial (<i>Policy Studies and Social Transformation</i>) |
| SP | Solidaritas Perempuan (<i>Women's Solidarity</i>) |
| UNRISD | United Nations Research Institute for Social Development |
| USAID | United States Agency for International Development |
| VAW | Violence Against Women |
| WCC | Women's Crisis Centre |
| WAD | Women and Development |
| WID | Women in Development |
| YASAKUM | Yayasan Sarjana Hukum (Legal Study Foundation) |
| YLBHI | Yayasan Lembaga Bantuan Hukum Indonesia (Indonesian Foundation of Legal Aid Organizations) |
| YLBH PIK | Yayasan Lembaga Bantuan Hukum Perempuan Indonesia untuk Keadilan (<i>Legal Aid Foundation—Justice for Indonesian Women</i>) |
| YPSM | Yayasan Prakarsa Swadaya Masyarakat (<i>Empowered Communities Initiative Foundation</i>) |

Summary

This study analyses gender equality policy change initiated by various women's movements in the context of Indonesia's democratization. It focuses on advocacy processes for the approval of laws and policies to address violence against women, the protection of domestic workers and unpaid care work. It explores how the state at various governance levels—national, provincial and district—responds to these policy demands. The report also examines the conflicting interests of religion and customs, and how these factors influence the state's response to pressure for policy reform.

In 1998, Indonesia underwent a change from the repressive, undemocratic New Order regime of President Suharto (1966–1998) to the New Democratic Era. At the same time, provinces and districts gained greater autonomy because of decentralization, which triggered a process of democratization at the subnational level. This new scenario provided an opportunity for civil society, including women's organizations, to participate and influence policy making at both national and subnational levels.

Movements with women's rights agendas emerged and strengthened their presence and voice during this period. The agendas included violence against women; gender relations within marriage; women's autonomy over their bodies and sexuality; access to economic rights, including the right to work; reproductive health; political participation; and gender mainstreaming. These claims were supported by a variety of actors, who often collaborated and networked with each other, including women's non-governmental organization (NGOs), human rights organizations, grassroots organizations and so on. A number of these demands have been broadly supported and successfully adopted by the state, representing significant wins for the Indonesian women's movement while other claims made by women—such as increasing protection for domestic workers—faced opposition.

To explore the processes of mobilization and policy change, the authors adopted a qualitative feminist methodology, using the following methods: interviews, observation, participant observation, focus group discussions, and review of academic and grey literature. The research fieldwork involved women activists with different backgrounds (NGOs, academics and members of religious organizations), members of government and parliament at national and subnational levels, and religious and customary leaders. The research focused on Jakarta, three provinces (West Sumatra, East Java, West Nusa Tenggara) and three districts (West Pasaman, Jember, East Lombok) that had existing advocacy initiatives, different kinship systems—matrilineal, patrilineal and parental—and traditions. The authors argue that social and political context an important factor influencing women's mobilization and policy change.

The report ends by listing key findings and recommendations to women's rights advocates, women's organizations, policy makers and customary leaders on how to foster and facilitate gender equality policy change.

The key findings include the following.

- *The process for policy change is political* and comprises negotiations among state actors, women's organizations and other civil society organizations, including religious and customary ones.
- *Women's organizations* are crucial in order to initiate gender equality policy change processes. The presence of the women's movements and the strength of their mobilization lead to successful outcomes, as in case of the mobilizations to end violence against women.

- *The state is not a single entity.* State actors are very diverse in terms of interests and priorities, which differ across political parties, within political parties and across governance levels.
- The *nature of the policy issue* matters as it affects the degree of (i) solidarity among women's organizations and (ii) of the support/resistance from civil society and the state.

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Research Team

The Semarak Cerlang Nusa, Consultancy, Research and Social Transformation (SCN-CREST) conducted the country study in Indonesia in collaboration with UNRISD.

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Acknowledgements

The research team is grateful to everyone that participated in the research for “When and Why the State Responds to Women’s Demands: Understanding Gender Equality Policy Change in Indonesia”. A special word of thanks goes to the research advisors, namely Kamala Chandra Kirana, Yuni Chuzaifah, Wiladi Budiharga and Mia Siscawati, for their input, critical insights, facilitation efforts and recommendations. Gratitude is also expressed to the People’s Movement of Nature Lovers (*Gema Alam*), the CEDAW Indonesian Working Group and *Tanoker* for allowing their staff to participate as part-time researchers for this project. Appreciation is also shown to the National Advocacy Network for the Protection of Domestic Workers (*Jaringan Nasional Advokasi Perlindungan Pekerja Rumah Tangga/JALA PRT*). Special thanks go to the National Commission for Women (*Komnas Perempuan*) for their support during the research process, and for facilitating a seminar to present research findings, held in Jakarta on 12 November 2015. Valuable support was received from UNRISD, particularly in terms of references provided and critical appraisal to draw out significant findings. Finally, much appreciation is shown to Nicole Davill for her willingness to assist the research team in translating this report into English, and to the team at SCN-CREST.

SCN-CREST Research Team

7 December 2015

Chapter 1. Background

1.1 Introduction

This study analyses gender equality policy change initiated by various women's movements in the context of Indonesia's democratization. It focuses on advocacy processes for the approval of laws and policies to address violence against women (VAW), the protection of domestic workers and unpaid care work. It explores how the state at various governance levels—national, provincial, and district—responds to these policy demands. The report also examines the conflicting interests of religion and customs, and how these factors influence the state's response to pressure for policy reform. Finally, it compares advocacy for gender equality policy change at national, provincial and district levels, and considers the similarities and differences.

With the transition from the New Order regime to the New Democratic Era in 1998, the social and political context in Indonesia experienced a dramatic shift, with a move toward a democratic and decentralized system of governance. The New Order regime, which ruled from 1966 to 1998, focused on social integration and economic stability under a centralized state. The regime tightly repressed and controlled the lives of Indonesian citizens under the rationale that this would lead to rapid economic growth (Robinson and Hadiz 2004). Following the demise of this regime, national women's movements, which were largely founded by non-governmental organizations (NGOs), advocated for policy change.¹

Women's movements with women's rights agendas emerged and strengthened their presence and voice during the New Democratic Era's climate of political change.² These agendas included: violence against women, both sexual and domestic; gender relations within marriage; women's autonomy over their bodies and sexuality; access to economic rights—including the right to work; reproductive health; political participation; and gender mainstreaming (Eddyono 2010b; Noerdin 2013). These claims were supported by a variety of actors, who often collaborated and networked with each other, including women's NGOs, human rights organizations, grassroots organizations, etc. A number of these demands have been broadly supported and successfully adopted by the state, representing significant wins for the Indonesian women's movement, including the establishment of the National Commission for Women in 1998³ and the approval of the Anti-Domestic Violence Law, 2004.⁴ Yet other claims made by women—such as increasing protection for domestic workers—faced opposition.

Various studies (Komnas Perempuan 2010; Eddyono 2010a) highlight that religious and customary ideologies, much as the women's movement, also tended to gain strength in the process of democratization and decentralization. For instance, the National Commission for Women identified at least 282 subnational policies with Islamic connotations that have an impact on women's lives (Komnas Perempuan 2010).

1.2 Research aims

This study is a part of the research project “When and Why do States Respond to Women's Claims? Understanding Gender-Egalitarian Policy Change in Asia”, coordinated by UNRISD. This project compares the processes of gender equality policy

¹ Anindhita and Aripurnami 2013; Blackburn 2004; Noerdin 2013.

² Anindhita and Aripurnami 2013; Blackburn 2004; Budianta 2006; Munti 2008a; Noerdin 2013; Robinson 2009.

³ The National Commission for Women was established on 15 October 1998 under Presidential Decree No.181/1998, updated by Presidential Regulation No.65 and 66 in 2005.

⁴ Budianta 2002; Chandrakirana et al. 2009; Komnas Perempuan 2008, 2010.

change in China, India and Indonesia, and focuses on the issues of violence against women, protection of domestic workers and unpaid care work. The research aims to provide insights on:

- i. the complex processes through which advocates for women's rights articulate their demands, and strategize with other actors both within and outside the state realm, and transnationally, to bring about policy change;
- ii. the "blind spots"—issues on which there has been little advocacy, or where advocacy does not enter policy debates, despite their centrality to women's lives and well-being; and
- iii. the proactive role of other actors, nationally and transnationally, in triggering policy change (UNRISD 2013:1).

In the Indonesian context, the country study focuses on the same three issues (violence against women, domestic work and unpaid care work) and proposes:

- i. analysing the dynamics of processes of gender equality policy change initiated by the women's movements at national level and at subnational level; and
- ii. exploring whether the state's response to women's demands is influenced by democratization and decentralization, the presence of religious and customary actors, and international organizations.

At national level, this research examined the mobilization of women's movements aimed at influencing the national government and thus based in the capital, Jakarta. At subnational level, the research was conducted in three provinces: West Sumatra, East Java and West Nusa Tenggara; and in three districts within these provinces: West Pasaman, Jember and East Lombok. These six geographic areas have different social, cultural and religious systems. In particular, the kinship system differs across these provinces. West Pasaman and West Sumatra have a matrilineal kinship system; East Lombok and West Nusa Tenggara have a patrilineal kinship system; and Jember and East Java have a parental kinship system.

The social, cultural, religious and political context in the six geographical regions was carefully examined in order to understand the impact of these factors on the agendas and strategies of women's movements. The study also explored whether the unique situation in each geographical area influenced the strategies women use to pursue their demands and the state's subsequent response.

1.3 Research questions

To meet the research aims, the Indonesian research team formulated research questions valid at both national and subnational levels, but specific to each issue.

Regarding violence against women, the team examined the advocacy process for the approval of the Anti-Domestic Violence Law, 2004, and mobilization against sexual violence. The research questions for this issue are:

- i. How and to what extent did women's movements demand the approval of the Anti-Domestic Violence Law, 2004, and of anti-sexual violence policies at national, provincial and district levels?
- ii. What are the factors that encouraged the state (at national, provincial and district levels) to accommodate the demands of women's movements in passing the Anti-Domestic Violence Law, 2004?
- iii. To what extent is the state influenced by religious and cultural ideologies in legislating on VAW?
- iv. What is the role of international and transnational organizations in the advocacy process at all governance levels?

Concerning the protection of domestic workers, the team focused on the advocacy for enacting the Protection of Domestic Workers Bill and ratifying ILO Convention No. 189, 2011, at national level, and on mobilization efforts for passing by-laws at subnational level. The research questions are:

- i. To what extent do women's movements mobilize to support domestic workers and voice their demands?
- ii. To what extent does the state at all governance levels accommodate women's demands related to domestic workers?
- iii. What are factors that influence the state to accommodate (or not) these demands?
- iv. What is the role of international movements?

Finally, the research team explored whether women's movements advocate around women's unpaid care work through the following questions:

- i. To what extent is unpaid care work included in the agendas of women's movements?
- ii. If yes, what are the factors that trigger women's mobilization on unpaid care work?

1.4 Importance of the research

This research contributes to filling the knowledge gap on women's movements in Indonesia and their mobilization for policy change during the New Democratic Era.

First, it provides valuable insights to inform future mobilization efforts by analysing the historical context, opportunities, discourses and strategies, as well as the actors of successful mobilizations, such as the one for the Anti-Domestic Violence Law, 2004.

Second, it contributes to understanding ongoing advocacy processes, including mobilization for national laws to criminalize sexual violence and to regulate domestic work. The research findings can be crucial for Indonesian advocates to understand the pitfalls and the potential of ongoing mobilization efforts and how to be more effective in mobilizing societal support and influencing the state.

Third, this research plays a role in strengthening the analysis on how democratization and decentralization affect women's movements. In the case of Indonesia, knowledge about the impact of women's movements on policy change and about the conflicts between religious and customary interests and women's interests can support women's movements in identifying effective approaches for advocacy at subnational level.

Fourth, this research identifies interrelations and the overlaps between mobilization efforts on violence against women, protection of domestic workers and women's unpaid care work, and makes an effort to identify whether these mobilizations follow similar patterns. For instance, mobilization against domestic violence is linked to the protection of domestic workers from violence. Domestic workers' protection is related to unpaid care work as both issues are underpinned by the gendered division of labour within households. Claims on both issues challenge the widely held belief that work within the domestic sphere is a woman's responsibility and lacks value.

1.5 Report structure

This report includes eight chapters. After this first introductory section, Chapter 2 discusses research methodology and methods. Chapter 3 outlines the political, social and economic context of the policy change process through the analysis of four factors: (i) democratization and decentralization, (ii) women's movements, (iii) religious and cultural agendas and ideologies, and (iv) the role of international movements. Chapters

4 to 6 analyse the advocacy processes on violence against women, protection of domestic workers and women's unpaid care work at national and subnational levels. Chapter 7 compares the findings across issues and across governance levels and answers the research questions. Chapter 8 provides conclusions and recommendations for relevant stakeholders.

Chapter 2. Research Methodology and Analysis Framework

2.1 Research methodology

This research adopts a qualitative methodology from a feminist perspective. Ackerly and True (2010) define a feminist perspective as based on the awareness of unequal gender relations and aimed at promoting social justice. This perspective guides the research aims and questions, the choice of research framework, the ethical considerations and the methods for data collection and analysis.

By using a feminist research methodology, we also reflected on the relationship between the researcher, the research participants and the research issues (Abu-Lughod 1990; Ackerly and True 2010). In terms of research issues, the study explores themes related to women's experiences that affect either women for being women (violence against women) or only specific groups of women (the protection of domestic workers⁵). Further, we are women activists working for Indonesian NGOs. We work alongside women at grassroots level, support women's organizations in building capacities and mobilize around the research issues. The benefit of this double role (researcher and activist) is our awareness of the power relations that are often hidden or overlooked in the analysis of policy-making processes. Thus, we are well positioned to closely examine unequal power relations and seek to provide useful knowledge for women's movements. On the other hand, our double role might cause biases in the research, especially in the analysis of the state's response to women's mobilization, since we have often opposed and criticized the state during our activism. Additionally most of us have experience at national level, directing demands to the national state, but have been less involved in activism efforts in provinces and districts. This lack of experience might lead us to generalizations based on data and processes from the national level, while they may differ from those at subnational level. However, we are aware that our role in conducting this research is producing new knowledge through a process of analysis and reflection (Crewe and Young 2002) and we limited our biases within the research by reflecting upon them and triangulating the data.

2.2 Analysis framework

Policy change is a complex process (Mazur 2009). The complexity is evident in the diversity of the actors involved—whether they support or oppose change (Mazur 2009), and in the framing of their interests (Fraser 1989). The diversity of actors with different interests complicates the process of determining what claims exist, who these claims relate to, and how these claims are represented by actors in the political process.

The analysis framework for the Indonesian country study draws on the framework developed by UNRISD (2013) and based on Htun and Weldon (2010) (figure 2.1). Htun and Weldon's (2010:208) framework for gender equality policy change is based on two assumptions: (i) gender policy is constituted by many different issues and (ii) the interactions between actors and context. Based on the first assumption, they argue that there many different policy issues within gender policy and the actors involved in policy making vary according to the policy issue. The actors that could support/oppose

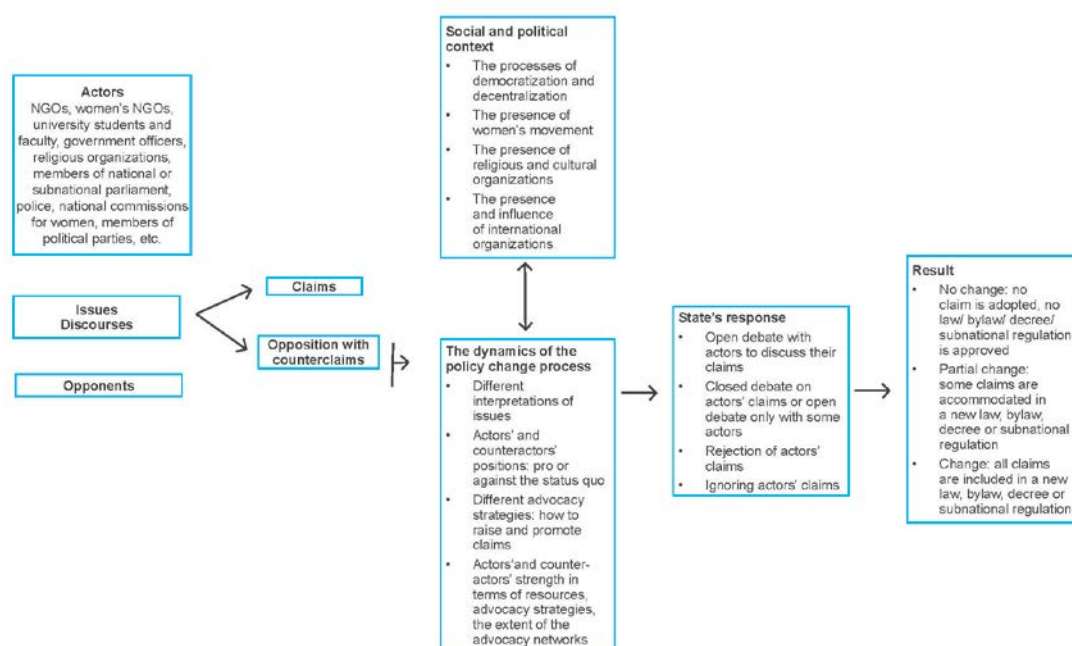
⁵ This study focuses on domestic workers within Indonesia and does not include the Indonesian migrants working as domestic workers in other countries.

women's claims mainly belong to: the state, the market and religion. Based on the second assumption, actors' power and impact vary according to the context.

Yet Htun and Weldon (2010) do not address the emergence of counter-actors within the policy arena that are opposed to women's rights advocates and can equally influence policy makers. According to Fraser (1989), multiple "publics" are involved in the process of policy change and each of them has their interests. Different "publics" raise their claims and articulate their interests in order to influence the outcome of the process. All of these "publics" influence the state, and in the Indonesian context, they have demonstrated deep knowledge of legislative mechanisms and have the skills to sustain their advocacy efforts over time (Munti 2008a).

Based on the above arguments, figure 2.1 shows the elements of the process of policy change that are analysed in this research: (i) the interactions between actors who first raise a policy issue; (ii) the emergence of counter-actors who oppose change around that policy issue; (iii) the social and political context in which actors and counter-actors debate the policy issue; and (iv) the response from the state.

Figure 2.1: Analysis Framework



First, similarly to what Mazur (2009) finds in many European countries, processes of gender equality policy change in Indonesia are usually started by women's movements, which significantly influence the whole. According to Blackburn (2004), women's movements express women's desire to speak out together and to incorporate voices within groups (either formal or informal) in order to articulate their claims within the public sphere. Therefore, apart from women's organizations, we include women's rights activists from other organizations and institutions (religious organizations, academia, trade unions, state institutions, etc.) within the Indonesian women's movement. All actors engaged in the women's movement carry interests that at times might converge or diverge, leading to a very diverse movement (Blackburn 2004; Robinson 2009; Noerdin 2013). This diversity of interests influences the political dynamics among the actors, particularly when it comes to articulating and prioritizing the policy issues to be pursued (Fraser 1989). Therefore women's movements can collaborate or be in conflict

depending on how they interpret the debated policy issue (Eddyono 2010b). For instance, Indonesian women's rights activists and organizations shared common interests while advocating the approval of the Anti-Domestic Violence Act, 2004, but they split into different factions when the state started to discuss a law against pornography (see chapter 4).

Further, Blackburn (2004) categorizes Indonesian women's movements into the following categories: religious and non-religious, membership and non-membership based, class-based and non-class-based. While this study acknowledges the importance of Blackburn's categories, it argues that the key variable to distinguish Indonesian women's movements is their overall vision towards the patriarchal system: (i) changing the patriarchal system, (ii) supporting the patriarchal system, and (iii) a middle ground ideology that falls between the first and second category (table 2.1). Thus, some religious women's groups aim to change the patriarchal system, while some support it. Other religious organizations might have a less defined ideology and sometimes they support patriarchy, while sometimes they oppose it. This is valid also for class-based and non-class-based organizations and for membership and non-membership organizations. In this research, we refer to the women's movements that challenge patriarchy as feminist movements.

Table 2.1: The categories of women's groups in Indonesia based on their vision

| | Category | | |
|----------------|---|---|---|
| | Challenging patriarchy | Confirming patriarchy | In between |
| Framework | Feminism; women's rights | Religious values; morality | Formal conventions recognized by the state |
| Women's groups | Religious and non-religious; | Religious and non-religious | Religious and non-religious |
| | Class-based and non-class-based; | Class-based and non-class-based | Class-based and non-class-based |
| | Membership and non-membership organizations | Membership and non-membership organizations | Membership and non-membership organizations |

Source: adapted from Blackburn (2004)

Second, as illustrated in figure 2.1, the actors who start a process for policy change can cause a reaction from counter-actors, who resist such change and raise their arguments (Fraser 1989). Resistance from counter-actors may affect how initiators revise their claims and develop their advocacy strategies, which could include, for example, building alliances with other civil society organizations to establish broader support.

Third, actors that seek policy change raise demands within a social and political context (Htun and Weldon 2010; Mazur 2009). Htun and Weldon (2010:208) argue that state capacity, institutional legacies, vulnerability to international pressure, and degree of democracy are contextual factors that influence the processes of gender equality policy change in a specific country. Similarly, we identify four contextual factors that influence policy change in Indonesia: (i) the processes of democratization and decentralization, (ii) the presence women's movement, (iii) religious and cultural agendas and ideologies, and (iv) the presence/influence of international organizations. These factors and their influence on the process of gender equality policy change are discussed in the next chapter.

Fourth, the state's response varies according to the policy issue and to the four contextual factors listed above. The state may entirely disregard demands for policy change, by silencing them, or it may allow a number of other discourses to develop. In addition, states can also use arguments expressed by the initiators to support claims of counter-actors. As argued by Blackburn (2004), the state is not a monolithic entity. It is constituted by institutions that work independently from each other, especially in the case of a decentralized state like Indonesia. A decision at national level may be different from those made at subnational level. State institutions are run by those who have different interests that determine the state's response to women's claims. Further, policy making is political process in which not all actors have the same power to voice their interests, and in which the power relations among state actors strongly impact the claims that are included in the final policy/law.⁶

Fifth, violence against women (especially domestic violence), protection of domestic workers and unpaid care work are controversial issues to be articulated within the public sphere as they are usually perceived as relegated to the private sphere. Htun and Weldon (2010:209) categorize policy issues into four types: doctrinal versus non-doctrinal, and gender status versus class-based. A policy issue is doctrinal when it challenges religious doctrines and/or cultural traditions rooted in a specific context or country. An issue can become doctrinal further to changes in the social and economic systems of a country. For instance, economic development usually enhances women's ability to participate in the labour market thereby challenging the existing intra-household gender relations in which women only work inside the house on an unpaid basis. According to Htun and Weldon, doctrinal and non-doctrinal issues are very contextual—an issue may be doctrinal in one region but not in another. Not only can doctrinal issues conflict with religious doctrines, they may also conflict with the traditions and customs of a given society. This study argues that some policy issues might actually overlaps both the categories of doctrinal or non-doctrinal suggested by Htun and Weldon (2010). Using Htun and Weldon's framework, this study hypothesizes that violence against women, protection of domestic workers and unpaid care work are doctrinal issues. Violence against women and unpaid care work are doctrinal policy issues because both challenge views on gender roles that stem from religious and customary doctrine rooted in Indonesian society. The protection of domestic workers is also a doctrinal issue because it challenges the division of roles and labour between men (husband) and women (wife) within the household, which stems from religious doctrine and relegates women to the role of unpaid carer and domestic worker. In contemporary Indonesian society, while women are permitted to join the labour market, they are still expected to perform unpaid care and domestic work. In this context, claims to regulate domestic work bring the intra-household division of labour into the public sphere.

The recognition of domestic workers' labour rights is a cross-cutting issue that involves gender status and class-based considerations. For example, upper-middle class women usually have more opportunities to enter the public workforce and hand over their household chores to other women (domestic workers) who are generally from the lower class.

⁶ Fraser 1989; Mazur 2009; Schuler 1986.

Table 2.2: Recognition of domestic workers' labour rights as a cross-cutting issue

| Domestic workers' labour rights | <i>Doctrinal</i> | <i>Non-doctrinal</i> |
|---------------------------------|--|--|
| <i>Gender-based</i> | <p>Challenge to the gender division of labour between men and women within the household, as understood broadly and as part of religious and cultural practices.</p> <p>Challenge to the interpretation of domestic work as a job exclusively for women.</p> | |
| <i>Class-based</i> | <p>Challenge to the inequality between women: between employers and domestic workers.</p> | <p>Promote the idea of domestic work as decent work.</p> |

2.3 Research sites

The research was conducted in Jakarta, in three provinces and in three districts. Jakarta was selected as the location of mobilization and advocacy toward the national state, while the research in the provinces and districts aims at exploring women's mobilization and claims toward subnational assemblies and governments. The three districts and three provinces have different socio-political features, different kinship systems and customary traditions (see table 2.3). The Islamic religion is very strong in all six research locations, but its practice is mediated by local kinship systems and customary traditions. Both religious and cultural practices are included in the analysis in order to determine their influence on women's mobilization efforts. Indeed, we argue that the social and political context is one of the factors that influence women's mobilization and gender equality policy change (see chapter 3). Background information for each site is provided below to explain the context in which women's mobilization is embedded.

2.3.1 The province of West Nusa Tenggara and the regency of East Lombok

The province of West Nusa Tenggara consists of several islands in the Nusa Tenggara archipelago, while East Lombok is a regency situated in one of these islands. The regency of East Lombok constitutes 20 districts. The entire province embraces both Hinduism and Islam. Most of the population is of Sasak ethnicity and considers religion as a vital part of Sasak culture. Violating a religious norm is seen as tantamount to violating a customary tradition and the violator can receive a strong sanction from the community. Religious and customary leaders, called *Tuan Guru*, are important and well respected within the community and the kinship system is patrilineal (women are excluded from inheritance) (Kingsley 2012). Islamic organizations are under the influence and direction of the parent Islamic organization called Nahdlatul Wathan (NU), which also runs schools across the province.⁷ The religious doctrines of Hindusim and Islam and the customary norms tend to position women as subordinate to men, both within the family and the community (Bartolomew 2001). West Nusa Tenggara is also the province of origin of many overseas migrants who work in Muslim countries such as Saudi Arabia and Malaysia.⁸

⁷ Interviews with AD, ZC, RD and JL, activists from local NGOs.

⁸ The West Nusa Tenggara Department of Labour reported that 56,672 citizens were working abroad in 2014 (45,256 men and 11,416 women).

2.3.2 *The province of East Java and the district of Jember*

In East Java, the majority of the population is Muslim, who mostly support the Nahdlatul Ulama (NU), one of the traditional Islamic organizations in Indonesia. East Java was one of the regions affected by the riots in May 1998 against the citizens of Chinese ethnicity, who were considered the cause of the economic crisis. The capital, Surabaya City, is the second most politically and economically important city after Jakarta. Its economy is based on industry, which attracts many women workers from the villages.⁹ The context of East Java is however very diverse: poor rural villages are scattered between the urban areas (Peters 2013), and the province of East Java is among the top three in terms of the number of migrant workers (BNP2TKI 2015). Jember is one of the districts of East Java. The majority of the population consists of Muslims, Javanese and Madurese migrants, and people of Chinese and Osing ethnicity. The mixture of Javanese and Madurese cultures has created a new culture, called *Pendalungan* (Sutarto 2006). Based on this cultural background, the “cultural pot” is based on three principles of solidarity: between Muslims, between citizens and between humanity. Although the Nahdlatul Ulama is predominant in the district, the more progressive Islamic organization called Muhammadiyah is accepted and there is no conflict among the two organizations. In terms of gender perceptions, women’s position within the society is understood differently among the Islamic organizations and groups across the province, particularly because of the presence of women’s organizations that promote discourse on women and religion.

2.3.3 *The province of West Sumatra and the district of West Pasaman*

The majority of the population in West Sumatra and West Pasaman are of Minangkabau ethnicity and practice Islam (Rahayuningtyas and Noerdin 2013). The Minangkabau people follow a matrilineal system in which lineage and inheritance rights are passed on to women. Women are responsible as guardians of property (lands and houses) and of culture. In Minangkabau society husbands are considered to be guests in the homes of wives. However family decisions are generally made by the male lineage, by *mamak*, or the brother of the woman (Blackburn et al. 2008). Kato (1982) emphasizes that all decisions made by the *mamak* should be discussed with women in the *Bundo Kanduang* (female representative council) in the *gadang* (longhouse) or in the *nagari* (the area where the family resides). There are very strong linkages between Islam and Minangkabau traditions, like two sides of a coin (Romli 2008). There is a proverb “*adat basandi syara’, syara’ basandi kitabullah*” (custom relies on religion, which relies on the Qur’an) that echoes constantly in all aspects of social and political life of the province (Rahayuningtyas and Noerdin 2013). In this province, Islam is very influential and at least 14 local regulations are based on Islamic law. In this context, however, the matrilineal system has managed to survive.

⁹ In this industry, women workers have made attempts to mobilize for their labour rights. However, the leaders have often been harassed. For instance, Marsinah was a worker and labour activist who was raped and murdered because of her activism in 1993 (Waluyo 2013). Since then, she has been an icon of the struggle of female workers in Indonesia.

Table 2.3: The research sites and socio-political features

| Province | District | Socio-political features |
|--------------------|--------------|--|
| West Sumatra | West Pasaman | Matrilineal kinship system |
| East Java | Jember | Culture and religion mutually influence each other Parental kinship system Strong Islamic culture Second largest Indonesian province by urbanization, but urban centres are surrounded by large rural communities |
| West Nusa Tenggara | East Lombok | Patrilineal kinship system Combination of strong local culture and religion Rural and urban settings |

2.4 Research methods

This study compares processes of claims making (i) between national and subnational governance levels, (ii) among provinces and districts, (iii) across policy issues (violence against women, domestic work, unpaid care work); and (iv) across the social, cultural and political contexts that influenced the advocacy process.

In accordance with UNRISD (2013), this research uses process tracing and analytical narratives. Process tracing is a systematic process of analysing selected evidence within the context of the research framework to answer research questions and hypotheses (Collier 2011). Process tracing requires sufficient evidence, an explanation (narrative) that describes how the evidence relates to the research, and links between the various factors that influence responses to the research questions. This approach is not focused entirely on proving a hypothesis, but rather examining the factors that affect changes in social phenomenon and the tendencies of the actors involved (Lupovici 2009). This approach reconstructs the unfolding/evolution of a particular set of claims over time, including the actors raising them and the important events that occurred when they were raised (UNRISD 2013). Narrative analysis provides a bridge between theoretical approaches and empirical experience (Bates et al. 2000). This method of analysis integrates theory and empirical experience and influences the development of new knowledge rather than simply putting forward theories and data. According to Bates et al. (2000) there are two complementary driving forces in this approach, applying theory to data and using data to construct theory. Specific findings in the case studies are linked to theory and theories are constructed from experiences within the case studies.

Further, this research used a series of qualitative data collection methods, as described in the following sections. Feminist research methodology, as explained at the beginning of this chapter, informs all of these methods.

In-depth interviews

In-depth interviews were mostly used to collect the experiences of the actors involved in processes of advocacy and policy change (table 2.4). According to Ackerly and True (2010), interviews are often regarded as the most appropriate method to answer research questions. The snowball method was used to identify respondents.

Table 2.4: List of organizations interviewed during the research

| Type of organization | Location | | | | | | | Total |
|-------------------------------------|-----------|--------------|--------------|-----------|-----------|-------------|--------------------|------------|
| | Jakarta | West Pasaman | West Sumatra | Jember | East Java | East Lombok | West Nusa Tenggara | |
| NGO | 11 | – | 6 | 8 | 3 | 4 | 9 | 41 |
| Religious organizations | 6 | – | 1 | – | – | 1 | – | 7 |
| Customary/ indigenous organizations | – | 5 | 3 | – | – | 1 | 1 | 10 |
| Academics | 4 | – | 2 | – | – | – | 1 | 7 |
| Government | 6 | 5 | 4 | 4 | – | 2 | 4 | 25 |
| Members of Parliament | – | 2 | 2 | 1 | – | 2 | 1 | 8 |
| Human rights organizations | 9 | – | – | – | – | – | – | 9 |
| International organizations | 2 | – | – | – | 1 | – | – | 3 |
| Total | 38 | 12 | 18 | 13 | 4 | 10 | 16 | 111 |

Focus group discussions

The researchers organized two focus group discussions. The first discussion was held in the province of West Sumatra and was attended by representatives from NGOs. Representatives from local government and a religious women's organization (*Aisyiyah*) from the district of West Pasaman participated in the second discussion.

Observation and participant observation

Observation and participant observation were used to gather data on the day-to-day social lives of respondents via observing, accompanying, talking, and, in the case of participant observation, participating. These methods were used to understand the behaviours and views of respondents about a particular issue (Baker 1999; Fenno 1986). While doing participant observation, researchers participated in the respondents' activities (Baker 1999) and critically reflected upon their dual role as researchers and activists. The specific objectives of participant observation were to:

- understand the opinions and practices on the research issues from respondents' perspective;
- analyse in-depth the dynamics (including conflictual dynamics) between the advocacy actors during the making of strategies; and
- examine the extent to which state institutions respond to women's claims through the implementation of state programmes.

We participated in 13 meetings and demonstrations organized by NGOs mobilizing on the research issues. At national level, we joined meetings between NGOs and state actors, and international networking meetings. In East Lombok, we participated in actions urging the revocation of a 2014 mayor's decree permitting civil servants to engage in polygamy if they paid a sum of money to the subnational government.

Review of secondary data

The review of documents and literature is another way to obtain relevant data, to prepare the field research, and to triangulate the data collected in the field. Apart from academic literature, we reviewed reports, news, press releases and other documents published by women's movements, state institutions, civil society and newspapers.

Chapter 3. Social and Political Context: Democratization, Decentralization and the Women's Movement in Indonesia

3.1 Introduction

This section discusses the political, social and cultural context that has influenced advocacy for gender equality policy change during the New Democratic Era in Indonesia. As explained in the previous chapter, we identify four contextual factors that influence policy change: (i) the process of democratization and decentralization, (ii) the presence of women's movements, (iii) religious and cultural ideologies, and (iv) the presence/influence of international organizations. This chapter analyses how these factors impact policy change at all governance levels and how the mutually combined effect of these factors influences the process and the success of women's advocacy.

3.2 Democratization, decentralization and women's issues

Since 1998, Indonesia started the transition to democracy through the formation of political parties and the introduction of direct elections. Through the adoption of a decentralized system, power—including legislative power—shifted away from the centre to provincial and district levels (Aspinall and Fealy 2003). The president, subnational leaders, and members of national and subnational legislative assemblies are all directly elected (Aspinall and Mietzner 2010). Democratization and decentralization offer both opportunities and challenges for women's movements (Komnas Perempuan 2008). Both processes provide open spaces to voice women's claims. While democratization brought a more transparent policy-making process (Aspinall and Mietzner 2010), the decentralized political system means that citizens can participate in the policy-making process at local level (Robinson 2009). The democratic system introduced channels that were previously closed, including freedom of the press, speech and association.¹⁰

During the New Democratic Era, the relationships between citizens and state changed as citizens have more opportunities to contribute to the policy-making process at all governance levels (Blackburn 2004; Noerdin 2013). Indeed, the Formulation of Laws and Regulations Bill No. 12/2001, subsequently confirmed by the Formulation of Laws and Regulations Act 12/2011, introduced new mechanisms for participation in the legislative process. According to Act 12/2011, proposals for new laws can originate with bills proposed by the parliament¹¹ and with bills proposed by the government. The bills proposed by the parliament can be an initiative by: (i) citizens, (ii) political parties or (iii) by legislative parliamentary commissions. At the beginning of the executive's and legislature's electoral terms, the national government proposes a five-year National Legislative Programme (*Prolegnas*) that lists the priority bills to be legislated. The national parliament in plenary session then approves the programme. Similarly, the subnational government presents a one-year legislative programme (*Prolegda*) listing the priority regulations and requests approval from subnational parliament. A mandatory academic study must accompany the bills and regulations included in the legislative programmes (Law No. 12/2011), which proves the importance of the legislative proposal. The matters excluded from the final legislative programmes are

¹⁰ Bessell 2010; Budianta 2006; Ratnawati 2006; Satrio 2010.

¹¹ The Indonesian Parliament, also known as the People's Consultative Assembly, is made up by the People's Representative Council and the Regional Representative Council. These two councils share legislative power.

unlikely to be included in the following years of the electoral term. Public consultations must occur, particularly with political parties.

Greater transparency, open debate and the emergence of new law-making mechanisms encouraged women's movements to strongly mobilize, to advocate their interests and to drive gender equality policy change in a more open manner (Munti 2008a; Noerdin 2013). As a result of women's advocacy, the National Commission for Women (Komnas Perempuan 2008) identifies at least 28 new national and subnational laws orientated toward women enacted between 2000–2004. The Commission also records that in the same period more than 60 new institutions were established by the state and NGOs to support women who had experienced violence.

However, decentralization also posed a number of challenges. First, as described in chapter 2, there is no longer a single state entity, but a diversity of state authorities, particularly at the subnational level (Blackburn 2004). Subnational autonomy brought with it context-specific understandings of rights, authorities and obligations on how to regulate local communities.¹² The issues considered as a priority by the national state might be considered less important by the subnational state, meaning there might be difficulties in regulating the issue or in implementing national law. Additionally, the subnational state's response to women's demands might be different from the response of the national state or from other subnational regions. Second, according to Robinson and Hadiz (2004), democracy and decentralization have increasingly strengthened the ethnic kinship systems in which power is held by an elite with family connections. Decentralization has reinforced new local political leaders that tend to strengthen their social and economic position through politics (Heryanto 2010; Heryanto and Hadiz 2007). Local direct elections set an arena for power struggles, political games, and vote buying (Irawaty 2010; Morrell et al. 2011). As respondents from each research site argued, the process of power struggles influences the policy outputs because policy makers focus more on election cycles. Meanwhile, gender equality policies are not prioritized and gender equality programmes are not adequately funded.

3.3 Religious and cultural politics

Indonesia has a pluralistic legal system, which consists of a national legal system based on the colonial Dutch legal system, customary laws and religious laws (Islam and Shari'a) (Lindsey and Santosa 2008; Lukito 2003).¹³ The co-existence of three legal systems adds complexity to the policy change process, especially in provinces and districts. At subnational level, policy makers often use customary and religious laws considered more appropriate for the local context—instead of using national legislation as the legal basis (Lukito 2003). The presence of customary and religious laws impacts women's lives and mobilization efforts. Customary law can become highly politicized when actors seek to further their own interests within the democratic system, with consequences for the policy-making process. The National Commission for Women (2013) found that in cases of sexual violence, customary laws are applied in some subnational regions with the tendency of further victimizing women survivors. Many married women in rural areas are in a vulnerable legal position since they do not have access to state offices to register their marriage, which remains registered only under customary law and not under State law (Wilujeng 2010; Zulminarni et al. 2014).

¹² See Section 1/5 of the Subnational Government Act 32/2004.

¹³ Customary and religious legal systems apply only to the citizens belonging to customary and/or religious groups, while the national legal system applies to all citizens. There is conflict between these systems that to the present day remains unsolved (Lukito 2003).

While knowledge of the impact of customary law on Indonesian politics is still limited, many studies show the increased influence of Islamic law.¹⁴ Since 1998, a number of subnational regulations embedded in the Shari'a were approved in some areas—including in the research sites—and has subsequently spread across the country. The enactment of the Anti-Pornography Bill is a strong indication of this phenomenon.¹⁵ The majority of these laws are centred on ideas of morality and typically seek to control women's sexuality.¹⁶ For instance, 14 regulations were found in West Sumatra,¹⁷ eight in East Java, one in Jember and one in West Nusa Tenggara. These regulations tend to control women's sexuality and to criminalize women under the guise of morality.

3.4 Women's movements in the New Democratic Era

This study builds on previous research on women's movements in Indonesia under the New Order regime and the New Democratic Era.¹⁸ Before analysing the women's movements in the New Democratic Era, we first outline the characteristics of women's movement under the New Order regime.

Women's movements under the New Order regime

The gender ideology of the New Order regime saw women mainly as wives serving their husbands and as mothers giving birth, raising children and managing households. The other role of wives was a public role, principally as members of the community that supported their husbands' role in the public sphere and maintained traditions and culture. The regime adopted the concept of *kodrat* or "natural law" to emphasize the "natural" and biological role of women (Blackburn 2004). Lately, scholars have renamed this ideology as state *ibuisme* or "motherism" (Robinson 2009; Suryakusuma 1996). To strengthen and solidify the idea of *kodrat*, the regime established organizations for civil servants' wives known as *Dharma Wanita* and women's membership-based organizations called Empowerment and Family Welfare Groups. The latter were active from the national level down to the village level.¹⁹ These two organizations were an attempt to control other women's organizations. For example, *Gerwani*, a progressive grassroots organization that had existed prior to the regime, was banned.²⁰

In facing a repressive situation, the feminist movement conducted a strategy of underground opposition to the state avoiding direct confrontation with the regime (Robinson 2009). Feminist activists tended to focus on the dissemination of feminist ideas and the values of gender equality (Aripurnami et al. 2013). In the late 1980s, a number of young feminists, particularly in Java, started to form NGOs to channel the emerging discourse on women's rights and feminism, conduct advocacy for women's rights, and support women who had experienced violence, either from their husbands, or abuse from the state (Suryochondro 2000). At that time, there were over 10 of these organizations. In addition, women's activists in academia or in the state attempted to influence the decision-making process covertly (Robinson 2009; Sadli 2002), although they did not call themselves feminists due to the political context (Sadli 2002).

¹⁴ Lindsey 2012; Lukito 2003; Salim and Azra 2003.

¹⁵ See chapter 4; Komnas Perempuan 2010; Lindsey 2012.

¹⁶ Brenner 2011; Komnas Perempuan 2008, 2010; Rinaldo 2011; Wichelen 2010.

¹⁷ For example, West Pasaman District approved a regulation on dress standards for Muslim students and government employees (No. 7/2007).

¹⁸ Bessell 2010; Blackburn 2004; Blackburn et al. 2008; Budianta 2006; Noerdin 2013; Nurmila 2009; Robinson, 2009; Satrio 2010; Wichelen 2010.

¹⁹ Blackburn 2004; Robinson 2009; Suryakusuma 1996.

²⁰ The regime banned *Gerwani* because of its connections with the Indonesian Communist Party and with socialist ideology. The leaders were imprisoned without trial (Wieringa 2002).

Feminists within NGOs and in academia attempted to use legal and gender equality discourses used in the international debate to support their activities (Robinson 2009; Sadli 2002). Finally, religious women activists undertook grassroots activities to further women's interests (Robinson 2009).

Women's movements mobilizing at national level during the New Democratic Era

With the fall of the New Order regime, there was a shift in the women's movement. Democracy gave a strong impetus to women's rights activist and their advocacy efforts. Advocacy processes on women's rights can be categorized in three types based on the actor who starts the process: (i) advocacy led by women's movements originating from women's NGOs, networks or state institutions that focus on women's agendas (including the National Commission for Women, LBH APIK Jakarta and the Ministry for Women's Empowerment and Child Protection); (ii) advocacy started by actors outside women's movements, but that was subsequently followed by initiatives from women's movements, which provided substantial support to the momentum (Munti 2008a) (an example is the attempt to integrate domestic violence into human rights legislation or criminal law); (iii) advocacy coordinated by a network in which women activists collaborate with other movements (for example, national networks against domestic violence or for the protection of domestic workers).

During the early stages of the democratic transition, discourses regarding the protection of women from violence and women's rights became more prevalent and were followed by a growing number of demands. For instance, there were at least nine demands driven by the women's movement in relation to violence against women: domestic violence, sexual violence, sexual trafficking and exploitation, pornography, discriminative subnational regulations, women's access to justice, human rights abuses under Suharto's regime, violence in conflict situations and sexual harassment in the workplace. Various strategies are used to advocate these issues, including raising public awareness via campaigns, supporting communities to address aspects of these issues (such as strengthening economies), supporting survivors and advocating policy change (Noerdin 2013). Legislative advocacy is predominantly undertaken by women's NGOs because of the increasingly close relationship with the national state, particularly in formulating laws and programmes (Blackburn 2004; Noerdin 2013).

At the beginning of the New Democratic Era, women's movements spoke up against the sexual violence that was experienced by women of Chinese ethnicity during the mass riots in May 1998 in Jakarta and in other cities (see table 3.1). As a result of this mobilization, President B.J. Habibie established the National Commission for Women in October 1998. Since then the issue of violence against women has been an long-standing issue on the agenda of women's movements. Following this, citizens (women's NGOs), the state (the Ministry for Women's Empowerment) and donor organizations collaborated for the first time since the end of the regime, mobilizing against violence and developing a no tolerance policy. The National Action Plan to Eradicate Violence Against Women was approved in 2000 (Nurdiana et al. 2000).²¹ The collaboration also led to the creation of women's police desks within police stations (Harsono 2004) and the Integrated Service Centres (ISC) within hospitals. Both services were requested by women's NGOs and were supported by state institutions. The establishment of the ISC was possible thanks to a Memorandum of Understanding (MoU) between three ministries

²¹ Prior to this collaboration, there were significant gaps between the assistance provided by the state and by NGOs to women survivors of violence.

(Ministry of Women's Empowerment, Ministry for Social Welfare and Ministry for Health) and the Indonesian police force (Komnas Perempuan 2008).

Therefore, in the early stage of democracy, women's movements and the state worked together to address the absence of adequate laws to protect women from violence (Harsono 2004; Komnas Perempuan 2008). Further, women's movements started to collaborate with activists from different backgrounds and organizations—NGOs, women's religious organizations, membership organizations and others. This synergy reached a peak during the advocacy for the Domestic Violence Eradication Bill in the early 2000s.²² At the beginning of the democratic transition, women's mobilizations were supported by significant funding that was available at that time because of the changing political climate.

National mobilization for gender equality policy change has been led by the Indonesian Women's Association for Justice and Legal Aid (*Lembaga Bantuan Hukum -Asosiasi Perempuan Indonesia untuk Keadilan*, LBH APIK), which is based in Jakarta and handles cases of violence against women since 1996, and the National Commission for Women. They both used the first and second style of advocacy, a collaborative approach between women's movements and human rights movements. An example of this collaboration was the advocacy for the Witness and Victim Protection Bill, conducted by a coalition of NGOs (Komnas Perempuan 2008).

A further example of collaboration among women's organizations is ongoing advocacy for amending the Marriage Law No. 1/1974. One women's organization, the Indonesian Women's Association for Justice and Legal Aid in Jakarta (Jakarta LBH APIK), was the first to mobilize (Katjasungkana and Hadiz 1999) and pays particular attention to the articles in the Law that reproduce gender stereotypes (women as wife and mother within the household, while men are the sole breadwinners in the labour market). One implication of this assumption is that domestic violence is legitimized by the state as husbands benefit from the family head position, while women refrain from reporting such instances of violence as they are afraid to lose family income (Hadiz and Eddyono 2005). Other civil society organizations demand the amendment of the Marriage Law. For instance, some advocates request the recognition of marriages between citizens of different religions.²³ Women's and children's movements lobby for the criminalization of child marriage as a form of sexual violence against girls.²⁴ These advocates are organized in two separate networks (one of women's NGOs and one of children's NGOs) that support each other and share the same agenda.²⁵ Yet this collaboration has sometimes been negatively affected by disagreement over controversial claims, such as recognition of same-sex marriages and the ban of polygamy.²⁶

Mobilization for the Legal Aid Law No. 16/2011 illustrates the third style of advocacy, where policy change was initiated by actors outside of the women's movement. The Law was advocated by a network of legal aid NGOs (Human Rights Network hereafter).²⁷ Women's movements together with the National Commission for Women

²² See chapter 4; Eddyono 2005; Munti 2008a.

²³ Interview with Supriyadi W. Eddyono, Institute for Criminal Justice Reform.

²⁴ Interview with Supriyadi W. Eddyono, Institute for Criminal Justice Reform..

²⁵ The two networks together raise amendments to the Marriage Law through the Indonesian Constitutional Court.

²⁶ Interview with KK, women's rights activist.

²⁷ An advocacy network was established by NGOs and Legal Aid Services that operate in the area of human rights, such as the Legal Aid Service Jakarta (*Lembaga Bantuan Hukum*, LBH), the Indonesian Legal Aid Foundation (*Yayasan Lembaga Bantuan Hukum Indonesia*, LBHI), the People's Organization for Study and Advocacy (*Human*

and legal aid organizations discussed the positive implications of this Law for women victims of violence and supported the initiative. Indeed, despite the Anti-Domestic Violence Law No. 23/2004 and the Law on the Protection for Witness and Victims No. 13/2006, women victims of violence still have limited access to justice.²⁸ In exchange for women's support to their legislative initiative, the Human Rights Network welcomed women's movements and their claims for improving access to justice.²⁹ While submitting their legislative proposal to the parliament, together they claimed that the provision of legal aid for victims and witnesses was a state obligation³⁰ and that legal aid must be provided to victims immediately after the violence in order to properly report it to the legal authority. Following the approval of the Law, the government provided funds to women victims of violence via women's NGOs who offered legal aid services (Tridewiyanti et al. 2013).³¹

Furthermore, women's NGOs and activists from universities demanded the adoption of quota systems in the national parliament in order to increase women's political participation (Budianta 2002, 2006; Satrio 2010). Women also advocated for the amendment of all regulations that prevent women from joining labour market (that is the Marriage Law) and for new laws and policies that can facilitate women's paid work. Apart from violence against women, women's right to work and political participation, a number of other issues figure on the agenda of women's rights advocates, but remains on the margins. Among these, the violation of human rights against women during the New Order regime, women's reproductive rights and education.³² Furthermore, the needs and claims of workers concealed from the public—for example domestic workers, migrant workers, farmers, and factory workers in industrial zones—lack widespread consideration in spite of their vulnerability. Eddyono (2010b) explains the marginalization of the labour rights of certain groups of women by pointing out the wide gap between middle-class women activists in Jakarta who predominate within women's movement and women from lower classes, who remain on the margins of the movement.

Rights Study and Advocacy Organization, ELSAM), the Indonesian Legal Research Centre, the Commission for Missing People and Victims of Violence, LBH APIK, etc.

²⁸ Some of the causes behind this include: the lack of access to justice caused by different strategies to eradicate domestic violence (Hayati 2009), victims' lack of awareness of their legal rights and procedures (Tridewiyanti et al. 2013), and the biases in the existing legal system that generally favour the rights of the accused over the rights of the victim. Some of these causes are rooted in the Indonesian Criminal Code; in order to address some of these issues, women's movement have demanded amendments and adoption of the Legal Aid Law (Tridewiyanti et al. 2013).

²⁹ Interview with Kunthi Tridewiyanti, commissioner in the National Commission for Women.

³⁰ Interview with Ninik Rahayu, currently commissioner at the National Commission for Women and former head of the Muhammadiyah Women's Studies Centre and of the Centre for Women's and Children's Services.

³¹ Prior to this Law, the state provided funding for legal aid to accused citizens, but not for the victims. The funding established by the Law includes (i) operational funds for victims for the duration of their legal proceedings and (ii) the legal expenses for lawyers.

³² The women's movement also advocated for a national law on health to decriminalize abortion in cases of rape, although abortion remains a controversial issue opposed by many actors, such as religious groups and medical professionals (Tempo 2014).

Table 3.1: Women's policy issues at a national level

| Policy area | Women's claims | Result of the advocacy |
|--|--|--|
| <i>Women's rights within marriage</i> | <p>Guarantee women's rights within the marriage by:</p> <ul style="list-style-type: none"> –amending the Marriage Law No. 1/1974 to include equal rights and duties for both women and men and abolish polygamy –approving a national law to guarantee women's rights within transnational marriage | <p>No progress in amending the Marriage Law No. 1/1974 and the Islamic Laws</p> <p>Inclusion of women's rights in transnational marriages in the Citizenship Law No. 12/2006</p> |
| <i>Violence against women/girls and women's autonomy over body and sexuality</i> | <p>Approve a national plan to eradicate violence against women</p> <p>Set up a national independent commission to investigate the mass violence against women during the May 1998 riots</p> <p>Protect women from domestic violence by adopting a national law to end domestic violence and regulations for its effective implementation</p> <p>Protect children from abuse, including sexual abuse, by adopting a national law to end violence against children</p> <p>Criminalize sexual violence against women by:</p> <ul style="list-style-type: none"> –approving a national law to protect women from sexual violence –amending the Indonesian Criminal Code <p>Approve a national law to protect women against human trafficking and sexual exploitation and guidelines for its effective implementation</p> <p>Guarantee women's autonomy over body and sexuality by:</p> <ul style="list-style-type: none"> –stopping the anti-pornography legislative initiative and excluding the clauses that limit women's autonomy over body and sexuality –abolishing subnational regulations that discriminate, restrict, and criminalize women's sexuality | <p>Approval of the National Action Plan to Eradicate Violence Against Women—Zero Tolerance Policy in 1999</p> <p>Formation of the National Commission on Violence Against Women (National Commission for Women) in 1998</p> <p>Approval of the Anti-Domestic Violence Law No. 23/2004</p> <p>Approval of the Indonesian Government Regulation on the Implementation and Cooperation for the Assistance to Victims of Domestic Violence No. 4/2006</p> <p>Approval of the Child Protection Law No. 23/2002</p> <p>Inclusion of sexual violence in the 2016 parliamentary legislative agenda</p> <p>Approval of the Eradication of Human Trafficking Law No. 1/2007</p> <p>Approval of the Indonesian Government Regulation on the Procedures and Mechanisms for Integrated Support to Witnesses and/or Victims of Human Trafficking Crimes No. 9/2008</p> <p>Unsuccessful: approval of the Anti-Pornography Law 44/2008 with clauses that aim at limiting women's autonomy over body and sexuality and no action to stop the approval of discriminating subnational regulations</p> |

| | | |
|--------------------------------|---|---|
| | <p>Guarantee women victims' access to justice by:</p> <ul style="list-style-type: none"> –setting up Integrated Service Centres across the country to assist victims –reforming the judicial procedure for cases of violence against women –approving national laws to guarantee legal aid and protection to victims <p>Address the human rights violation, including sexual violence, of the New Order Regime by:</p> <ul style="list-style-type: none"> –investigating the cases of violence –publishing apologies from the State –abolishing discriminatory policies approved during the Regime –providing social security for victims <p>Address cases of violence against women in conflict contexts by setting up a national truth and reconciliation commission</p> | <p>Signing of an MoU between the Ministries of Social Welfare, Health and Women's Empowerment, and the National Police to facilitate the setup of Integrated Services Centres across the country in 2002</p> <p>Signing of an MoU on Legal Access for Women Victims in 2011</p> <p>Approval of the Legal Aid Law No.16/2011</p> <p>Approval of the Witness and Victims Protection Law No. 13/2006</p> <p>Discussion in the parliament on the reform of the judicial procedure for cases of violence against women</p> <p>No progress</p> <p>No progress</p> |
| <i>Women's economic rights</i> | <p>Protect migrant workers by ratifying the International Convention on the Protection of Rights for Migrant Workers and Members of their Families</p> | <p>Approval of the Law No. 6/2012 on the ratification of the International Convention on Protection of Rights for Migrant Workers and Members of their Families</p> |
| | <p>Protect domestic workers in Indonesia by approving a national law to regulate and recognize domestic work</p> <p>Guarantee women's reproductive health at work by including women's reproductive rights in the national labour law</p> | <p>Inclusion of the draft bill on domestic work in the 2016 parliamentary legislative agenda</p> <p>Inclusion of menstrual leave, maternity leave, and breastfeeding dispensation in the Labour Law No. 13/2003, Articles 81–83</p> |
| <i>Reproductive health</i> | <p>Abolish female circumcision and guarantee women-friendly abortion procedures in the national health law</p> | <p>Inclusion of claims related to reproductive health in clauses 71–77 of the Health Law No. 36/2009</p> <p>Publication of the Circular Letter 00.07.1.3.10.47a/2006 on the Prohibition of Female Circumcision from the Director General of Public Health to Health Workers</p> |
| <i>Women in politics</i> | <p>Guarantee women's representation and participation in parliament by approving a national law on gender quotas</p> | <p>Approval of the Members of Parliament Electoral Law No. 8/2012, but the Indonesian Constitutional Court declared the quota system as unconstitutional and in contradiction with the constitutional principle of equality</p> |
| <i>Gender mainstreaming</i> | <p>Mainstream gender in the state at all governance levels by approving a national law on gender equality</p> | <p>Approval of the Presidential Decree on Gender Mainstreaming in Development No. 9/2000</p> <p>Policies to strengthen this decree are under discussion in parliament</p> |

Women's movements mobilizing at subnational level since 1998

During the New Order regime, women's NGOs were centralized in Jakarta and Yogyakarta; since the New Democratic Era, women's organizations have spread across the country, including to the provinces and districts examined in this study. In West Sumatra, the Institute for Women's and Community Empowerment (*Lembaga Pemberdayaan Perempuan dan Masyarakat*, LP2M) was established in 1995. In the 1990s, a number of other women's organizations emerged in this province such as the Indonesian Women's Coalition (*Koalisi Perempuan Indonesia*, KPI), the Women's Crisis Centre (WCC) of Women of Conscience, the Padang LBH APIK, and Women's Solidarity (*Solidaritas Perempuan*, SP).³³ In Padang city, the Women's Study Centres (*Pusat Studi Wanita*, PSW) within the local universities had existed since the New Order regime. Andalas University, IKIP (*Institut Keguruan dan Ilmu Pendidikan*) (Institute of Teacher Training and Pedagogy) and IAIN (State Institute of Islamic Studies) all have their Centres, where staff provide input based on their research to advise subnational policy makers.³⁴ The output of Women's Study Centres has fluctuated. For example the WSC at Andalas University has been largely inactive since 2012. Many of the staff at Women's Study Centres have pursued studies and other activities outside of the city causing the coordination of the centres and their activities to decline.³⁵ In the district of West Pasaman there is only one traditional women's organization called *Bundo Kanduang*, which has filled the gap caused by the absence of women's NGOs.

In West Nusa Tenggara, many organizations working with women were established in the 1990s toward the end of the New Order regime, including the Koslata Foundation,³⁶ the Panca Karsa Foundation³⁷ and the Mataram Legal Aid Foundation – Justice for Indonesian Women (*Yayasan Lembaga Bantuan Hukum Perempuan Indonesia untuk Keadilan*, YLBH PIK).³⁸ During the democratic transition, other organizations were created: the Indonesian Tunas Alam Foundation (*Yayasan Tunas Alam Indonesia*, SANTAI) with a focus both on women and children, the Indonesian Women's Coalition of West Nusa Tenggara working on women's leadership, and the Executive Board of the Mataram Women's Solidarity Community (*Badan Eksekutif Komunitas Solidaritas Perempuan Mataram*, BEK SP Mataram) that provides capacity building and community facilitation to migrant workers. The last two organizations are affiliated with national organizations.

In East Lombok, a gender equality movement emerged in early 2000s. Not all organizations under the umbrella of this movement work specifically on women. For example the People's Movement of Nature Lovers (*Gerakan Masyarakat Cinta Alam* or *Gema Alam*) focuses on environment,³⁹ the Indonesian Migrant Workers Advocacy (*Advokasi Buruh Migran Indonesia*, ADBMI) assists migrant workers, and the Partners' Resource Development Organization (*Lembaga Pengembangan Sumber Daya Mitra*, LPSDM) works on leadership and women's economic empowerment. These organizations promote the concept of “new men”—it means men who support gender equality—in collaboration with the local governmental Agency for Women's

³³ Other organizations were established to work with marginalized groups, and not limited to women (i.e. Legal Aid and Human Rights Association of Indonesia, Sumbar and Q Bar).

³⁴ Interview with Sjahridal Dahlan (academic, former head of the Women's Studies Centre at Andalas University).

³⁵ Interview with Henny Herwina (Secretary of the Women's Studies Centre Andalas University) 24 July 2014.

³⁶ See: <https://koslata.wordpress.com> (accessed on 22 April 2015).

³⁷ See: <http://pancakarsa.org> (accessed on 22 April 2015).

³⁸ See: www.apik-ntb.or.id (accessed on 22 April 2015).

³⁹ See: <https://gemaalam.wordpress.com> (accessed on 22 April 2015).

Empowerment and Family Planning (*Badan Pemberdayaan Perempuan dan Keluarga Berencana*, BPPKB).

In Jember, there were women's organizations prior to the New Democratic Era, but generally they were affiliated with universities and larger organizations led by men. The Indonesian Student Association—Women's Corps (*Korps Himpunan Mahasiswa Indonesia Wati*, KOHATI) was a part of the Indonesian Student Association, while the Indonesian Islamic Student Movement—Women's Corps (*Korps Pergerakan Mahasiswa Islam Indonesia Wati*, KOPRI) was affiliated to the Islamic Indonesian Student Movement. Local religious women's groups such as *Aisyiah* (senior women) and *Nasyiatul Aisyiah* (young women) were part of mass Islamic women's organizations, respectively the *Muhammadiyah* or *Muslimat* and *Fatayat Nahdatul Ulama*.⁴⁰ The 1998 mass rape of women of Chinese ethnicity triggered growth in Jember women's movements that was underpinned by critical and feminist perspectives. Since then, they have fought for gender equality, in particular against domestic violence and rape. In the early twenty-first century, the movement has flourished with new organizations like the Women's Care Movement (*Gerakan Peduli Perempuan*, GPP)⁴¹ and the Centre for Women's and Children's Protection (*Pusat Perlindungan Perempuan dan Anak*, P3A). Women's religious organizations started to develop networks with national and subnational feminist organizations. Jember women activists have raised awareness of feminist thought within their own organizations and within student organizations (Indonesian Islamic Student Movement, the Indonesian Student Association, the National Indonesian Student Movement and Presidential Instruction Schools (*Instruksi Presiden*, INPRES).

3.5 The influence of international organizations

Long before the democratic regime, Indonesia had strong relations with a number of international organizations in regard to women's issues and they influenced both state and women's movement (Robinson 2009). In 1975 Indonesia participated in consultations for the drafting of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) (Ahmad 2013). The Indonesian state ratified the Convention, encouraged by Indonesian women activists engaged in the international community. Following this, Indonesia sent an independent expert to sit on the CEDAW Committee. Since the late 1970s, the Broad Guidelines of State Policy—that underpin the government's five-year development plans—adopted discourses and concepts from international debates (Sabaniah et al. 2010). The 1973 Broad Guidelines adopted the concept of women belonging naturally to the domestic sphere; yet in the 1978 Broad Guidelines this view shifted to incorporate women in the public sphere as well. The 1978 and 1983 Broad Guidelines integrated an understanding of Women in Development (WID), while the 1988 Broad Guidelines incorporated an understanding of Women and Development (WAD). Finally, concepts of gender and development became the basis for development efforts during the last period of the New Order regime.

A number of feminist NGOs that were established during the New Order regime were supported by transnational feminist movements via networks and funding. An important regional network was the Asia Pacific Forum on Women, Law and Development (APWLD) which inspired many activists to campaign against violence against women.

⁴⁰ Interview with Sri Sulistiyani, head of the Women's Care Movement in Jember.

⁴¹ The Women's Care Movement advances environmental issues from women's perspective.

It also strengthened activists' capacity in legal analysis and advocacy for survivors.⁴² The Indonesian Women's Association for Justice and Legal Aid benefited from the participation in capacity-building training run by APWLD (LBH APIK Jakarta 2003). Thanks to this external support, the organization was then able to develop a legal analysis framework from a feminist perspective, to lead the national advocacy for gender equality policies (the Domestic Violence Eradication Bill) and for the inclusion of women's demands into National Legislatives Programmes. The association was also supported by the U.S. Agency for International Development (USAID) and Oxfam NOVIB.

In the New Democratic Era, the relationship between international women's movements and national and subnational women's movements in Indonesia grew even stronger via new discourses, funding and collaboration in advocacy processes. Indonesian NGO networks started using international normative frameworks to hold their state accountable to its obligations under international law. In 1998, the CEDAW Monitoring Network was created to collect evidence to inform the shadow reports for the CEDAW Committee. It was established by approximately 12 NGOs with the support of the International Women's Rights Action Watch—Asia Pacific (IWRAP-AP) (Katjasungkana and Hadiz 1999). Lately, the network changed its name to the CEDAW Indonesian Working Group (CWGI) and in 2012 was supported by 59 NGOs throughout Indonesia that provide data and information (CWGI 2012). Since 1995, the Beijing Platform for Action (BPfA) has influenced the development of women's rights discourse in Indonesia. The Platform raises issues that the Indonesian state had not considered before, such as state violence against women, the trafficking of women and the protection of girls (LBH APIK Jakarta 2000). During regional NGO forums in 2000, 2005 and 2010, Indonesian women's NGOs compiled shadow reports reviewing the implementation of the BPfA.

International organizations have put increasing pressure on the Indonesian state to reform gender-discriminative policies, thus reinforcing the internal advocacy (Noerdin 2013). Donors from other countries have supported the Indonesian state to act against violence, through the provision of technical assistance for policy makers, funding for workshops, and dissemination of materials and information at subnational level (Nurdiana et al. 2000). The Canadian International Development Agency (CIDA) and other donors supported the collaboration between women's organizations and the state to develop the Zero Tolerance Policy and the National Action Plan on Eradicating Violence Against Women in the early 2000s. The National Action Plan also refers to the Beijing Declaration and Platform for Action, and to CEDAW. In its first five years of operation, the National Commission for Women obtained funding from international donor organizations (Konmas Perempuan 2008).

The relationship between national and international movements has been mutually beneficial. In addition to supporting an emerging domestic movement, the international/transnational actors also pushed specific agendas in Indonesia. Gender mainstreaming was an agenda that the international community entrusted to the Indonesian government which included allocating a budget for women (gender budgeting) (Noerdin 2013; Robinson 2009). Gender mainstreaming was seen as allocating resources for women and was strongly advocated by government bodies,

⁴² Interview with Ita Fatia Nadia, women's rights activist since 1980, former member of *Kalyanamitra* and of the National Commission for Women, and currently officer at UN Women).

including the Ministry for National Development Planning, the Ministry for Women's and Children's Empowerment and the Department of Health. The Ministry for Women's and Children's Empowerment developed a Memoranda of Understanding (MoU) with subnational governments to implement gender mainstreaming programmes in 2000, which included the formation of a women's empowerment bureau under the Community Empowerment and Family Planning Agency, and the establishment of Integrated Service Centres for the Protection of Women and Children, both at district and provincial levels.

3.6 Conclusions

Four elements have influenced gender equality policy change in the New Democratic Era: (i) democratization and decentralization, (ii) the presence of women's movements, (iii) religious and cultural ideologies, and (iv) the presence/influence of international organizations. Democratization and decentralization have created significant opportunities for women's movements to advocate their agendas and to collaborate with the state, giving impetus to policy change. However, the politics of religion and culture have also strengthened, creating obstacles for gender equality policy change. The presence of national and subnational women's movements is crucial for incorporating women's rights into laws and policies. During the New Order regime, the feminist women's movements comprised only a few NGOs and academics in Jakarta and in the surrounding areas. It was only in the New Democratic Era that the movements have expanded across Indonesia. However, Indonesian women's movements are diverse (see chapter 2) and national organizations do not necessarily represent the subnational ones. In terms of areas in which women mobilize, violence against women has been the first priority, particularly at the national level. At the national level, advocacy for policy change has been very consistent, whereas at subnational level there have been ebbs and flows, which will be discussed in further detail in the following chapter. Finally, international and transnational organizations effectively supported the Indonesian state and women's movement to promote gender equality, especially during the early stages of the democratization and decentralization (2000s). They influenced the social and political context of Indonesia. On the other side, international laws such as CEDAW represent an opportunity for women's movements to hold the state accountable and to place pressure on it to promote gender equality.

The influence of these variables on mobilization to end violence against women, to regulate domestic work and to recognize unpaid care work will be analysed in detail in the next chapters.

Chapter 4. Advocating Policies to End Violence Against Women

As outlined in chapter 3, women's movements and their mobilization efforts significantly contribute to policy change. This chapter discusses the advocacy processes for anti-violence laws and policies. At national level, the analysis focuses on the advocacy for Anti-Domestic Violence Law, 2004, the mobilization for and against the Anti-Pornography Law, 2008, and on the reform of existing laws on sexual violence. At subnational level, advocacy for policies opposing violence against women in the selected provinces and districts is discussed.

4. 1 *Advocacy for the anti-domestic violence law*

Since the mid-1990s, Indonesian women's movements have been largely mobilized for the eradication of violence against women (see chapter 3). Activists and their organizations assist victims of violence, providing legal aid and other services; raise societal awareness and help to change societal attitudes toward this issue; and advocate the state—at all governance levels—to take action against violence. With the fall of the New Order regime, women's movements and the state collaborated to eliminate violence, especially after the mass rape of women of Chinese ethnicity during the May 1998 riots. In response to these events and early mobilization efforts by women, the then-national government established the National Commission for Violence against Women (National Commission for Women) in late 1998, with the mandate of advising both legislative and executive bodies on how to eliminate violence against women.

In 2000, the state in collaboration with the Commission and some women's organizations developed a Zero Tolerance Policy and the National Action Plan to Eradicate Violence Against Women in 1999 (Nurdiana et al. 2000). In the early 2000s, collaboration between the state and women's organizations led to the creation of women's police desks within police stations (Harsono 2004) and of the Integrated Service Centres (ISC) within hospitals. These services were requested by women's NGOs and were supported by state institutions. The establishment of the ISC was possible thanks to a Memorandum of Understanding between three ministries (Ministry of Women's Empowerment, Ministry for Social Welfare, Ministry for Health) and the Indonesian police force (Komnas Perempuan 2008).

In this context, one of the key priorities for women activists was the adoption of a national law to criminalize domestic violence. Therefore, as soon as the new democratic regime introduced the new legislative process (see chapter 3), women submitted the Domestic Violence Eradication Bill and started mobilizing until its enactment in 2004 (Anti-Domestic Violence Law). This period of approximately six years encompassed two governments and electoral terms (1999–2004 and 2004–2009). The advocacy process was monumental compared to others in regard to timespan, framing, strategies, the involvement of diverse parties and impact.

LBH APIK Jakarta—a legal aid organization that has handled cases of violations of women's rights, including violence against women, since 1996—led the advocacy and mobilization process, submitted the Bill and coordinated mobilization until 2004 (see table 4.1). At the beginning of the mobilization for the Anti-Domestic Violence Law, the organization considered domestic violence a priority as much as a controversial

issue to be advocated as it was perceived as a private matter to be solved within the family (Eddyono 2005; Munti 2008a). Indeed, in Htun and Weldon's (2010) terms, domestic violence is a doctrinal policy issue, as it shatters internalized beliefs of policy makers, law enforcers, and wider society regarding the separation between public and private spheres (see chapter 2). These beliefs are reinforced by religious doctrines that place men as the head of the family unit with a dominant decision-making role and women as responsible for maintaining harmony in the household. The idea of the family harmony validates any man's actions as right and obliges women to not expose their husbands' mistakes to the public (Munti 2008a). Based on this idea, domestic violence is considered to be a private issue that does not warrant the interference of others.

Before 2004, the Indonesian Criminal Code had established penalties but only for physical abuse against wives. Yet, in line with the dominant idea of family harmony and domestic violence as private issues, these penalties were rarely applied. Law enforcement agencies (police) were reluctant to process reports of domestic violence as wives reporting it were considered to break a taboo (Munti 2008a). According to Munti, this attitude prevented many victims from speaking out. In addition, the Criminal Code did not recognize rape within marriage; and only one clause narrowly defined rape as occurring against women outside of marriage.⁴³ This definition was strongly supported by religious interpretations that wives are obliged to serve the sexual needs of their husbands (Munti 2006). LBH APIK Jakarta considered these societal perceptions to be the major challenge in advocating for the protection of women from domestic violence.

In the late 1990s, LBH APIK Jakarta provided assistance to a married woman called Neneng who was severely abused by her husband. In 1997 the criminal court sentenced Neneng's husband to eight months of imprisonment, but only after one year of probation. If he did not commit any abuse against Neneng for one year, he would not be incarcerated. Neneng did not consider this sentence as just in comparison to the extent of her suffering (Katjasungkana and Mumtahanah 2002) and LBH APIK Jakarta brought the case to attention of the mass media. Because of this publicity, other victims of domestic violence also sought assistance from the organization; LBH APIK Jakarta then started to develop their advocacy strategies in order to effectively bring the issue to the public domain. In 1997, it organized a workshop on the problems faced by survivors of domestic violence. The workshop was attended by representatives of women's organizations, academics, religious leaders and law enforcement officials. Participants agreed (i) to mobilize for a law to criminalize domestic violence and (ii) to adopt more favourable religious interpretations in order to delegitimize domestic violence and to support victims (Susiana 2004).

Following the workshop, LBH APIK Jakarta produced the first draft of the Anti-Domestic Violence Bill based on a comparative literature review of the anti-domestic violence laws and policies in other countries (Munti 2008a). With the start of the New Democratic Era in 1998, the organization hosted a second workshop inviting the participants from the previous workshop along with new participants, where they agreed to form the Advocacy Network to Eradicate Domestic Violence (*Jaringan kerja untuk advokasi penghapusan kekerasan dalam rumah tangga*, JANGKAR). It was coordinated by LBH APIK Jakarta and consisted of 15 organizations, including former women's police officers' organizations, Women's Crisis Centres, religious women's organizations and other organizations providing assistance to victims. This network became the core group supporting LBH APIK Jakarta in revising the first draft of the

⁴³ Clause 285 of the Indonesian Criminal Code states that "Whoever uses violence or threats to force a woman who is not his wife to have sex with him will be punished for rape with imprisonment for twelve years."

Bill (Munti 2008a). The organization received funding from international donors such as the Australian Agency for International Development (AusAID) and Oxfam NOVIB, which granted LBH APIK Jakarta a high level of autonomy in managing the funding.⁴⁴ From 1998 to 2002, LBH APIK Jakarta and the JANGKAR Network consulted other civil society organizations, including professional associations, student groups, labour organizations and state institutions across the country to solicit feedback on the draft Bill and bolster support for advocacy. As a result of this process, a number of organizations agreed to form the National Advocacy Network for the Elimination of Violence against Women (*Jaringan Kerja Advokasi Nasional untuk Penghapusan Kekerasan terhadap Perempuan*, JANGKA PKTP) (Munti 2008a), which replaced the JANGKAR Network.

Table 4.1: The LBH APIK mobilization for a national law against domestic violence

| | |
|---|---|
| <i>Contents of the legislative proposal</i> | Domestic violence defined as physical, sexual, psychological and economic abuse The law covers all family members, including women, children and live-in domestic workers Family defined as registered and unregistered marriages, and co-habitant couples Inclusion of protection orders and restraining orders against perpetrators Community participation to prevent domestic violence |
| <i>Strategies to promote the legislative proposal</i> | Framing domestic violence as a public issue Research/studies and publication of academic papers Set up a leading group of advocates Consultations with civil society Expand the advocacy network, including religious leaders and organizations Raise awareness through targeted campaigns, including stories of violence and the participation of victims, and mass demonstrations Lobby government and parliament, especially during electoral campaigns Monitor parliamentary deliberations |

In revising the Bill, the Network lobbied for a breakthrough in both legal substance and procedures. Regarding the substance, it called for recognition of diverse forms of violence, not limited to physical abuse, but extended to sexual abuse (including rape within marriage), psychological abuse and economic abuse (National Advocacy Network for the Elimination of Violence against Women 2004). The Network proposed extending the definition of family to include relatives and domestic workers under the purview of the law. New mechanisms for protection were proposed, such as restraining orders for perpetrators, community involvement in assisting survivors, and enhanced protection by law enforcement officials. The content of the draft was discussed at length before consensus was reaching among members of the Network.⁴⁵ This process was considered critical as internal consensus would be necessary in dealing with potential opposition.

Apart from building a network and reaching consensus, LBH APIK Jakarta and JANGKA PKTP used other strategies such as the active involvement of survivors in advocacy (Katjasungkana 2002); this was crucial in obtaining support from the mass

⁴⁴ LBH APIK Jakarta was able to autonomously reallocate the funding provided by the two donors according to changing priorities of the mobilization. Interview with Ratna Batara Munthi, Director of LBH APIK Jakarta and Coordinator of the National Advocacy Network for the Elimination of Violence against Women.

⁴⁵ Interview with Ratna Batara Munthi, Director of LBH APIK Jakarta and Coordinator of the National Advocacy Network for the Elimination of Violence against Women.

media and other stakeholders. Neneng, who became an icon of the campaign—and other survivors helped open the eyes of the public to the importance of protection for women victims (Munti 2008a; Eddyono 2005). The network also anticipated opposition from religious organizations and leaders by framing its claims within appropriate religious narratives and asking them to join the mobilization efforts (Munti 2008a). Women's religious organizations were brought into the JANGKA PKTP Network, including the Council of Churches in Indonesia⁴⁶ (*Persekutuan Gereja-gereja di Indonesia*, PGI) and the *Fatayat Nahdlatul Ulama*,⁴⁷ which were initially sceptical about supporting the mobilization. Women advocates working within these two organizations set up an interreligious network and lobbied the rest of the organizations until they obtained the support of the entire organization.⁴⁸ In other organizations, activists from LBH APIK Jakarta were invited to internal discussions to strengthen support.⁴⁹

Finally, after reaching internal consensus and strengthening societal support, the Network targeted the parliament and governmental agencies. In 2002, it submitted the draft Bill to the parliament. The process of submission was facilitated by some members of parliament who were also part of LBH APIK Jakarta. This strong link was also the reason why the association opted for submitting the draft Bill to the parliament and not to the government. One of the founders of LBH APIK Jakarta was a member of parliament of the Indonesian Democratic Party of Struggle (*Partai Demokrasi Indonesia Perjuangan*, PDIP) for the electoral term 1999–2004.

State response to advocacy for the Domestic Violence Eradication Bill

The LBH APIK Jakarta and JANGKA PKTP campaign against domestic violence gained the attention and support of the National Commission for Women, which had been the centre of advocacy within the state since 2000 (Eddyono 2005). To gain the support of parliamentarians, the Commission coordinated a parliamentary desk between 2002–2003 to intensively and directly lobby parliamentarians and especially women parliamentarians and the Women's Parliamentary Caucus (*Kaukus Perempuan Parlemen*).⁵⁰ After the submission of the JANGKA PKTP Bill in 2002, the desk became an important source of information and input for the women members of parliament who joined the campaign. In exchange, they constantly informed and updated the National Commission for Women on the progress of the debate on the Bill in parliament and parliamentary commissions.⁵¹ Women parliamentarians were also key in lobbying their own political parties and colleagues.⁵²

⁴⁶ The Indonesian Church Alliance is a religious organization that gathers together different Christian churches in Indonesia. See <http://pgi.or.id> (accessed 20 February 2016).

⁴⁷ *Fatayat NU* is an Islamic women's organization affiliated with the Islamic mass organization *Nahdlatul Ulama*. See <http://fatayat-nu.blogspot.co.id> (accessed 20 February 2016).

⁴⁸ Interview with Sylvana Appituley (National Commission for Women and Indonesian Church Alliance) and Maria Ulfah Anshor (Indonesian Commission for Child Protection and head of *Fatayat Nahdlatul Ulama*, 2000–2010).

⁴⁹ Interview with Sylvana Appituley (National Commission for Women and Indonesian Church Alliance) and Lilly Danes (commissioner at the National Commission for Women and former coordinator of the women's division at the Indonesian Church Alliance, 1997–2001).

⁵⁰ The desk provided information and documents to promote the campaign against domestic violence in parliament. Staff at the desk lobbied members of parliament directly. Further, the Commission provided input to the parliament during the law-making process. Interview with Danielle Johanna Syamsuri, member of the National Commission for Women.

⁵¹ Interview with Tumbu Saraswati, National Commission for Women and former member of parliament (1999–2009).

⁵² Interview with Tumbu Saraswati.

Table 4.2: Leading actors, supporters and opponents of the Anti-Domestic Violence Law

| | |
|-----------------------------------|---|
| <i>Leading actor</i> | LBH APIK Jakarta and JANGKA PKTP |
| <i>Non-state supporters</i> | Victims' groups Women from religious organizations, victims' support groups, lawyers organizations, cultural associations, trade unions, universities and the mass media Religious leaders |
| <i>State supporters</i> | National Commission for Women Ministry of Women's Empowerment Judges and female police Women members of parliament from the Indonesian Democratic Party of Struggle, Golkar Party and the National Awakening Party |
| <i>Opponents within the state</i> | Ministry of Religious Affairs Members of parliament President Megawati, who opposed the Bill in the early stages of the mobilization, but then supported it from mid-2004 |

The combined lobbying between JANGKA PKTP and the National Commission for Women was effective. In September 2002, the parliamentarian Tumbu Saraswati⁵³ together with 32 members of parliament from nine political parties submitted the LHB APIK Jakarta draft Bill to Parliamentary Commission VII.⁵⁴ After an internal debate, Commission VII decided to deliberate on the draft Bill and to propose its adoption to the parliamentary plenary session as a parliamentary legislative proposal (DPR-RI 2004). The draft Bill was therefore included in the official agenda of the parliamentary plenary session, scheduled on 27 January 2003. However, due to contradictory dynamics within the parliament, which confirms Blackburn's (2004) assertion on the diversity within state institutions, the parliamentary debate was postponed to May 2003. Some members of parliament advised the chairperson of Commission VII to stop deliberating on the draft Bill,⁵⁵ while Tumbu Saraswati and other women members of parliament lobbied him to continue the work on the draft Bill as a matter of priority:

[I was told:] 'We want to drop out the discussion of the Domestic Violence Eradication Bill.' This really was not right. I went directly to the chairperson, I cried in front of him, and said that this was a women's struggle, and women needed this bill, why and how could discussions be stopped?...I continually hounded the chairperson and finally it was not dropped.⁵⁶

In May 2003, the parliamentary plenary session agreed with Commission VII and requested a Presidential Mandate⁵⁷ to start deliberating on the draft Bill. However, one

⁵³ Tumbu Saraswati, from the Indonesian Democratic Party of Struggle, was elected member of parliament for the electoral term 1999–2004. Being one of the founders of LBH APIK Jakarta, she joined the mobilization and led the initiative for the draft Bill against domestic violence in parliament.

⁵⁴ Parliamentary Commissions are complementary bodies of the Indonesian Parliament. They are established by the parliament plenary session at the beginning of each electoral term. Their main duty is deliberating on matters related to their areas of responsibility and formulating bills to be submitted to the plenary session of the Parliament. During the electoral term 1999–2004, Commission VII was set up to work in the areas of health, labour, population, social services and women's empowerment. See <http://www.dpr.go.id/en/akd/komisi> (accessed 4 February 2016).

⁵⁵ Interview with Tumbu Saraswati, National Commission for Women and former member of parliament (1999–2009).

⁵⁶ Interview with Tumbu Saraswati, National Commission for Women and former member of parliament (1999–2009), 22 May 2014.

⁵⁷ A Presidential Mandate authorizes the parliament to discuss a bill.

year later, President Megawati, the first female president of Indonesia, had not yet published it, although she was the leader of the party that raised the initiative, the Indonesian Democratic Party of Struggle (Eddyono 2005). In May 2004, the parliament repeated its request for the Mandate because only four months remained before the end of the electoral term. In response, President Megawati declared that the Bill needed to be discussed carefully, and suggested waiting for the next electoral term (NMP/HM 2004). In addition, her government had not reached a consensus on the Bill, for instance the Ministry of Women's Empowerment supported it, while other ministries, including the Ministry of Religious Affairs, opposed it (Munti 2008a; Eddyono 2005).

To counter Megawati's opposition and to avoid waiting for the next electoral term, JANGKA PKTP and the Commission for Women agreed to intensify advocacy efforts. If parliament and the government failed to enact the Bill, the movement would be forced to start advocacy efforts from scratch with a newly elected parliament and government. To avoid this risk, the Network used the momentum of presidential elections to urge the president to issue the Mandate.⁵⁸ When Megawati presented her candidacy for the term 2004–2009, women activists declared they would not vote for her if she did not issue the Mandate. Further, they organized mass actions,⁵⁹ including the thousand umbrellas campaign, and lobbied the political parties who supported the president (MH 2004). Eventually, President Megawati issued the Mandate in June 2004 (DPR-RI 2004). The parliament had until September 2004, less than three months, to debate and enact the draft Bill. The women's movement mobilized again by providing input to the parliament to weaken resistance and opposition to the Bill (Eddyono 2005; Munti 2008a). The mass media helped by extensively publicizing the parliamentary debate (Did/V-1 2004) and introduced the term “balcony parliament” to describe women activists filling the balconies of the parliament during the deliberations (Eddyono 2005; Munti 2008a). As a result, the Bill was passed by parliament as Anti-Domestic Violence Law No. 23 on 14 September 2004. Most of the women's demands were accommodated, including marital rape. However, alternative sanctions for perpetrators, namely psychotherapy rather than prison, were rejected in favour of imprisonment alone. The parliament considered alternative sanction arrangements as contrary to the Indonesian punitive system (DPR-RI 2004). In addition, the scope of the Law includes other family members such as relatives and live-in domestic workers.

4.2 Critical moment of success in advocating violence against women: The Anti-Pornography Law, 2008

Following the successful advocacy around the Anti-Domestic Violence Law, 2004, a critical moment for the women's movement occurred with the passing of the Anti-Pornography Law, 2008. While the former was proposed by the feminist movement and was supported by most of Indonesian society, the Anti-Pornography Law was rejected by feminist movements and caused conflict within society. The Law was seen to criminalize women involved in the pornography industry, even when they are victims of sexual exploitation and human trafficking, and to control women's sexuality (Komnas Perempuan 2008).

Insistence on the need for the Anti-Pornography Law was first raised by the Ministry of Women's Roles (*Kementrian Peranan Wanita*) in 1996–1997, under the New Order regime (Affiah and Nurhamidah 2011). The trigger of this proposal was the societal

⁵⁸ Discussion between Danielle Johanna Syamsuri, member of the National Commission for Women and Sri Wiyanti Eddyono.

⁵⁹ One of these initiatives was the so called ‘umbrella demonstration’: thousands of women demonstrated holding an umbrella as a symbol of the law as protection for women against violence.

perception that rape cases in Indonesia were caused by the circulation of pornographic videos; for instance, cases such as the Acan family case fed this perception. During a robbery, female members of the Acan family were gang raped. Investigators then found that the perpetrators were somehow inspired by pornographic videos (Affiah and Nurhamidah 2011). However, the proposal dropped from the political radar during the political and economic crisis in 1997–1998 and the fall of the New Order regime.

The democratic governments between 1998 and 2008 reacted differently to the proposal to ban pornography, and often legislative and executive bodies had differing opinions (table 4.5). Under President B.J. Habibie (1998–1999), the Ministry of Women's Roles continued to work on the Bill, but with less focus as the government had other priorities. During the electoral term of President Abdurrahman Wahid (1999–2001), some state and non-state actors continued advocating for the criminalization of pornography, but without success (table 4.3).

Mobilization efforts were raised again and grew much stronger under Megawati's rule. In 2001, the Indonesian Council of Ulama (*Majalis Ulama Indonesia*, MUI)⁶⁰ issued a *fatwa* to forbid pornography and pornographic activities, including production and distribution, and urged parliament to enact the draft Bill without delay to stop the moral decline of Indonesian society. In 2003, the Council and its supporters used the popularity of Daratista Inul, a *dangdut* (folk) artist, and her dance *rocking ngebore* (drill dance) as an example of immorality to justify the need for the Bill (Rinaldo 2011, 2013; Wichelen 2010). Another *dangdut* artist, Rhoma Irama, considered an important cultural and religious icon, accused Daratista Inul of immorality and vigorously campaigned for the approval of the Bill to prevent moral decline in traditional musical performances. He organized artists and TV producers to boycott Inul's show and claimed there were 100,000 Muslim groups supporting the Anti-Pornography Law: "This is the evidence that Inul has sparked national unrest and drawn concern within the Muslim community," (Amr 2003). In response to this mobilization from civil society, one member of parliament from the United Development Party submitted a proposal for a bill to the parliament's Legislative Agency (*Badan Legislasi*, Baleg)⁶¹, which agreed with the party and prepared a draft Bill (2003 draft Bill hereafter) (Affiah and Nurhamidah 2011). But, although the parliament supported the 2003 draft Bill, the president stopped the deliberations, showing the sharp differences on this policy issue between legislative and executive bodies.

By contrast, President Yudhoyono (2004–09) and the majority of the parliament (composed of Islamic parties and nationalist-secular parties) shared the same position on the need to ban pornography. Another key supporter within the government was the Ministry of Women's Empowerment. Only a minority of parliament opposed the initiative, including the Indonesian Democratic Party of Struggle, the Peace and Prosperity Party.⁶² Within civil society, mass Islamic organizations (*Muhammadiyah* and *Nahdlatul Ulama*, the Indonesian Council of Ulama, religious and cultural leaders, some women's organizations like the Indonesian Women's Congress, and some children's rights NGOs also supported the state's initiative. One of their arguments was that the freedom enjoyed by the mass media to expose women's sexuality was immoral. In 2005, in response to growing pressure both from within and outside the parliament, and with the

⁶⁰ The Indonesian Council of Ulama (MUI) is a religious organization that represents all religious leaders (called *ulama*) from the Indonesian Islamic mass organizations.

⁶¹ The Legislative Agency is a parliamentary agency that drafts the laws to be discussed in parliament. The agency is constituted by representatives from all parliamentary commissions and from political parties.

⁶² Fanani and Farida 2009; CR-2 2005; BOG/Nova Rini dan Jon Lempo 2006; CRF/Rzk 2008.

approval of the president, the parliamentary debate on the draft Bill was opened up once again. The 2005 draft Bill had a wider scope compared to the 2003 draft Bill as it included restrictions also to the pornographic “actions” or sexual acts, such as kissing in public, erotic dancing, and other performances considered to be sexual (Pausacker 2009). However, this wider scope caused strong opposition both within the parliament and from civil society, which led to a process of revision and the presentation of the 2007 draft Bill. Both parliament and the president attempted to accommodate the demands from the opposition and approved the Anti-Pornography Law in 2008.

Table 4.3: Leading actors, supporters and opponents of the Anti-Pornography Legislative Proposal

| Administration | Leading Actors | Supporters | Opponents |
|-------------------------------------|---|---|--|
| B.J. Habibie (1998–1999) | Ministry of Women's Roles | — | — |
| Aburrahman Wahid (1999–2001) | Department of Religion at the Ministry of Religious Affairs Ministry of Women's Empowerment | Council of Indonesian Ulama | — |
| Megawati Soekarno Putri (2001–2004) | Council of Indonesian Ulama Department of Religion at the Ministry of Religious Affairs Some members of parliament led by the Islamic United Development Party Groups of scholars across the country | Ministry of Women's Empowerment Indonesian Women's Congress | Indonesian Democratic Party of Struggle |
| Susilo Bambang Yudoyono (2004–2009) | Council of Indonesian Ulama | Ministry of Women's Empowerment Indonesian Women's Congress The Islamic mass organizations Muhammadiyah and Nahdatul Ulama Muslimat NU, the older women's section of the Nahdatul Ulama Aisyah, the women's youth organization of Muhammadiyah Muslimat HTI, the women's section of the Islamic mass organization Hizbut Tahrir Indonesia The women's section of the Prosperous Justice Party The Indonesian Commission for the Protection of Children | Rahima, an Islamic centre for study and women's rights Puan Amal Hayati, an Islamic women's crisis centre Indonesian Church Alliances National Commission for Women Members of parliament from the Indonesian Democratic Party of Struggle and Prosperous Peace Party Indigenous People of the Nation's Alliance National Alliance of Unity in Diversity, a pluralist movement of feminist organizations Lesbian, gay, bisexual, transgender and intersex (LGBTI) organizations and feminist organizations across the country |

The responses from women's groups

As discussed in chapter 2, Indonesian women's movements are diverse in regards to ideologies, aims, claims and strategies, and this diversity was particularly evident during advocacy around the Anti-Pornography Law. Women's movements started to pay closer attention to the parliamentary debate on the draft Bill only after the approval of the Anti-Domestic Violence Law in 2004. At that point, the Bill caused a fracture within the women's movement between those who supported it and those who opposed it (see table 4.4.).

Only the Indonesian Women's Congress (*Kongres Wanita Indonesia*, KOWANI) had monitored and supported the development of the Anti-Pornography draft Bill since the early 2000s.⁶³ In 2002, the Congress decided to advocate for the ban of pornography through a national law (Bambang 2006). Representatives from the organization informed JANGA PKTP and sought the support of the National Commission for Women and other organizations. The National Commission informally suggested to the Congress that they should focus on the Anti-Domestic Violence Bill as it was further developed, while a Bill to ban pornography had not been discussed.⁶⁴ However, in 2005, the Congress was followed by several women's organizations, both non-religious and religious, that joined the anti-pornography initiative.

⁶³ Established in 1928, the Indonesian Women's Congress was the first nationalist women's organization in Indonesia. It is an umbrella organization of approximately 78 women's organizations which members are generally wives of civil servants, military and police officers. The Congress is usually aligned with the elite within parliament and government as most of its leaders are married with high level state officials and leaders of political parties.

⁶⁴ Personal knowledge of the author Sri Wiyanti Eddyono who coordinated the Legal Reform Division of the National Commission for Women in charge of the advocacy for the Anti-Domestic Violence Law.

Table 4.4: Debate within the Women's Movement on the Anti-Pornography Legislative Proposal

| | Supporters | | Opponents | |
|------------------------------|--|--|--|---|
| | Religious | Non-religious | Religious | Non-religious |
| Women's organizations | Older women's section of Nahdlatul Ulama (Muslimat NU) Women's section of the Islamic organization Hizbut Tahrir Indonesia (Muslimah HTI) Young women's section of Muhammadiyah (Aisyah) Women's group of the Justice Welfare Party | Indonesian Women's Congress (KOWANI) | Young women's section of the Nahdlatul Ulama (Fatayat NU) Rahima (study and resources centre on women's rights in Islam) Puan Amal Hayati (Islamic Women's Crisis Centre) Women from the Indonesian Church Alliance | Women's Solidarity Pro-Women National Legislative Programme Network (JKP3; network of 35 feminist organizations coordinated by LBH APIK Jakarta) |
| Argument | A law to prohibit pornography will protect youth from moral decline | A law to prohibit pornography will protect women and children from sexual violence | Since the Indonesian Penal Code criminalizes pornography, there is no need for another law on the same issue The legislative proposal frames women as causes of pornography | The legislative proposal criminalizes victims (women and children) and controls women's bodies |
| Strategies | Mass media campaigns Lobbying parliament and governmental bodies Rallies Publication of statements and press releases | | | Publication of a position paper against the 2005 and 2007 Bills |

In 2005, the main argument of the Indonesian Women's Congress was banning pornography to protect children from immorality:

Which women [oppose the bill]? We at the Indonesian Women's Congress are mothers concerned about the proliferation of pornography on TV, in tabloids, and other places. We worry about our growing children and teenagers (Bambang 2006).

The Islamic women's organizations that joined the mobilization shared the same argument as the Congress (see table 4.4): an anti-pornography law was necessary to protect young people from moral decadence. Khofifah Indar Parawansa, Chairperson of *Nahdlatul Ulama* (an Islamic mass organization), declared:

Muslims from Nahdlatul Ulama are concerned with the increasing moral decadence that will degrade [the nation]. For this reason we support the Anti-Pornography Bill (Wiq 2006).

On the other hand, secular women's organizations, religious organizations⁶⁵ and human rights organizations with a feminist approach opposed the initiative and the 2005 draft

⁶⁵ The feminist religious organizations were *Rahima* and *Puan Amal Hayati*. Both of them conducted training sessions for Islamic religious leaders on women's rights, gender equality and Islam, and raised awareness on women's rights in Islam. See <http://www.rahima.or.id> (accessed 20 February 2016).

Bill. A group of women's NGOs also created a coalition.⁶⁶ The Coalition and other feminist activists agreed that the 2005 draft Bill neglected the forced exploitation and human trafficking often associated with the pornographic industry and therefore criminalized and moralized women and children, especially when they were forced to join pornographic activities, instead of protecting them (Munti 2008b; Wichelen 2010; NGOs-Coalition 2006). Furthermore, the moral discourse embedded in the legislative text denied and restrained women's rights to control their bodies and sexuality.⁶⁷ Thus, they urged parliament to halt deliberations and invited policy makers to debate other legislative proposals that could effectively protect women and children such as the Human Trafficking Bill and the Witness and Victim Protection Bill.⁶⁸

Other organizations adopted a middle ground stance. For instance, *Fatayat Nahdlatul Ulama*, the young women's organization of the *Islamic Nahdlatul Ulama*, criticized the 2005 draft Bill. It agreed with the feminist movements' arguments, although it shared with its parent organization the demand to ban pornography in order to prevent the moral decline of society:

Overall we judge this Bill [the 2005 draft Bill] to be well intentioned in furthering a moral society by prohibiting the display of 'pornography'...But it is our opinion that there are some underlying weaknesses that should be revisited...Among them are: first, a lack of regulation of the media industry that buys and sells pornographic products. Regulations that are more geared to individuals, who in our opinion, are often 'victims' of engineering and policies of the media industry. Second, a lack of gender equality, because women and their bodies are considered to represent pornography and sexual acts (PP-Fatayat NU 2006).

The 2007 draft Bill caused contradictory reactions among women's movements (Affiah and Nurhamidah 2011). For instance, *Fatayat Nahdlatul Ulama* changed its stance to support the new draft Bill, which was considered to be more accommodating. Claiming that an anti-pornography law was at that stage inevitable, some feminist activists considered it more productive to advocate the parliament for further revisions and established the Pro-Women National Legislative Programme Network (*Jaringan Kerja Prolegnas Pro Perempuan*, JKP3). The Network, coordinated by LBH APIK Jakarta, consisted of 45 women's NGOs who lobbied parliament with specific amendments to the draft Bill to adopt a women's human rights approach. Specifically, the Network rejected two clauses: no. 1 on the definition of pornography and no. 4 on the criminalization of lesbian, gay, bisexual, transgender and intersex (LBGTI) individuals and organizations (Fanani and Farida 2009). Whereas, other feminist organizations continued to mobilize against the draft Bill as they condemned the ideology behind it.

The final text of Anti-Pornography Law, 2008, disappointed both supporters and opponents. The supporters accused the state of accommodating the claims from the opposition, and therefore to have approved a law with a weak and narrow scope. On the other hand, a group of women's organizations requested the Constitutional Court to

⁶⁶ Women's organizations that grouped together to oppose the Anti-Pornography Bill were Rainbow Direction (*Arus Pelangi*), The Purple Institute (*Institut Ungu*), the Women's Association for Justice and Legal Aid Jakarta, Legal Aid Agency Jakarta, Mahardhika Women's Working Group (*Pokja Perempuan Mahardhika*), Sri Kandi Democracy Indonesia (*Sri Kandi Demodراسي Indonesia* or Sekar), National Secretariat of the Indonesian Women's Coalition (*Seknas Koalisi Perempuan Indonesia*), the Women's Journal Foundations (*Yayasan Jurnal Perempuan*), and a number of individuals.

⁶⁷ Affiah and Nurhamidah 2011; Munti 2008a; Wichelen 2010.

⁶⁸ Along with the discussion on the Anti-Pornography proposal, the parliament also discussed the Human Trafficking Bill and the Witness and Victim Protection Bill. Women's NGOs and human rights NGOs proposed both Bills. The parliaments approved the Witness and Victim Protection Act in 2006 and the Human Trafficking Act in 2007.

evaluate whether the law was in line with the Indonesian Constitution. The Court rejected the request on the grounds of the inappropriateness of a constitutional review in relation to criminal proceedings, and of the lack of evident violations of constitutional rights.⁶⁹

In terms of strategies for mobilization, both supporters and opponents used mass media to promote their claims, organized demonstrations and lobbied parliament. Only the opposition submitted position papers to parliament to articulate their arguments against the anti-pornography legislative proposal (see table 4.4).

Table 4.5: State's response to advocacy for and against the Anti-Pornography Bill

| Administration | Response | |
|--|---|---|
| | Parliament | Government |
| <i>B.J. Habibie (1998–1999)</i> | | Ministry of Women's Empowerment proposed the first Bill. No further discussion because of other legislative priorities |
| <i>Aburrahman Wahid (1999–2001)</i> | A few members of parliament proposed a discussion on an anti-pornography law, but no further discussion because of other legislative priorities | Ministry of Women's Empowerment proposed the Bill again |
| <i>Megawati Soekarno Putri (2001–2004)</i> | Parliamentary Legislative Agency published the 2003 draft Bill after the proposal of members of parliament from religious political parties | The president did not support the Bill and interrupted the discussion |
| <i>Susilo Bambang Yudoyono (2004–2009)</i> | Developed the 2005 Bill and its inclusion as a priority in the 2005 National Legislative Programme Developed the 2007 Anti-Pornography Bill, which excluded the pornographic activities as stated in the 2005 Bill Approved the 2008 Bill in October 2008 after several revisions | Support for the 2005 Bill from the Ministry of Religious Affairs and the Ministry of Women's Empowerment The president raised concerns about excessive pornography in mass media Publication of the Presidential Mandate to discuss the 2005 Bill |

4.3 Advocacy against sexual violence

The eradication of sexual violence against women has been a long-standing issue for Indonesian women's organizations since the 1980s. During the New Order regime, feminist movements mobilized against rape and sexual harassment, especially during military operations (Kalyanamitra 1995). This mobilization continued during the New Democratic Era, as follow up to the mass rapes during the May 1998 riots and advocacy around the criminalization of sexual violence within the household. From 1998, the National Commission for Women focused on sexual violence in the context of armed conflict and politics, such as the case of 1965 when many opponents from the Indonesian Communist Party and women's organizations were killed, imprisoned and often experienced sexual violence⁷⁰ the mass rapes during the May 1998 riots, the violence in Aceh in the context of the Shari'a, and in Poso and Papua during military operations.

⁶⁹ Several women's organizations together with human rights organizations requested the Court to review not only the clauses on the definition and scope of the law, but also the lack of recognition and protection of women and children vulnerable to human trafficking for sexual exploitation. Indeed, the Law does not address human trafficking and sexual exploitation, but it refers to the Criminal Code for these crimes.

⁷⁰ At the beginning of the New Order regime, in 1965, many opponents from the Indonesian Communist Party and also from women's organizations were killed, imprisoned and often experienced sexual violence. This is the case of women from Gerwani, a women's grassroots organization, who were accused of being affiliated with the Indonesian Communist Party and were victims of violence from the regime (Chandrakirana et.al 2009).

At the moment of writing, the first and only achievement for women activists has been the criminalization of marital rape and inclusion of sexual violence in the definition of domestic violence as per the Anti-Domestic Violence Law, 2004. Yet the Indonesian Criminal Code does not adequately define or criminalize sexual violence outside the domestic context. Rape is narrowly defined as forced penis-vagina penetration with ejaculation by a man against a woman who is not his wife (Shinta 2007). This reductive definition contradicts the Anti-Domestic Violence Law, 2004. Therefore, in 2005, a group of women's and human rights organizations lobbied to amend the Criminal Code (Munti 2008b). However, in 2005 deliberations in parliament stalled because the amendment on sexual violence was debated within the framework of the draft Criminal Code Bill, which included other themes, such as the punitive system for corruption (Tridewiyanti et al. 2013). Parliament did not reach agreement on about the issue of handling corruption cases; this stalled the entire process for the Bill.⁷¹ Thus, LBH APIK Jakarta opted for another strategy by submitting a draft Bill on rape to parliament in 2005, in an attempt to create a process similar to the one that led to the adoption of the Anti-Domestic Violence Law. Not only did this legislative initiative stall, but LBH APIK Jakarta was weakened by a lack of human resources and funding, which had a negative impact on its advocacy capacities.⁷²

Table 4.6: Mobilization for the approval of national laws to end sexual violence, 2000–2008

| Leading Actors for each Mobilization | Claims |
|---|--|
| Pro-Women National Legislative Programme Network with LBH APIK Jakarta | Approve a national law to criminalize rape |
| Aliansi Nasional Reformasi KUHP (the National Alliance for the Reform of the Criminal Code) with LBH APIK Jakarta | Revise the Indonesian Criminal Code to criminalize rape and sexual abuse |
| Human Rights Study and Advocacy Organization (<i>Lembaga Studi dan Advokasi Masyarakat</i> , ELSAM) | Revise the Indonesian Criminal Code to criminalize rape and sexual abuse |
| National Commission for Women | Investigate sexual violence during the New Order regime and provide social security to victims |

Furthermore, between 2005–2008, the moral discourse associated with the anti-pornography mobilization also had an impact on the discourse on sexual violence, as sexual violence experienced by women was narrowly equated with morality. The threat of the Anti-Pornography Bill, that did not take into consideration the perspective of victims of violence, generated a sense of urgency to mobilize against sexual violence.⁷³ Since the late 2000s, human rights organizations, state human rights commissions (National Commission for Women and the Indonesian Commission for Child Protection), academics, religious organizations and feminist organizations have lobbied policy makers at different governance levels to take action (see table 4.7). The mobilization was triggered by the alarming number of sexual violence cases registered,⁷⁴ and the key demand was approving laws and policies that would address the needs of the victims.

⁷¹ Interview with Zainal Abidin, Human Rights Studies and Advocacy Organization (ELSAM).

⁷² Interview with Ratna Batara Munthi, Director of LBH APIK Jakarta and Coordinator of the National Advocacy Network for the Elimination of Violence against Women.

⁷³ Interview with Ratna Batara Munthi, Director of LBH APIK Jakarta and Coordinator of the National Advocacy Network for the Elimination of Violence against Women

⁷⁴ For instance, in 2012, registered cases of sexual violence in the public sphere included rape (804), molestation (780), attempted rape (8), promiscuity (207), sexual abuse (118) and violence (564) (Komnas Perempuan 2013).

However, contrary to the experience of the anti-domestic violence mobilization, civil society organizations have employed different approaches and strategies to mobilize against sexual violence. Some NGOs assist victims, including LBH APIK Jakarta and the Magenta Legal Research and Advocacy (Magenta LRA). The Indonesian CEDAW Working Group submits shadow reports to make the Indonesian state accountable within the framework of the CEDAW. Finally, other organizations focus on campaigning and awareness raising like the Alliance of New Men (*Aliansi Laki-Laki Baru*, ALB). The following sections illustrate some of the key initiatives at national level.

Table 4.7: Initiatives for a national law to end sexual violence, 2008–2014

| Leading Actor | Policy Issue | Action |
|--|---------------------------------------|--|
| Ministry of Women's Empowerment and Child Protection | Sexual abuse against children | Approval of Presidential Decree No. 5/2014 on the National Initiative against Sexual Violence 2015–2019 National Action Plan to Prevent Sexual Violence Against Children |
| National Commission for Women | Sexual violence against women | Draft of an Anti-Sexual Violence Bill |
| Women's organizations | Sexual violence against women | Advocate for a Bill to criminalize sexual violence Organize campaigning activities to tackle stereotypes on women victims of violence Provide legal aid to women victims of violence Collaborate with scholars and with the National Commission for Women |
| Indonesian Commission for Child Protection | Sexual abuse against children | Revision of the Child Protection Law No. 22/2002 |
| University of Indonesia | Sexual abuse in the university campus | University Policy to end Sexual Violence in the Campus |
| <i>Indonesian Church Alliance</i> | Sexual abuse against children | Introduction of sexual education programmes for children |
| <i>Fatayat Nahdlatul Ulama</i> | Sexual abuse against children | Call for investigation of child sexual abuse cases Call for a national action plan to prevent sexual abuse against children |
| <i>Aisyah</i> | Female circumcision and polygamy | Advocacy within the parent organization, <i>Muhammadiyah</i> , for the adoption of internal policies to condemn polygamy and female circumcision as forms of sexual violence Dissemination of the Islam principle of <i>sakinah</i> (harmonious) families to prevent violence against women |

Women's organizations

Many women's networks and organizations mobilize against sexual violence but with different focuses. Some feminist activists within NGOs do not advocate for policy change, but they actively assist victims and indirectly support advocacy by other organizations (National Commission for Women). Whereas ALB and other organizations (One Billion Rising campaign and My Friend Volunteer Network) campaign to prevent sexual violence through social media and mobilize the general public, including students, men and youth.⁷⁵ Other activists have joined networks, demanding the state's assistance

⁷⁵ Interview with Lilis Listyowati, head of Kalyanamitra.

and support to victims. One of these networks is the Women's Justice Forum (*Forum Keadilan Perempuan*, FKP), which was established in 2011 after mass media reported rampant sexual violence against women on public transport. FKP advocates for bodily autonomy, freedom of expression, and justice for victims of rape and sexual harassment. Another network is the Alliance of Women Rejecting Rape (*Aliansi Perempuan Tolak Perkosaan*) that was formed in 2012 as a response to statements by public officials who blamed victims, for example their clothing was cause of the violence, instead of condemning the violence.⁷⁶ Finally, other organizations such as LBH APIK Jakarta and the Indonesian CEDAW Working Group advocated for revision of the clauses regarding rape in the Criminal Code. In particular, in 2012, the Indonesian CEDAW Working Group submitted a shadow report to the CEDAW Committee, who then urged the Indonesian government to address this demand.⁷⁷

Academics

A group of scholars from the Faculties of Law, Social and Political Science, and Sociology at the University of Indonesia has been mobilizing against sexual violence after an increase in of the number of sexual harassment on the university campus.⁷⁸ This group has animated the debate within the university, gaining support from students and university leadership. The Faculty of Law established a legal aid office to ensure access to justice and assistance to victims.⁷⁹ Further, these faculties approved an anti-sexual violence policy for the campus. In collaboration with activists from women's organizations, the Faculty of Law also integrated modules on violence against women and gender equality in the curricula.⁸⁰

Religious organizations

The Indonesian Church Alliance, *Fatayat Nahdlatul Ulama* and *Aisyiyah* mainly focus on prevention of sexual violence against children and women. Following the disclosure of the Jakarta International School case in mid-2014, *Fatayat Nahdlatul Ulama* declared 2014 the year of crisis for child abuse and crimes against children.⁸¹ In 2014, the organization advocated for reinforcing law enforcement in cases of child sexual abuse.⁸² Both *Fatayat Nahdlatul Ulama* and *Aisyiyah* urged the government to act decisively to prevent other cases, such as the International School case.⁸³ *Aisyiyah* also lobbies its parent organization, *Muhammadiyah*, to prevent female circumcision and polygamy, which are seen as sexual crimes against women's rights.⁸⁴ The organizations used the Islamic concept of *sakinah* (harmonious) family that prioritizes the welfare of all family members. Thus, *Aisyiyah* argues that *sakinah* families do not justify or tolerate any form of violence and respect women's domestic work and reproductive health.⁸⁵ Finally, the Indonesian Church Alliance did not call for state action, but it emphasizes the need for prevention within families, schools and churches.⁸⁶ Its Children's Working Group has proposed introducing sex education within the curricula of the schools run by the Churches.⁸⁷

⁷⁶ Interviews with FR Yohana Wardhani (Executive Coordinator of Magenta Legal Research and Advocacy) and with Lilis Listyowati (head of Kalyanamitra).

⁷⁷ See <http://www2.ohchr.org/english/bodies/cedaw/docs/co/CEDAW-C-IDN-CO-6-7.pdf> (accessed 24 February 2016).

⁷⁸ Interviews with Lidwina Inge and Iva Kusuma, lecturers at the Faculty of Law, National University of Indonesia.

⁷⁹ Interview with Ida Ruwaida, Faculty of Sociology, National University of Indonesia.

⁸⁰ Interview with Ida Ruwaida.

⁸¹ Interview with Nur Rofiah, *Fatayat NU*.

⁸² Interview with Maria Ulfah Anshor and Nur Rofiah, *Fatayat NU*.

⁸³ Interview with Nur Rofiah (*Fatayat NU*) and Tri Hastuti Nur (*Aisyiyah*).

⁸⁴ Interview Tri Hastuti Nur, *Aisyiyah*.

⁸⁵ Interview Tri Hastuti Nur.

⁸⁶ Interviews with Lilly Danes (commissioner at the National Commission for Women and former coordinator of the women's division at the Indonesian Church Alliance, 1997–2001) and Lenny Dasuha (Indonesian Church Alliance).

⁸⁷ Interview with Lilly Danes.

Despite their commitment against sexual violence, advocates within these organizations faced internal resistance as sexual violence remained taboo. They pursued a strategy of internal advocacy to gain the support of the entire organization. For instance, *Aisyiyah* convinced the leadership of the *Muhammadiyah* to adopt the idea of the *sakinah* family without violence and polygamy and to condemn female circumcision by holding internal meetings to discuss these themes and its impact on families' well-being (Aisyiyah 2014a, 2014b).

The Ministry of Women's Empowerment and Child Protection

The Ministry of Women's Empowerment and Child Protection had the function and authority to advocate, consult and facilitate policy regarding women and children.⁸⁸ Within this role, the ministry supported, inspired, and created safeguards for women and children.⁸⁹

After the Jakarta International School case, the Ministry of Women's Empowerment and Child Protection provided input to the president for developing both the Presidential Decree 5/2014 on the National Initiative on Anti-Sexual Violence against Children and the 2015–2019 National Action Plan to Prevent Sexual Violence Against Children. The Ministry recommended a preventive approach to eliminate sexual violence. It argued that prevention could be realized through appropriate national and subnational policies and the horizontal and vertical coordination among state actors.⁹⁰ This approach was adopted by the Presidential Decree that encourages both the approval of new policies and their coordination.⁹¹ It addresses (i) national ministries, (ii) the General Attorney, (iii) the Head of the national police force, (iv) the governmental commissions, (v) provincial governors and (vi) mayors. This decree contains specific instructions on the measures, duties, functions and powers of each respective institution for an integrated and coordinated approach to prevent and eradicate sexual abuse against children. The 2015–2019 National Action Plan to Prevent Sexual Violence Against Children plans to extensively collaborate with civil society as the majority of abuse against children occurred in "safe" areas such as homes and schools. Under the Presidential Decree, the Ministry of Women's Empowerment and Child Protection is in charge of:

- improving coordination with state actors (ministries, commissions, subnational governments), women's and children's organizations, professional organizations, academia, mass media and the private sector to prevent and eradicate sexual violence against children;
- raising societal awareness on sexual violence;
- accelerating revision of Child Protection Bill 23/2002;
- implementing the 2015–2019 National Action Plan to Prevent Sexual Violence Against Children 2015–2019;
- establishing Integrated Service Centres for Empowerment of Women and Children at both provincial and district levels.

Between 2014 and 2015, the Ministry implemented some of the above tasks by calling for consultations with other state actors from executive, legislative and judicial bodies. For example, within the government, it cooperated with the Ministry for National Development Planning, Ministry for Finance and Ministry for Home Affairs to publish a joint Circular Letter on the National Strategy for Accelerating Gender Mainstreaming via Gender Responsive Planning and Budgeting.⁹² The purpose is to allocate a budget

⁸⁸ Interview with Mudjiati, Deputy III for the Protection of Women, Ministry of Women's Empowerment and Child Protection.

⁸⁹ Interview with Mudjiati.

⁹⁰ Interview with Rohika, Assistant Deputy for Managing Violence Against Women, Ministry of Women's Empowerment and Child Protection.

⁹¹ Interview with Rita Pranawati, commissioner at the Indonesian Commission for Child Protection.

⁹² Interview with Rita Pranawati, commissioner of the Indonesian Commission for Child Protection.

for policies that can improve the status of women and children and reduce violence, discrimination, and exploitation. Meanwhile, the Ministry worked with the judicial staff to change attitudes toward sexual violence and guarantee access to justice and implementation of existing laws.⁹³

The National Commission for Women

In the framework of its mandate, the National Commission for Women has conducted the following activities to end sexual violence:⁹⁴

- adhere to the international campaign “16 Days of Activism against Gender-Based Violence” with a national programme in collaboration with civil society (including New Men’s Alliance);
- assist 10 mass media channels on reporting sexual violence cases without criminalizing the victims;
- report annually on cases of sexual violence;
- develop a legal framework to prosecute sexual violence, which includes 15 different forms of sexual violence, in collaboration with academics, NGOs, religious leaders, law enforcers and legal experts;
- draft an anti-sexual violence Bill in collaboration with NGOs, scholars and legal experts.⁹⁵

Further, the Commission mobilizes against the implementation of subnational Shari’a regulations that justify sexual violence against women. For instance, in 2015, it stood against the Aceh Islamic Shari’a Department, accusing it of crimes against humanity. The department had condemned a widow to be flogged in a public space after being gang raped. The accusation against the woman was of adultery, because when the gang entered her house to rape her, a man who was not her husband was found there (Komnas Perempuan 2015).

*The Indonesian Commission for Child Protection*⁹⁶

The Indonesian Commission for Child Protection focuses on sexual violence against children. Together with NGOs and academics, the Commission is lobbying for the revision of Child Protection Law, 2002, because of the increasing rate of violence against girls. Nevertheless, commissioners do not share the same approach to sexual violence; some use a human rights-based approach, while others tend to interpret sexual violence through the lenses of morality.⁹⁷ The Commission played a crucial role in developing the 2015–2019 National Action Plan to Prevent Sexual Violence Against Children. The Plan was passed in October 2014 after the case of sexual abuse against children in the international school in Jakarta.⁹⁸ Since the school is attended by many children from Indonesian upper-class families and from families of diplomatic delegations in Jakarta, the case attracted widespread attention and led the Indonesian government to take action (Vaswani 2014).

⁹³ Interview with Rita Pranawati.

⁹⁴ Interview with Siti Maesaroh and V, National Commission for Women.

⁹⁵ At the moment of writing, the Commission is finalizing the draft bill and preparing the academic policy paper so to include the issue into the next National Legislative Programme.

⁹⁶ In 2014, the Indonesian Commission for Child Protection urged the parliament to amend the Child Protection Law, in collaboration with the Ministry of Women's Empowerment and Child Protection. Contrary to the National Commission for Women, which is an independent body and collaborates directly with the parliament, the Commission for Child Protection is under the Ministry of Women's Empowerment and Child Protection (Interview with Maria Ulfa Anshor, Commissioner of the Indonesian Commission for Child Protection).

⁹⁷ Interview with Rita Pranawati, commissioner at the Indonesian Commission for Child Protection.

⁹⁸ A woman reported to police that her six-year-old son was abused by a janitor at the school, while another woman reported the abuse of two teachers against her child (interview with Rita Pranawati, commissioner at the Indonesian Commission for Child Protection).

The different attitudes of the State toward cases of sexual violence

We observed different reactions from the state depending on the cases of sexual violence. Between 2010 and 2015, the state was more responsive to cases of sexual violence against children, compared to cases against women. During a wave of sexual violence on public transportation during 2013–2014, for instance, the state’s response was minimal and some public officers—including the-then Minister of Education and Culture and the Governor of Jakarta—made declarations that discredited and blamed victims (Ninik 2012). The tendency by state officers to blame victims was recorded after other cases of sexual violence, causing the immediate reaction of activists (Indosiar 2011; Novel 2011).

However, even in front of cases of sexual violence against children, we observed that the state’s attitude differs according to the social class of the victim. The fact that the victims at the Jakarta International School are from Indonesian upper-class families and from upper-class foreign families led the state to quickly take action, including holding cross-ministerial coordination meetings, inviting the National Commissions for Women and for Child Protection to submit their opinions, approving Presidential Decree 5/2004, etc.. By contrast, the state did not react to other cases in which victims from the lower strata of the population, such as sexual violence against a child scavenger in East Jakarta in 2013, known as the “R.I.” case (Aji 2013). Therefore, sexual violence can also be a class-based policy issue (see chapter 2).

4.4. Mobilization to end violence against women in provinces and districts

Across Indonesian provinces and districts, mobilization to end violence against women is diverse in terms of actors, strategies, degree of resistance to policy change and the state’s responses. As discussed in chapter 2, this diversity stems from the presence of women’s movements, the influence of religious and customary organizations and political elites. The current chapter explores women’s mobilization for each research site.

4.4.1 Advocacy in West Nusa Tenggara (Lombok Island)

In the province of West Nusa Tenggara, an increasing number of cases of violence against women⁹⁹ since the beginning of the democratic transition has spurred women’s NGOs to voice the importance of assisting and protecting victims of violence. Among these organizations, the West Nusa Tenggara LBH APIK provides legal aid to victims, makes insistent demands that judges and police properly investigate cases, and leads mobilization efforts for the adoption and implementation of subnational regulations against violence.¹⁰⁰ Following the example of the national LBH APIK, the West Nusa Tenggara office created an advocacy network in 2008 and received funding from international donors to strengthen it.¹⁰¹ Although only a few NGOs focused on violence against women in the 2000s,¹⁰² several NGOs joined the initiative over the years—

⁹⁹ However, data are controversial. The Agency for Women’s Empowerment and Family Planning recorded 1,262 cases in 2009 (Kamis 2010). In 2012, the National Commission for Women reported only 224 cases (Komnas Perempuan 2012), but it excluded the 423 cases registered by the Integrated Service Centre for Empowering Women and Children in East Lombok in the same year.

¹⁰⁰ The organization also provides legal and non-legal counselling for victims, collects comprehensive data on violence against women and children, and trains paralegals (interview with Beuty Erawati, Director of West Nusa Tenggara LBH APIK).

¹⁰¹ Respondents in West Nusa Tenggara affirmed that in the 2000s, on the wave of democratization and decentralization, international donors provided funding to both civil society organizations and the provincial government for projects on gender equality and women’s rights. For instance, new women’s organizations such as the Female-Headed Household Empowerment Programme (PeKka), the Indonesian Women’s Coalition, and Women’s Solidarity (*Solidaritas Perempuan*) were established thanks to this external support. However, this funding declined after the 2000s, with a negative effect on women’s capacity to mobilize.

¹⁰² According to Anindhita and Aripurnami (2013), many NGOs targeted issues of women’s empowerment, yet they focused on different issues while striving for gender equality. These NGOs included the Panca Karsa Foundation

Indonesian Women's Coalition for Justice (*Koalisi Perempuan Indonesia*, KPI), Panca Karsa Foundation, the Indonesian Tunas Alam Foundation (*Yayasan Tunas Alam Indonesia*), the People's Advocacy Institute for Democracy (*Lembaga Advokasi Rakyat untuk Demokrasi*, LARD), the Environment and Tourism Study Group (*Kelompok Study Lingkungan dan Pariwisata*, KOSLATA), the Children's Crisis Centre (*Lembaga Pemerhati Anak*, LPA), and the Female-Headed Household Empowerment Programme (*Program Pemberdayaan Perempuan Kepala Keluarga*, PeKKa).¹⁰³ The network demanded the translation of national laws and policies to end violence against women into subnational regulations, mechanisms for adequate access to justice and the implementation of subnational regulations. The network lobbied local state officers and agencies (that is the Agency for Women's Empowerment and Family Planning, BPPKB) and sought support from religious and customary leaders.¹⁰⁴

In 2008 the network used the elections for a new governor to gain the support of candidates. Women's organizations and other civil society organizations agreed to back the candidate who would sign a number of pledges to further women's rights through new regulations if elected. The paralegals working with the West Nusa Tenggara LBH APIK launched the campaign "Stop Violence Against Women", and disseminated information across villages in the province and through mass media.¹⁰⁵ The candidate who adhered to the network's pledges won the election for two consecutive terms (2009–13 and 2013–17), creating a favourable political context for policy change.

One of the key initiatives of the network was to collaborate with customary leaders and the subnational state to address the misuse of the Sasak customary practice of elopement, called *merariq*. Within the Sasak culture, elopement is part of the process to marry a woman (Ruwaida 2010). According to custom, the man first proposes to a woman; if she accepts, the man has to abduct her, figuratively breaking her ties with the family of origin.¹⁰⁶ The abduction occurs with the agreement of the woman but often without the knowledge of her family. The woman is conducted to the man's family's house and, after a few days, the community leader informs her family and negotiates the dowry. Further to these negotiations, the man pays a visit to the woman's family requesting forgiveness for the abduction and their blessing for the wedding, which is then celebrated a few days later (Ruwaida 2010).

Nowadays, men often use the practice of *merariq* to sexually abuse and to forcedly marry girls (Wardani 2009; West Nusa Tenggara LBH APIK 2014). In 2009, the West Nusa Tenggara LBH APIK recorded 37 cases of violence perpetrated through the *merariq* (Antara NTB 2009). In the same year, the NGO Tunas Alam Foundation mapped the situation of commercial sexual exploitation of children in Lombok and Bali, finding that 75 per cent of women entrapped in prostitution are under the age of 18. The results of this research were submitted to relevant government agencies (National Directorates of Tourism and of Social Services) with the aim of pressuring them to follow up on the findings. Yet there has not been any response from the government, conversely they

(*Yayasan Panca Karsa*), the Women's Small Business Owner Association (*Pendamping Perempuan Usaha Kecil* or ASPPUK) and Women's Solidarity.

¹⁰³ Information on the network membership was provided by respondents.

¹⁰⁴ In order to achieve consensus on how to approach violence against women and children, the West Nusa Tenggara LBH APIK hosted a meeting with 500 religious and customary leaders in July 2009 and collaborated with 350 Islamic schools to reach out to students.

¹⁰⁵ Interview with Beuty Erawati, West Nusa Tenggara LBH APIK.

¹⁰⁶ Sasak people believe that these rituals around marriage are needed to distinguish the wedding from usual daily business and for the couple to gain the respect of the community. If a man does not follow the rituals, the family and the woman are insulted.

refuted the findings of this research (Antara NTB 2009). Therefore, in 2009, the organization hosted a meeting with 500 customary and religious leaders from across the province to discuss how to stop this trend.¹⁰⁷ The dialogue started between customary leaders and religious organizations at that meeting was immediately at risk when the then governor suggested banning the practice as contrary to religious practices and norms, customary practices can be simply banned or drastically changed. In front of the outrage of many customary leaders, the West Nusa Tenggara LBH APIK, together with the Indigenous People of the Nation's Alliance (*Aliansi Masyarakat Adat Nusantara*, AMAN), an NGO working to protect customary traditions, immediately hosted a meeting to clarify the position of women's organizations. While they did not oppose the customary tradition, they did oppose child marriage because it is illegal and violates child rights. They lobbied to ban the misuse of the practice, not the practice in itself. After the meeting, the customary leaders confirmed their support to the network.¹⁰⁸

In the same year, the government passed the Subnational Regulation on the Prevention and Protection of Women and Children Victims of Violence No. 2/2009. This was deemed an effective strategy of combining similar issues because at the time women's movements and networks were already in the process of demanding subnational policies for the protection of women survivors of violence.¹⁰⁹ The demands were accommodated within the regulation under the heading of "considerations" and in the general provisions of Article 1, clause 8 that defines the forms of violence against women and children, including sexual violence.¹¹⁰ This regulation further defines the rights of victims of violence, including access to justice and protection, and sets mechanisms for preventing violence against women and children through the participation of civil society.

After the approval of the regulation, the West Nusa Tenggara LBH APIK and network mobilized for its implementation.¹¹¹ They demanded the Agency for Women's Empowerment and Family Planning (*Badan Pemberdayaan Perempuan dan Keluarga Berencana*, BPPKB) to coordinate all stakeholders to ensure government compliance with the regulation. The network also urged the government to establish an Integrated Service Centre for the Protection of Women and Children (*Pusat Pelayanan Terpadu untuk Perlindungan Perempuan dan Anak*, P2TP2A) and to approve the Standard Operating Procedures.¹¹² As a result, the government issued the Governor Regulation on Implementation Mechanisms for Prevention and on Standard Operating Procedures for the Integrated Services Centres for Women and Children Victims of Violence No. 28/2009. The government also approved this regulation to respond to a recommendation from the Ministry of Women's Empowerment to expand Integrated Service Centres (ISC) to provide justice and financial support to victims.¹¹³ This regulation was reaffirmed by Governor Regulation No. 5/2010. Further, LBH APIK and PeKKA demanded a regulation by which allowances to divorced women victims of domestic violence would be compulsory for ex-husbands. The government approved the Governor Regulation on Maintenance and Child Support Payments No. 30/2009.¹¹⁴

¹⁰⁷ Interview with Beuty Erawati, West Nusa Tenggara LBH APIK.

¹⁰⁸ Interview with AD, NGO activist.

¹⁰⁹ Interview with QG, NGO activist, and with R., provincial government officer.

¹¹⁰ In the Subnational Regulation of West Nusa Tenggara 2/2009 Article 1, clause 11, the definition of sexual violence is any act regarded as sexual abuse, and forced sexual acts—both unreasonable and without consent of the person—with a commercial or other specific aim.

¹¹¹ Interview with ZC and Beauty Erawati, NGO activists.

¹¹² The Standard Operating Procedures are guidelines on the protection of women and children provided to local governments.

¹¹³ Interview with ZC, NGO activist.

¹¹⁴ Interview with AD, NGO activist.

Table 4.8: Actors and initiatives for policies to end violence against women in West Nusa Tenggara

Subnational Regulation No. 2/2009 on the Prevention and Protection of Women and Children Victims of Violence

| Leading actor(s) | Initiatives |
|---|--|
| LBH APIK West Nusa Tenggara | Arrange agreements with governor candidates Provide financial support to the Women's Study Centre at the University of Mataram Publish an academic policy paper together with the Women's Study Centre at the University of Mataram Draft the subnational regulation Gain support of religious and customary leaders Demonstrations and actions Lobby the Agency for Women's Empowerment and Family Planning to submit the subnational regulation to the provincial government |
| <i>Supporting actor(s)</i> | |
| Indonesian Tunas Alam Foundation | Collaborate in drafting the subnational regulation by providing research findings on violence against children |
| Indonesian Women's Coalition | Collaborate in drafting the subnational regulation Protests and demonstrations with the participation of Coalition members |
| Panca Karsa | Collaborate in drafting the subnational regulation |
| People's Advocacy Institute for Democracy | Collaborate in drafting the subnational regulation Mobilize a group of domestic workers to support the advocacy network |
| Child Protection Organization | Collaborate in drafting the subnational regulation by providing evidence from cases of violence against children |
| Female-Headed Household Empowerment Programme | Mobilize its members, including victims of domestic violence |

Governor Regulation No. 28/2009 on Implementation Mechanisms for Prevention and on Standard Operating Procedures for the Integrated Services Centres for Women and Children Victims of Violence

| Leading actor(s) | Initiatives |
|---|--|
| LBH APIK West Nusa Tenggara | Arrange agreements with governor candidates Monitoring of the implementation of the subnational regulation Mobilizing other NGOs Lobby the Agency for Women's Empowerment and Family Planning to propose the governor regulation to the provincial government |
| <i>Supporting actor(s)</i> | |
| The Indonesian Tunas Alam Foundation | Participate in discussions on the governor regulation draft Lobby the Agency for Women's Empowerment and Family Planning to propose the governor regulation to the provincial government |
| Indonesian Women's Coalition | |
| Panca Karsa | |
| People's Advocacy Institute for Democracy | |
| Child Protection Organization | |
| Female-Headed Household Empowerment Programme | |

Governor Regulation No. 30/2009 on Maintenance and Child Support Payments

| Leading actor(s) | Initiatives |
|---|--|
| LBH APIK West Nusa Tenggara | Arrange agreements with governor candidates Collect data on cases of wives and children abandoned by husbands Lobby the Agency for Women's Empowerment and Family Planning to propose the governor regulation to the provincial government Mobilize other organizations |
| The Female-Headed Household Empowerment Programme | Collect data on cases of domestic violence victims who were denied maintenance from their ex-husbands Lobby the government to pass the governor regulation Collaborate with other organizations |
| <i>Supporting actor(s)</i> | |
| The Indonesian Tunas Alam Foundation Panca Karsa | Lobby the government to pass the governor regulation |

Religious and customary organizations: Support and opposition

Religious and customary organizations were influential in the processes of policy change and mobilization described above. In general, these organizations tended to share women's concerns, but did not fully agree on all of the proposals made by the network (see table 4.9). The openness of the government towards women's demands was crucial to obtain the support of some organizations.

Table 4.9: West Nusa Tenggara religious and customary organizations: Reactions to the Subnational Regulation on the Protection of Women and Children Victims of Violence

| Type/name of organization | Opinions |
|--|---|
| <i>Islamic organizations</i> | |
| Forum of the Islamic Boarding Schools | Agree on the Subnational Regulation and on more stringent punitive mechanisms for violence perpetrators, but: <ol style="list-style-type: none"> i) polygamy is not a form of sexual violence ii) men and women have different rights in terms of inheritance and roles within the household |
| <i>Nahdlatul Wathan</i> | Agree on abolishing child marriage Right to perform marriage according to religious/customary norms |
| Women's sections of the Prosperous Justice Party and from the <i>Hizbut Tahrir Indonesia</i> | Support the Subnational Regulation with the following conditions: <ol style="list-style-type: none"> i) women have to follow religious norms and guard the name of their family by not spreading their husbands' behaviour ii) keep the intra-household gender roles as established by religious norms (men as family head; women as wives) |
| <i>Customary Organizations</i> | |
| Sasak Customary Council | Agree on the Subnational Regulation, but: <ol style="list-style-type: none"> i) the practice of <i>merariq</i> is not a form of sexual violence ii) marriage is regulated by customary norms: men and women able to differentiate between right and wrong, to economically support themselves, and their families are allowed to marry |

As previously mentioned, customary leaders were initially resistant to link the practice of *merariq* to sexual violence as framed by the women's network. However, they finally agreed that *merariq*, particularly when involving children, can have nuances of sexual violence and therefore needs regulation. In regard to punitive measures, customary

organizations suggested maintaining customary practices that have been in effect for many years. Sasak people usually punish perpetrators of violence against women and children by putting marks on their chest and then parading them around the village. In terms of the appropriate age for marriage, they advocated for following the Sasak culture: the customary laws do not explicitly state an age, but they allow a couple to marry if (i) the person is physically and psychologically mature, (ii) s/he possesses sufficient skills to obtain a job and meet material needs, and (iii) s/he has sufficient wisdom to differentiate between right and wrong.

Among religious organizations, opinions toward subnational regulations to end violence against women and children were more divergent. Confirming that the women's movement is heterogenous (see chapter 2), the women's sections of the Prosperous Justice Party and *Hizbur Tahrir Indonesia* (HTI) rejected Subnational Regulation No. 2/2009. They argued that the regulation forces women to oppose their own nature, that is the necessity to guard the good name of their husbands and family without disclosing their misbehaviour.¹¹⁵ Contrary to LBH APIK, these groups tend to perpetuate the patriarchal system. Other organizations, instead, supported some of the women's claims. For instance, in relation to the minimum age for marriage, the largest religious organization of the province, *Nahdlatul Wathan*, that has actively prevented child marriages for several years, agreed on the ban of child marriage.¹¹⁶

Response of the West Nusa Tenggara government

As described above, the subnational government has been supportive toward women's claims to take action to end violence against women and children since 2009. However, within the government, some agencies responded better than others, especially for implementing subnational regulations. The most significant support has come from the Agency for Women's Empowerment and Family Planning (hereafter the Agency), which drafted the regulation to protect victims of violence, consulted the network throughout the policy process, and currently coordinates the different agencies involved—health, social services and employment. However, the Agency's work is hampered by a lack of commitment and resources from these agencies.¹¹⁷ Therefore, the Agency strongly collaborates with NGOs, while it advocates the government for more political will and commitment.

During the policy process in 2009, the government mediated between women advocates and religious and customary leaders, declaring that the subnational regulations were not to regulate citizens' private sphere, but to prevent violence against women and children, and to protect victims. The government also stated that these regulations were not to address husbands or wives and their behaviour, but only the behaviour of the perpetrators of violence. In this process of negotiation, the draft regulation (i) did not regulate the punitive mechanisms for the perpetrators of violence—leaving it to religious and customary laws, (ii) did not classify polygamy as a form of violence, and (iii) did not set a minimum age for marriage. Further, *merariq* is not included in the regulation.¹¹⁸

¹¹⁵ Interview with Q, government employee.

¹¹⁶ In the Islamic boarding schools run by the organization, child marriage is condemned as dangerous for girls' health and personal development (Interview with Q, government employee).

¹¹⁷ Interview with EH, government employee.

¹¹⁸ Interview with EH, government employee.

In April 2014, the governor of West Nusa Tenggara appealed to all mayors and departmental heads to pay more attention to children's rights. In the same year, the governor signed an MoU on public security and on child protection with the Child Protection Agency, the West Nusa Tenggara police and other law enforcement agencies.¹¹⁹

Table 4.10: The role of West Nusa Tenggara governmental agencies in policy making on violence against women and children

| Subnational Regulation No. 2/2009 on the Prevention and Protection of Women and Children Victims of Violence | |
|--|--|
| Actor | Initiative |
| Agency for Women's Empowerment and Family Planning | Draft a subnational regulation Facilitate the mobilization of women's movements Lobby other agencies and the parliament to approve the regulation |
| Public Health Office | Draft a subnational regulation together with the Agency for Women's Empowerment and Family Planning Provide input on the role of hospitals and health services to assist victims of violence |
| Social Services Office | Draft a subnational regulation together with the Agency for Women's Empowerment and Family Planning |
| Governor Regulation No. 28/2009 on Implementation Mechanisms for Prevention and on Standard Operating Procedures for the Integrated Services Centres for Women and Children Victims of Violence | |
| Actor | Initiative |
| Agency for Women's Empowerment and Family Planning | Play a bridging role between the governor and women's movements Lobby district offices to implement Subnational Regulation No. 2/2009 and to set up Integrated Service Centres |
| Public Health Office | Recommend hospitals (both public and private) to collaborate for setting up Integrated Service Centres, to provide medical assistance to victims, and to contribute evidence during legal procedures Allocate funding from the Provincial and District Public Health Offices to prevent and eradicate violence |
| Social Services Office | Allocate funding from the Provincial Social Services Office to prevent and eradicate violence Encourage District Social Services Offices to collaborate in setting up Integrated Service Centres |
| Governor Regulation No. 30/2009 on Maintenance and Child Support Payments | |
| Actor | Initiative |
| Agency for Women's Empowerment and Family Planning | Conduct consultations with women's organizations Collect data on disputes around maintenance and child support in cases of divorce, in collaboration with women's organizations Lobby the provincial government to approve a governor regulation to guarantee maintenance and child support in case of divorce |

4.4.2 Ending violence against women in East Lombok Regency

In East Lombok Regency attention to gender equality, including ending violence against women and children, emerged due to the interaction of local organizations with national NGOs and international donors, and to the rate of reported violence.¹²⁰ Four NGOs have mobilized to end violence against women since the mid-2000s and have worked together in a network:

¹¹⁹ This appeal was caused by a series of accidents against children in the city of Bima. See <http://dutaselaparang.com/?p=885> (accessed 17 October 2015).

¹²⁰ In 2012, the East Lombok Integrated Service Centre reported 423 cases, which were recorded by the East Lombok police (250 cases), the Subnational General Hospital (34 cases), West Nusa Tenggara LBH APIK (29 cases), the Child Protection Organization (21 cases), Agency for Women's Empowerment and Family Planning (12 cases), the Advocacy Organization for Indonesian Migrant Worker (14 cases), and the Department of Health (63 cases). See <http://p2tp2alomboktimur.blogspot.co.id/2013/03/data-penanganan-kasus-tahun-2012.html> (accessed on 17 October 2015).

- the West Nusa Tenggara LBH APIK, the leading organization providing legal aid to women;
- the Advocacy Organization for Indonesian Migrant Workers (*Advokasi Buruh Migran Indonesia*, ADBMI);¹²¹
- the Institute of Empowerment and Resources Network (*Lembaga Pemberdayaan dan Sumber Daya Mitra*, LPSDM), which focuses on women's empowerment and leadership;¹²²
- the People's Movement of Nature Lovers (*Gerakan Masyarakat Cinta Alam*, Gema Alam),¹²³ that works on environmental issues, social justice and gender equality.

The four NGOs have encouraged a progressive understanding of relationships between men and women for a gender-equal society with the programme “New Men's Movement”. Men activists became models for equal relations within the household and have encouraged the community to change their practices. The programme portrays “real men” as men who appreciate and respect women, “super husbands” as those eager and prepared to support their wives and children, and “ideal husbands” who share the burden of unpaid domestic and care work. The New Men's Movement programme has been an effective strategy to confront the strong patriarchal system stemming from the conservative and religious understandings that persist in East Lombok,¹²⁴ and to influence customary and religious leaders' views in regard to protecting women and children from violence.

Table 4.11: Policies to end violence against women in East Lombok

| | |
|----------------------------|--|
| Main policy | Subnational Regulation No. 9/2013 on the Protection of Victims of Human Trafficking and Violence Against Women and Children |
| Integrated Service Centres | East Lombok Mayoral Directive No. 188.45/315/SP/2006 on the Establishment of Integrated Service Centres East Lombok Mayoral Directive No. 188.45/482/PPKB/2010 on the Management of Integrated Service Centres MoU No. 188.45/462/PPKB/2011 on the Prevention of Violence against Women and Children with the Dr. Soedjono Selong Hospital, East Lombok East Lombok Mayoral Directive No. 188.45/440/PPKB/2012 on Implementing Integrated Service Centres |
| Human trafficking | East Lombok Mayoral Directive No. 188.45/173/PPKB/2010 on the Establishment of a Task Force to Prevent and Address Human Trafficking |
| Access to justice | East Lombok Mayor Decision No. 188.45/322/RSU/2005 on Free Forensic Medical Services for Children Victims of Violence East Lombok Mayoral Decree No. 188.45/471/PPKB/2010 on Free Forensic Medical Services for Women and Children Victims of Violence |

Apart from raising awareness within civil society, the NGOs also advocated the regency for policy change. In the period 2000–2014, the regency approved a number of policies to end violence against women, following the advice of the Agency for Women's Empowerment and Family Planning and the advocacy efforts of the four NGOs. But until 2010, these policies were approved as mayoral decrees—which only requires the agreement of the mayor without a process of deliberation within the district parliament. Having direct influence on the Agency and on the mayor, the four NGOs considered this procedure to be the easiest and most time effective. Their main argument for the approval of these decrees was the high levels of violence against women and children.

¹²¹ Interview with QG, NGO activist.

¹²² Interview with GQ, NGO activist.

¹²³ Interview with LI, NGO activist.

¹²⁴ Interview with GQ, NGO activist.

Table 4.12: Leading actors, supporters and opponents to Subnational Regulation No. 9/2013 on Protecting Survivors of Human Trafficking and Violence against Women and Children

| | |
|---------------|--|
| Leading actor | East Lombok Agency for Women's Empowerment and Family Planning |
| Supporters | Parliamentary Commission B on Social Affairs Civil society: Institute of Empowerment and Resources Network, the Advocacy Organization for Indonesian Migrant Workers, People's Movement of Nature Lovers, LBH APIK West Nusa Tenggara, the New Men's Alliance, Joint Organization for Women East Lombok and scholars from the Mataram University |
| Opponents | A few leaders from the Islamic organization Nahdlatul Wathan A few customary leaders |

The head of the Agency responded to the NGOs' claims towards the end of the electoral term in 2010, when the Agency took the lead of the legislative initiative. While drafting a regulation to end violence against women and children, it effectively involved state and non-state actors from the early stages of the policy process. First, it coordinated closely with the regency's Commission B in charge of social and cultural matters. Second, it hosted a workshop with government agencies in East Lombok, customary and religious leaders, and representatives from the Ministry of Religion. Participants responded positively and committed to supporting the regulation. Third, it organized a series of meetings with representatives from each district of the regency—10 districts out of 14 participated—to obtain input from neighbourhood, rural, village and district leaders. Fourth, the Agency consulted the four NGOs and civil society more broadly, including the Islamic women's organization *Muslimat Nahdlatul Wathan*.

During the consultations, one of the controversial issues was whether human trafficking should be included within the same regulation or not. Although some NGOs argued that merging the two issues would mean not specifically addressing the different needs of victims of violence and victims of human trafficking, all actors eventually agreed that merging the issues would be an effective way to extend some degree of protection to victims of human trafficking.¹²⁵ Similar to the debate at provincial level, another controversial issue was the minimum age for marriage. The draft regulation set the minimum age for marriage at 18, the starting age for adulthood, as requested by the NGOs. Religious and customary leaders opposed these limits, arguing that Marriage Law No. 1/1974 sets the minimum age at 16 for women, and determines it as the age of adulthood. Further, they recommended not to set a minimum age for consent to marriage, suggesting rather that it should be defined in terms of maturity in relation to physical, psychological and economic criteria.¹²⁶

Following this process of consultation, the draft regulation was finalized in 2011; however, due to lack of funding, the policy process stalled until 2013 when the Ministry of Women's Empowerment provided financial support to the Agency.¹²⁷ Among the NGOs, ADBMI led the revision of the draft regulation together with academics from Mataram University.¹²⁸ The draft was approved as Subnational Regulation on the Protection of Victims of Human Trafficking and Violence Against Women and Children No. 9/2013. While final text did not set the minimum age for marriage as

¹²⁵ Interview with QG, NGO activist.

¹²⁶ Interview with RD, NGO activist.

¹²⁷ Interview with T, academic and legal consultant.

¹²⁸ Interview with QG, NGO activist.

requested by the four NGOs, it did adopt their proposal to include human trafficking under the purview of the regulation.

The campaign to end violence against women after 2013

In 2014 women activists mobilized¹²⁹ against one of the clauses of the East Lombok Mayoral Regulation No. 26/2014¹³⁰ that, among other taxes, introduced a secondary marriage (polygamy) tax of IDR 1,000,000 (equivalent to USD 85) for civil servants. This clause was seen by activists as a way to legitimize polygamy, which they considered as a form of violence against women. They lobbied to delete it from the regulation. During a meeting in February 2014, women activists from across the province of West Nusa Tenggara founded the West Nusa Tenggara Forum for Women (*Forum Peduli Perempuan*), which was joined by the New Men's groups from across the regency. A first meeting was organized between the Forum and a regency representative on behalf of the mayor, but the participants did not reach any agreement as the government representative was not able to respond to women's demands.¹³¹ Nevertheless, the debate was brought to the attention of the national government via a national network of NGOs. Subsequently, the Minister of Religion issued a letter to the mayor recommending that the clause on polygamy as a source of subnational revenue be amended. At the time of writing, the East Lombok mayor has not taken any action.

Further, in 2013–14, members of parliament proposed a regency regulation to prohibit *merariq*, which was often used to justify forced child marriage. The initiative was opposed by religious and customary leaders. Despite the opposition, the regency assembly was considering the draft regulation.

4.4.3 Assisting victims as a responsibility of the state: Advocacy in East Java

The mobilization to eliminate violence against women in East Java started in 2003. The movement consisted of students, academics and NGOs and was led by women activists from the Women's Crisis Centre Savvy Amira¹³² and the Women's Pro-Democracy Committee (*Komite Perempuan Pro Demokrasi*, KPPD).¹³³ In 2003, the movement demanded the provincial governor to enforce the national policy on the establishment of Integrated Service Centres for Women and Children Victims of Violence (Subiyantoro 2006). The governor responded in the same year by establishing a centre involving 18 agencies to provide health services and legal aid to victims. The centre is funded with the subnational budget and was the first in the country (Subiyantoro 2006).

Further, following mobilization for a national anti-domestic violence law, the movement urged the provincial government to draft a subnational regulation against domestic violence. Activists argued that it is the state's responsibility to eradicate violence against women and to assist victims. Yet this proposal did not receive a positive response from government and members of parliament.¹³⁴ Parliament stated that the issue was not a legislative priority and that a subnational regulation would be useless without a national law. Further, two Islamic parties—the Prosperous Justice Party (*Partai Keadilan*

¹²⁹ Information about this mobilization was collected through participant observation.

¹³⁰ This regulation was approved to enforce the Subnational Regulation No. 3/2013 on Alternative Sources of Legitimate Subnational Revenues.

¹³¹ Participant observation.

¹³² Savvy Amira or Female Friends (*Sahabat Perempuan*) is a not-for-profit organization established by women's activists on 25 November 1997. See <http://www.savviamirawcc.com/tentang-kami/profil/> (accessed 26 October 2015).

¹³³ The Committee was established on 12 April 1998. Interview with Rosana Yuditia Ripi, Coordinator of the Samitra Abhaya Work Group (*Badan Pekerja Samitra Abhaya*) of the Women's Pro-Democracy Committee.

¹³⁴ Interview with Soka Handinah Katjasungkana, former head of the Women's Pro-Democracy Committee.

Sejahtera, PKS) and the United Development Party (*Partai Persatuan Pembangunan*, P3)—rejected the proposal outright, considering it as threatening to religious practices and norms (that is polygamy as a form of violence). Therefore, the movement stopped advocating at provincial level and joined the national mobilization until the approval of the Anti-Domestic Violence Law in 2004 (Munti 2008b). At that point, East Java women activists returned to urge the provincial government to draft a regulation. This second mobilization was supported by the National Commission for Women and international donors such as the Civil Society Support Programme (CSSP), the Asia Foundation and the Australian Agency for International Development (AusAID).

Again, the provincial state refused the proposal arguing that a subnational regulation was not needed due to existing national law (Subiyantoro 2006). This did not deter activists, who involved increasing numbers of stakeholders in their advocacy efforts—the Child Protection Agency, religious-based community organizations (*Muslimat Nahdlatul Ulama*) and academics. They intensified efforts to approach parliamentarians from different parties, especially those from the National Awakening Party (*Partai Kebangkitan Bangsa*, PKB), who have the greatest influence in the parliament and in the province.¹³⁵ They shared data and testimonials of women victims of violence (Subiyantoro 2006), sought societal support via campaigns in five cities in East Java, and published academic research. Eventually, in 2005, the government responded to women’s demands, enacting the Subnational Regulation on the Implementation of the Protection of Women and Children Victims of Violence No. 9/2005. Recognizing that protecting and assisting victims is a state’s responsibility, this regulation strengthens the Integrated Service Centre through funding from the subnational budget (Subiyantoro 2006). Under this regulation, the ISC serves the entire province, collects evidence on violence against women and children, and provides medical, psychological and legal services (Nugraha 2013). In addition, the regulation sets out the obligations of East Java Province, including facilitating additional services and raising societal awareness on the importance of protecting victims of violence.

Several factors underpinned the East Java Provincial state’s response. First, the legislative proposal was supported by the National Awakening Party and members of parliament from other political parties. Leaders from the Party agreed to support the proposal using religious interpretations against violence to counterbalance the resistance from other religious organizations and leaders. The Party considered the Anti-Domestic Violence Law 2004 as the framework for subnational regulations and it claimed that the subnational government was obliged to implement such law through subnational legislative initiatives. Second, the provincial government saw the opportunity to gain visibility at national level by being the first province in Indonesia to approve a subnational regulation on the issue.

Yet women’s activists saw the subnational regulation as failing to establish a comprehensive legal framework. They argued that some aspects of the regulation were incomplete. This included a narrow definition of violence, provision for legal assistance only to victims and not economic aid, insufficient mechanisms for administering the provision of safe housing and a lack of oversight and funding of the management of the Integrated Service Centre. Therefore, a group of activists from NGOs and universities led by the Women’s Pro-Democracy Committee started to revise the regulation in 2011 and submitted the amendments to subnational Commission E, in charge of social welfare.¹³⁶ While the Commission was examining the proposal, a conflict among

¹³⁵ This is because the National Awakening Party is affiliated with the very influential mass Islamic organization Nahdatul Ulama (NU).

¹³⁶ Interview with Dian Noeswantari, scholar at the Human Rights Studies Centre of Surabaya University and member of the Women’s Pro-Democracy Committee.

activists split the group and some activists formed a new group.¹³⁷ This second group consisted of members of the Islamic organization *Muslimat Nahdlatul Ulama* and led by the deputy chairperson of Commission E. The amendments from both groups were discussed intensely with the East Java Agency for Women's Empowerment and Family Planning and within the East Java Parliament. Indeed, the process of revision was supported not only by the National Awakening Party, but also by other political parties due to the rising levels of violence (Rko 2012; DPRD-PJT 2013). The revised Subnational Regulation No. 16/2012 was finally passed in December 2012.¹³⁸

4.4.4 The case of the Jember district

After 1997 the anti-violence movement in Jember was reinforced by women activists, mostly from NGOs and academics from the Muhammadiyah Women's Study Centre (MWSC) of the Islamic University in Jember City. The MWSC completed research on women's and men's right to development between 1997–2000 in the Tapal Kuda region, which includes the district of Jember. In 2000, it established a Women's Crisis Centre (WCC), requesting financial support from the district government. However, the government did not follow up as at that time awareness of violence against women was very low.¹³⁹ With the adoption of the National Zero Tolerance Policy in 1999, the MWSC renewed its request for governmental financial support to assist victims of violence for the establishment of a Centre for Women's and Children's Services (hereafter the Centre). The proposal was submitted together with other organizations, including *Puan Amal Hayati* (an Islamic organizations assisting women), the Muslim women's organizations *Fatayat Nahdlatul Ulama* and *Aisyiyah*, and the Indonesian Migrant Workers Union (*Serikat Buruh Migran Indonesia*, SBMI). According to the proposal, the Centre would have been managed by the organizations and funded by the district government.¹⁴⁰ This solution was reached after negotiations between the majority of women's activists, who hoped for an independent centre, including independent funding, and others, who argued that the state should have taken full responsibility for assisting victims of violence.¹⁴¹ Indeed, at the early stages of the democratic transition women activists tended to mistrust the state, but there was also a growing understanding of the benefits from state-civil society cooperation and the state's obligations to support community activities (Blackburn 2004).

In this context, the Jember mayor's decision to fund the Centre in 2004 was an important turning point in state-civil society collaboration.¹⁴² When the Centre was created (P3AKJ 2006), it was decided that all staff must be members of NGOs, civil society organizations or universities, but not from the state. Although the Empowerment of Family Leaders Programme (*Pemberdayaan Kepala Keluarga*, PKK) was established during the New Order regime, its leader was strategically selected as founder of the Centre for two reasons: first, the programme had a wide support base in the district, and

¹³⁷ Interview with Dian Noeswantari, scholar at the Human Rights Studies Centre of Surabaya University and member of the Women's Pro-Democracy Committee.

¹³⁸ Interview with Dian Noeswantari, scholar at the Human Rights Studies Centre of Surabaya University and member of the Women's Pro-Democracy Committee.

¹³⁹ Interview with Ninik Rahayu, currently commissioner at the National Commission for Women and former head of the Muhammadiyah Women's Studies Centre and of the Centre for Women's and Children's Services.

¹⁴⁰ Interview with Ninik Rahayu, currently commissioner at the National Commission for Women and former head of the Muhammadiyah Women's Studies Centre and of the Centre for Women's and Children's Services.

¹⁴¹ Interview with Ema Kemalawati, member of the Women's Pro-Democracy Committee.

¹⁴² Interview with Ema Kemalawati, Women's Pro-Democracy Committee.

second, the leader was the wife of the mayor and could therefore have a direct connection with the executive office.¹⁴³

After its establishment in 2004, the Centre received hundreds of reported cases and the majority (60 per cent) related to domestic violence (P3AKJ 2006). As a result, the Centre, women's organizations and other NGOs¹⁴⁴ in 2005 agreed to advocate for a district regulation to strengthen the protection of victims and to enforce the Anti-Domestic Violence Law No. 23/2004.¹⁴⁵ The draft, once ready, was shared with scholars (affiliated to Muhammadiyah University, the National University and Brawijaya University), relevant government officials and with the district police.¹⁴⁶ Unfortunately, the end of the electoral term led to a change in the district government before the draft subnational regulation could be discussed in the Jember Parliament and the policy process was interrupted.

In mid-2006, the Centre submitted the draft subnational regulation to the new parliament, which allowed the draft to be presented but excluded it from the legislative agenda due to a lack of budget for enforcing the eventual policy. The Centre therefore changed its strategy and submitted the draft regulation to the governmental Agency for Community Empowerment and Family Planning (BPM&KB; hereafter the Agency). But the relationship with the new mayor and his office was less effective compared to the relationship with the previous one. As in the case of the parliament, the new mayor also opposed the initiative due to the lack of budget to allocate to the proposed policy.¹⁴⁷ Because of continuous pressure from the Centre, the Agency discussed the draft subnational regulation in 2007 as part of the implementation of the national Anti-Domestic Violence Law No. 23/2004. However, the policy process was conducted within a special parliamentary committee under the leadership of the Agency¹⁴⁸ and the Centre was excluded from the process for being too close to the previous mayor. Further, the committee consulted activists for only a few clarifications on the draft.¹⁴⁹ In 2008 the subnational parliament enacted the Subnational Regulation on the Protection of Women and Children Victims of Violence No. 4/2008.

The exclusion of the Centre from the policy process had an impact on the content of the regulation. Above all, the budget previously allocated to the Centre was reallocated to the Integrated Service Centre ordered by the regulation and established through the Mayoral Decree on Integrated Service Centres, Human Trafficking, and Violence Against Women and Children No. 188.4/177/012/2010, approved in 2010.¹⁵⁰ The Centre was asked to merge with the new Integrated Service Centre.¹⁵¹ Both the government and parliament argued that the Centre was established under an obsolete

¹⁴³ Interview with Menik Chumaidah, former head of the *Aisyiyah* Centre for Women's and Children's Services.

¹⁴⁴ Proponents of this initiative were the Women's Care Movement, the Presidential Primary Schools (*Sekolah Dasar Instruksi Presiden*, SD INPRES) the Legal Study Foundation (*Yayasan Sarjana Hukum*, YASAKUM), *Fatayat Nahdlatul Ulama*, *Aisyiyah*, and the Empowerment of Family Leaders Programme. However, while drafting the regulation, the Women's Care Movement withdrew from the network because the other members had disagreed on criticizing the Mayor's favourable declaration to polygamy. Interviews with Menik Chumaidah, former head of the Centre for Women's and Children's Services, and with Ema Kemalawati, the Women's Pro-Democracy Committee (*Komite Perempuan Pro Demokrasi*, KPPD).

¹⁴⁵ Interview with Ninik Rahayu, currently commissioner at the National Commission for Women and former head of the Muhammadiyah Women's Studies Centre and of the Centre for Women's and Children's Services.

¹⁴⁶ Interview with Menik Chumaidah, former head of the Centre for Women's and Children's Services.

¹⁴⁷ Interview with Menik Chumaidah, former head of the Centre for Women's and Children's Services.

¹⁴⁸ Interview with Menik Chumaidah, former head of the Centre for Women's and Children's Services.

¹⁴⁹ Interview with Mustautin, leader of the Jember section of the *Muslimat Nahdlatul Ulama*, member of the Jember Parliament with the National Awakening Party (2004–2009), and part of the women's section of the Party (1999–2009).

¹⁵⁰ Interview with Menik Chumaidah (Asakinah Women Crisis Centre), Eri Andriani (Women's House, Rumah Perempuan, NGO) and Josias Anto Budi Nugroho (head of Raising Women's Quality of Life and Child Protection in the Agency for Women's Empowerment and Family Planning for the District of Jember).

¹⁵¹ Interview with Josias Anto Budi Nugroho, head of Raising Women's Quality of Life and Child Protection in the Agency for Women's Empowerment and Family Planning for the District of Jember.

decree of the previous mayor and there was no reason to prolong its existence, particularly with a new subnational regulation mandating a new institution with the same mandate.¹⁵² Similarly, the parliamentary Commission D in charge of social welfare declared that two organizations with the same purpose could not receive funding from the subnational budget.¹⁵³ Although the government promised to equally merge the two centres, only two staff from the Centre for Women's and Children's Service were recruited by the new Integrated Service Centre.¹⁵⁴ Contrary to the practice in the Centre, the Integrated Service Centre is predominantly staffed by civil servants and is directly managed by the state.

4.4.5 Advocacy in West Sumatra: Pressure from above

In 2003, the Governor of the West Sumatra Province decided to establish an Integrated Service Centre for Women and Children by approving Governor Decree No. 260-292-2003, which was updated by Governor Decree No. 260-134-2007 in 2007. The provincial government approved the first decree due to pressure from the national state following the MoU on the Integrated Service Centres signed by the Ministry of Social Services, the Ministry of Health, and the Ministry of Women's Empowerment, together with the national police in 2002.¹⁵⁵

Ten years later, there were discussions within the government about the need for more effective policy. In a similar vein to 2003, the policy change was a response to pressure from the national state. In 2012, the Ministry of Women's Empowerment pushed the provincial government to strengthen the existing Integrated Service Centres. As a response, the provincial government represented by the deputy governor signed an MoU to strengthen this service with mayors and local leaders during a Subnational Coordination Meeting on Women's Empowerment and Family Planning (BPPKB–Jawa Timur 2012). In November 2012, pressure also came from the National Commission for Women as they held a national seminar in the province in order to disseminate data on violence against women. The Commission recorded 4,982 cases in 2011¹⁵⁶ in the sole province, which was included in the top five provinces for the number of cases of violence against women (Nugroho 2012).

This data encouraged the governor and the provincial Agency for Women's Empowerment and Family Planning to draft a subnational regulation to prevent and protect women from all forms of violence.¹⁵⁷ At the end of 2012, the Agency formed an interagency working group to draft the regulation together with representatives from the legal division of the provincial secretariat, the West Sumatra Parliament, the West Sumatra Integrated Service Centre, the Women's and Children's Services Unit, and the West Sumatra police force.¹⁵⁸ Further, the government of West Sumatra signed another MoU in mid-2013 with six institutions and agencies: the Attorney General, the High Court, the police, the Agency for Women's Empowerment and Family Planning, the Department of Health, and the Department of Social Welfare and Labour Transmigration.

¹⁵² Interview with Menik Chumaidah, former head of the Centre for Women's and Children's Services.

¹⁵³ Interview with Josias Anto Budi Nugroho, head of Raising Women's Quality of Life and Child Protection in the Agency for Women's Empowerment and Family Planning for the District of Jember.

¹⁵⁴ Interview with Josias Anto Budi Nugroho.

¹⁵⁵ Interview with Putri Yenfani, Head of the Service Division of the Integrated Service Centre.

¹⁵⁶ The data reported by the National Commission for Women was collected by the Women's Crisis Centre, Women of Conscience, Integrated Service Centres, the Women's and Children's Services Unit (Unit Pelayanan Perempuan dan Anak, UPPA), and the Police in West Sumatra.

¹⁵⁷ Interview with Hafizur Rahman (Secretary of the Agency for Women's Empowerment and Family Planning) and Dra. Hj. Sitti Izzati Aziz (member of the West Sumatra Parliament).

¹⁵⁸ Interview with Dra. Hj. Sitti Izzati Aziz, member of the West Sumatra Parliament.

The memorandum meant to accelerate implementation and achievement of the minimum service standards in the field of Integrated Services for Women Survivors of Violence.

The role of the West Sumatra NGOs in the policy process

In West Sumatra, as suggested by Blackburn (2004), NGOs and the state only started to collaborate during the New Democratic Era, although some skepticism persisted. From their side, NGOs did not advocate for policy change, arguing that directing their claims toward the state is challenging because state actors have different understandings of gender equality.¹⁵⁹ They only voiced the need for new regulations on specific occasions, such as during the International Day for the Elimination of Violence against Women.¹⁶⁰ On the other side, the provincial state has tended to open up the policy process to only a few civil society organizations, while excluding others. This lack of collaboration between NGOs and the state was evident during the policy process for the subnational regulation on violence against women and children. The Agency for Women's Empowerment and Family Planning consulted only three NGOs during the early stages of the policy process: the Women of Conscience, the Legal Aid Institute of Padang and the Child Protection Organization.¹⁶¹ Among them, the WCC of Women of Conscience was critical toward the government's draft regulation that focused only on children. The organization proposed to extend it to violence against women and against people with disabilities as vulnerable categories that deserve legal protection, and suggested the need to consult with civil society and the National Commission for Women.¹⁶²

To some extent, the Agency revised the draft regulation based on these consultations. For instance, it included violence against women and the following principles: (i) non-discrimination, (ii) the best interests of women and children, (iii) the right to life, survival and development, (iv) respect for children's opinions, (v) legal certainty, (vi) respect for customary knowledge, (vii) gender equity, and (viii) gender equality (BPP&KB – West Sumatra 2013). The draft regulated services for victims, including health care, social rehabilitation, law enforcement and legal aid, return to place of origin in case of human trafficking and social reintegration. It established that the provincial budget and other sources, in accordance with legal requirements, would cover the cost of these services (BPP&KB—West Sumatra 2013). However, during the discussion within the government, a number of obligations for women were included in the text:

- follow religious and customary values;
- mutually respect, love and help all family members and relatives;
- maintain good morals, honour, decency, ethics and behaviour in private and public life; and
- if married, perform the wife's duties, care for children, and educate them in accordance with religious and customary norms, and with state laws.

Together with obligations for children:

- act in accordance with religious and customary values;
- be devoted to and respect the elderly and teachers;
- love the nation; and
- pray according to his/her religion.¹⁶³

¹⁵⁹ Interview with GX, women's NGO activist.

¹⁶⁰ Interview with GX, women's NGO activist.

¹⁶¹ Interview with Hafizur Rahman, Secretary of the Agency for Women's Empowerment and Family Planning.

¹⁶² The academic policy paper requested by the Agency to support the draft regulation argued that if no protection was offered there would be a threat to the rights of safety and freedom from all forms of inhuman, degrading, or torturous acts. Interview with Yefri Heriani, Director of the Women's Crisis Centre run by the Women of Conscience.

¹⁶³ Research materials and minutes of the deliberations in parliament on the draft subnational regulation obtained from the subnational parliament.

Due to the list of obligations and the lack of participation in the policy process, several NGOs strongly criticized the provincial government—the Indonesian Women's Coalition of West Sumatra, the Legal Aid Institute of Padang, the Indonesian Association of Women with Disabilities in West Sumatra (*Himpunan Wanita Disabilitas Indonesia*, HWDI), Q-Bar and the Indonesian Legal Aid and Human Rights Association (*Perhimpunan Bantuan Hukum Indonesia*, PBHI). These activists demanded to revise the draft regulation in line with the principle of gender equality and considered it as portraying women as vulnerable victims in need of protection rather than as human beings with the same rights as men.¹⁶⁴ These NGOs did not mobilize together, rather each organization or individual expressed its concerns separately.

Responses of the subnational parliament

Following the criticisms raised, the government revised the draft regulation, removing the obligations for women and children, and submitted it to parliament. However, the provincial parliament disagreed on (i) the broad scope of the regulation, (ii) the sanctions, and (iii) the monitoring mechanisms for implementation.¹⁶⁵ Further, it expressed doubts on the capacity of the government to implement the activities described in the regulation, mainly due to the lack of funding. Therefore, the parliament agreed (i) to conduct an in-depth study of Pariaman and Padang Panjang, two cities in West Sumatra that implemented child-friendly city policies, and (ii) to consult other state actors and civil society organizations.

In late 2013, a group of members of parliament together with officers from the Agency for Women's Empowerment and Family Planning consulted the Ministry of Women and Children, the National Commission for Women, the Legal Bureau of the Ministry of Internal Affairs, and the West Sumatra Office of Law and Human Rights (DPRD-Sumbar 2013). They also consulted women's organizations in greater number compared to the first consultation hosted by the Agency. During the consultations, the Indonesian Women's Coalition proposed (i) to introduce free medical forensic service for victims of violence, to be covered by the provincial budget, and (ii) to exclude religious and customary courts from the cases of violence against women and children, while the Indonesian Association for Women with Disabilities proposed to include people with disabilities under the purview of the regulation.

¹⁶⁴ Interview with KQ, NGO activist.

¹⁶⁵ Interview with Dra. Hj. Sitti Izzati Aziz, member of the West Sumatra Parliament.

Table 4.13: Stakeholders invited to the consultations for the West Sumatra Subnational Regulation on the Protection of Women and Children

| Stakeholder | Consultations hosted by the provincial Agency for Women's Empowerment and Family Planning | Consultations hosted by the provincial parliament |
|-------------------------|--|---|
| <i>State actors</i> | Legal Division of the Provincial Secretariat Members of the West Sumatra parliament West Sumatra Integrated Service Centre Women's and Children's Services Unit West Sumatra police force Ministry for Women and Children Legal Bureau of the Ministry of Internal Affairs | Agency for Women's Empowerment and Family Planning National Commission for Women |
| <i>Non-state actors</i> | Women of Conscience's Women's Crisis Centre Legal Aid Institute Padang Child Protection Organization | Indonesian Women's Coalition Indonesian Association for Women with Disabilities |

Further to these consultations, the draft regulation was revised at length by both the executive and the legislative bodies until its approval in 2013 as the Subnational Regulation on the Protection of Women and Children No. 5/2013 (hereafter 2013 Regulation). There are substantial differences between the adopted regulation and the draft. First, contrary to the draft regulation, the 2013 Regulation refers to the Anti-Domestic Violence Law No. 23/2004 and to Subnational Regulation on the Implementation and Cooperation for Recovery of Victims of Domestic Violence No. 4/2006. Second, the parliament definitely removed the clauses on children's and women's obligations, arguing that the scope was to prevent violence against women. Third, the scope of the regulation covers not only domestic violence, but also sexual abuse, sexual exploitation, human trafficking, reproductive rights and child marriage.¹⁶⁶ These substantial changes demonstrate that the provincial state was prone to accommodating the demands received during the consultations. Not all of the proposals from women's organizations were included; for instance demands for free forensic medical procedures and inclusion of people with disability were both excluded.¹⁶⁷

¹⁶⁶ The 2013 Regulation also introduces the obligation to provide facilities for breastfeeding mothers in all public buildings and defines parents as legally responsible to protect children from child marriage.

¹⁶⁷ Interviews with Tanti Herida, Regional Secretary of the Indonesian Women's Coalition, and with Siti Nurjudiah, Head of the Indonesian Association for Women with Disabilities in West Sumatra.

Table 4.14: Comparison between the drafts and the final Subnational Regulation No. 5/2013 on the Protection of Women and Children

| | August 2013 draft proposed by the provincial government | October 2013 draft proposed by the provincial parliament | Subnational Regulation No. 5/2013 on the Protection of Women and Children |
|--------------------------------------|--|---|--|
| <i>Key Point</i> | Protection of women and children from all forms of violence | Implementation of the protection of women and children (in greater details and separated into articles) | Same as the 2013 October draft, with a focus on sexual violence, sexual exploitation, human trafficking, reproductive rights and child marriage |
| <i>Scope</i> | prevention empowerment rehabilitation for victims reference to future policies for implementing protective measures mechanisms for implementation and monitoring | prevention empowerment legal mechanisms for cases of violence mechanisms for implementation and monitoring | Same as the 2013 October draft but in addition: reference to future policies for implementing protective measures reference to the Anti-Domestic Violence Law No. 23/2004 and to the Subnational Regulation on the Implementation and Cooperation for Recovery of Victims of Domestic Violence No 4/2006 |
| <i>Women's and children's rights</i> | List of women's and children's rights and obligations based on religious and customary norms | States women's and children's rights | Same as the 2013 October draft |

The role and response of customary leaders

Customary leaders criticized the provincial state claiming that the policy process was not participatory because their engagement was minimal.¹⁶⁸ Customary organizations such as the Minangkabau Traditional Customs Organization (*Lembaga Karapatan Adat Alam Minangkabau*, LKAAM) and *Bundo Kanduang*¹⁶⁹ were not invited to any of the consultations. Some NGOs updated them on the policy process, but they were not able to have access to the process, nor to obtain the official documents under discussion. By contrast, these organizations consider their participation very important because acts such as violence are prohibited under the customary law of the Minangkabau people.¹⁷⁰ This exclusion from the policy process was interpreted as an attempt to marginalize the customary leaders and minimize their role. Customary leaders argued that the provincial state tends to engage with them only in case of direct interference with customary law or for using them to further their political interests.¹⁷¹

Despite their exclusion from the policy process, the 2013 Regulation incorporates local customary practices and knowledge. It adopts the customary principle “*Adat Basandi Syara, Syara Basandi Kitabullah*” (the customary law is based on Islam, and Islam is based on the Koran) for protection from violence and includes customary institutions and leaders in prevention efforts. Although it welcomes the regulation, *Bundo Kanduang* points out that it is unclear whether cases of violence against women would be treated in accordance with customary laws or with state criminal laws.¹⁷²

¹⁶⁸ Interview with Rifai Lubis, from the NGO Q Bar Padang, during a focus group discussion with NGOs in Padang.

¹⁶⁹ Bundo Kanduang is a customary organization that represents women.

¹⁷⁰ Violence against women is one of the eight worst offences according to the Minangkabau Nan Salapan Laws, which are based on the Qur'an. Specifically, rape (zhalim) is one of the offences included in these laws.

¹⁷¹ Interview with Rifai Lubis, from the NGO Q Bar Padang, during a focus group of NGOs in Padang.

¹⁷² Interview with PR Raudha Thaib, head of Bundo Kanduang.

4.4.6 West Pasaman: A new district with strong initiatives

Contrary to the other research sites where NGOs mostly played a crucial role, in West Pasaman district staff working for government agencies and members of the traditional organization *Bundo Kanduang* were among those who mobilized to end violence against women. Thanks to their advocacy, the district government has taken action to prevent violence against women and children since 2004, including:

- approving the mayoral decree to establish an Integrated Service Centre, which opened in 2009;
- signing an MoU between six district agencies on “Accelerating the Implementation and Achievement of Minimum Service Standards for Integrated Services for Women Victims of Violence in West Pasaman in 2013”.

These policies were adopted following the recommendations of the provincial government of West Sumatra and formulated together with the district Agency for Women’s Empowerment and Family Planning. This Agency led the policy process and consulted the district police, the Health Department, the Social Welfare Agency, the Ministry of Religion and *Bundo Kanduang*.

In 2014, due to the rising number of reported cases of sexual abuse, the Women and Children’s Service Unit of the police held discussions with the Agency and the Integrated Service Centre on a district regulation for protecting women and children from violence. For instance, from January to February 2014, 18 cases of sexual abuse against children were reported and the perpetrators were generally close to the victims—a family member or tutor.¹⁷³ The families of abused children tend to hide cases rather than expose the family to shame and disgrace, especially if the perpetrator is a relative of the victim.¹⁷⁴ In West Pasaman, rape cases by men against girls and women are usually settled by arranging marriage between the perpetrator and the victim. If it is not possible to arrange a marriage, the elders from both families arrange an agreement. Other sanctions for perpetrators of violence against women established by customary law are often not applied (see Appendix I). But the fact that cases of violence are reported to legal authorities is mostly because these solutions are no longer seen as just for the victims of sexual violence: “When it comes to rape [the penalty] should be heavier than adultery. Adultery is not punished under customary law, yet under Islamic law it has a penalty of 100 lashes with a whip, and then rape, the punishment should be more severe than that. Why? Because it was forced.”¹⁷⁵ For this reason the Women’s and Children’s Service Unit of the police demanded a district regulation with legal mechanisms to guarantee protection and justice for victims and witnesses of violence.

From their side, the customary leaders felt they had been excluded from the policy process between 2004–2014. Khaidir Dt. St. Kabasaran, leader and member of the Minangkabau Traditional Customs Organization, declared that policy making should involve the three essential elements of Minangkabau society, namely government, customary institutions and religious organizations.¹⁷⁶ According to him, many customary leaders are unaware of district policies to end violence against women, including the existence of the Integrated Service Centre, because they did not participate in the policy-making process.

¹⁷³ Interview with Evo Nosara, Women’s and Children’s Service Unit of the West Pasaman police force.

¹⁷⁴ Interview with Evo Nosara.

¹⁷⁵ Interview with Khaidir Dt St Kabasaran, member of the Minangkabau Traditional Customs Organization and Adat (customary) leader in the village of Lingkuan Aua.

¹⁷⁶ Interview with Khaidir Dt St Kabasaran.

4.5 Concluding remarks

In conclusion, advocacy processes to end violence against women in Indonesia were very diverse in terms of actors, claims and strategies at both national and subnational levels. The responses to these processes from civil society and from the state were also diverse. The level of resistance varied according to the claims raised by women; indeed claims related to sexual violence often caused strong resistance and were opposed by arguments rooted in religion and morality. Resistance was also different according to social and political contexts and varied across governance levels. The opponents mobilized as well with their own claims and strategies. The state's response was also different across the governance levels and influenced by social and political contexts unique to each subnational site. The relative power of the women's organizations and of the opponents affected the state's response. A detailed comparative analysis is presented in chapter 7, while below we summarize the policy change processes at both national and subnational levels to point out the differences across the research sites.

At national level, the advocacy for Anti-Domestic Violence Law No. 23/2004 was an important moment for Indonesian women's movements. Criminalizing domestic violence is a doctrinal policy issue as it attempts to challenge views about the relations between husbands and wives within the household. Advocacy against domestic violence took a private issue and made it public. Nevertheless, the proposal for a national anti-domestic violence law was supported by all women's movements, both religious and non-religious, class-based and non-class-based. Yet the state actors responded differently—the National Commission for Women supported the initiative, while the Ministry of Religion, some members of parliament, and the then-president opposed it. The New Democratic Era also influenced the state's response. As there was broad societal support and very little opposition, state actors that opposed the initiative had to accommodate civil society pressure to approve the law.

Yet advocacy for Anti-Pornography Law No. 40/2008 was entirely different. Various state actors undertook mobilization efforts several times during both the New Order regime and the New Democratic Era. Women's organizations strongly advocated against these mobilizations, especially from 2005 until the approval of the Law. The women's movement was split between support and opposition to the bill. Religious organizations were on both sides, as well as non-religious organizations. Both sides demanded to protect women. Yet the main difference was that groups that supported the bill referred to moral and religious ideologies, whereas those opposing the bill referred to gender equality and women's rights. The state eventually enacted a law that accommodates some demands from both supporters and opponents. As argued by Htun and Weldon (2010), democracy can enable women's mobilization; but it can also open the door for resistance and opposition.

Further, the issue of sexual violence had been considered well in advance of the New Democratic Era, and emerged again during the early stages of the democratic transition and was partially included in advocacy efforts for the Anti-Domestic Violence Law. From 2005 to 2006, several women's and human rights organizations mobilized against sexual violence, but their proposals varied from adopting a national anti-rape law to amending the criminal code or criminal procedures. These mobilization efforts stalled between 2005–2008 because women's organizations focused on the anti-pornography proposal. Once Anti-Pornography Law No. 40/2008 was approved, women's organizations renewed their mobilization against sexual violence, but their collaboration

and cohesion were weakened by the divisions and by the contrasts that emerged during the policy process of the anti-pornography proposal. Some groups took action after specific sexual violence cases, for instance the Indonesian Commission for Child Protection, while others, such as the National Commission for Women, demanded policy change at national level. In general, the state tended to be more proactive in cases of sexual violence against children. The discourses around sexual violence experienced by women were often associated with the morality of the victims and with religious and moral views on women's sexuality, confirming Htun and Weldon's (2010) argument by which sexual violence is a doctrinal policy issue.

The findings at subnational level show that advocacy processes for the adoption of policies to end violence against women and children were generally successful across the six research sites, although they varied in each subnational site. Advocates for policy change are from a wide range of institutions, including women's NGOs, government and religious or customary women's organizations. Some started with a narrow focus on domestic violence or sexual violence and they eventually extended the advocacy to all forms of violence against women.

In the province of West Nusa Tenggara, the West Nusa Tenggara LBH APIK, which is linked with the national LBH APIK, demanded policy change together with other NGOs. Activists used democracy and in particular the political momentum of provincial elections to influence policy makers, and successfully obtained subnational policies such as the Subnational Regulation on the Impementation of the Prevention and Protection of Women and Children Victims of Violence 2/2009. Yet significant challenges arose from religious and customary groups, particularly when legislative proposals included issues pertaining to religious or customary norms and practices. This was particularly evident in the mobilization to end sexual violence that was justified through the customary practice of *merariq*. In these cases, the resistance of religious and customary leaders was dismantled through processes of intense discussions and negotiations led by women's organizations.

In East Lombok the Agency for Women's Empowerment and Family Planning and some local NGOs proposed a series of policies to eliminate violence against women that could be approved by the district governor via decrees rather than through parliament. It was only in 2014 that the district parliament enacted a subnational regulation against violence and human trafficking. Favourable factors behind this mobilization included support by international donors and recommendations from the national government via the Ministry of Women's Empowerment.

Women's activists from NGOs, religious organizations and universities were the main advocates for regulations to end violence against women in East Java. Initiatives emerged from the beginning of the New Democratic Era and were influenced by the national women's movement. Using the momentum around the approval of the Anti-Domestic Violence Law, activists urged the subnational government to fund an Integrated Service Centre and advocated for policy change, which resulted in the enactment of the Subnational Regulation on the Implementation on the Protection of Women and Children Victims of Violence No. 9/2005. Although the women's movement collaborated with provincial government, the Islamic political parties within the parliament opposed this initiative, seeing women's demands as contrary to religious values. In response to their resistance, the women's movement successfully invited them to support the movement. However, the subnational government did not enact any subnational regulation until the approval of the national law against domestic violence.

In 2011 NGOs urged the state to revise the 2005 subnational regulation but a controversy among activists interrupted the mobilization; the process of policy change was then led only by policy makers, until the approval of a new subnational regulation in 2012.

In Jember, women activists from the Women's Study Centre at the Muhammadiyah University of Jember City, NGOs and religious organizations published a study in 1997 that recommended establishing institutions to provide support and protection to women who had experienced violence. They intensified their advocacy during the political momentum generated by the national Zero Tolerance Policy and the National Action Plan for the Elimination of Violence Against Women in 1999. The support of the mayor's wife was crucial in obtaining funding for the Centre for Women's and Children's Services, whose management remained with women activists. Together with other women's organizations, the Centre advocated for a subnational regulation to end violence against women. However, the political context changed with the start of a new electoral term and the women's movement lost its close relationship with the policy makers. The new district executive continued to deliberate on the draft subnational regulation, but the women activists were no longer involved in the process. Parliament finally enacted the Subnational Regulation on the Protection of Women and Children Victims of Violence No. 4/2008, merging the Centre for Women's and Children's Services with the newly established Integrated Service Centre run by the state.

The West Sumatra government proposed new regulations, encouraged by the recommendations of the National Commission for Women and the Ministry of Women's Empowerment and Child Protection. The Agency for Women's Empowerment and Family Planning coordinated advocacy within government and proposed different actions to oppose violence against women, including Subnational Regulation on the Protection of Women and Children No. 5/2013, based on a policy process that started in 2011. Consultations with civil society were limited and many organizations were excluded despite their role in preventing violence against women. Some customary leaders felt they had been excluded even though the subnational regulation recognizes their role in handling cases of violence against women

The West Pasaman government together with the police force and a customary organization of elderly women (*Bundo Kanduang*) raised concerns on the rate of violence against women after an increase in the number of reported cases. They sought to raise awareness among the population on this issue and to draft a regulation to protect women and children. In this district, there are no NGOs, while customary leaders remain strong. These leaders too felt they had been excluded from the debate on how to end violence against women. One of the controversial issue of marking the debate was whether cases of sexual violence should be judged according to Minangkabau customary laws or to state laws.

Chapter 5. Advocacy for Women Domestic Workers' Labour Rights

5.1. Introduction

Adapting Htun and Weldon's (2010) framework to the Indonesian context, it is clear that claims to regulate domestic work overlap with doctrinal/non-doctrinal and gender status/class-based categories (see chapter 2). Domestic work is a gender status policy issue as it is gendered work and is usually associated exclusively with women's responsibilities within the household. Claims to recognize the economic and social value of domestic work challenge these beliefs and the intra-household division of labour. Domestic work is also a class-based policy issue as the majority of Indonesian domestic workers are from low socio-economic backgrounds (Jurnal Perempuan 2005); thus, claims to protect domestic workers from exploitation challenge the existing class structure and associated social and economic inequalities.

Indonesian households traditionally employ domestic workers, however this phenomenon appears to be on the rise, particularly in urban areas as more and more women join the labour market. In 2002 the International Labour Organization (ILO) estimated that there were approximately 2.6 million domestic workers in Indonesia (Komnas Perempuan 2011). In 2008 the Central Bureau of Statistics recorded that there were 1,714,437 domestic workers, of which 11 per cent are children (DPR-RI 2011). A rapid assessment by the National Advocacy Network for the Protection of Domestic Workers (*Jaringan Nasional Advokasi Perlindungan Pekerja Rumah Tangga*, JALA PRT) estimated that approximately 10–16 million upper-middle-class families used the services of a domestic worker in 2009 (JALA PRT 2010).

The term “domestic worker” is relatively new and was introduced in 2004 by the National Advocacy Network for the Protection of Domestic Workers. Prior to this, domestic workers were generally referred as *pembantu* or “helpers”. Indonesian labour laws do not classify domestic workers as workers; only Anti-Domestic Violence Law No. 23/2004 uses the term “domestic worker” and introduces a clause to protect them against violence committed by their employers if they live in their employer's home. Other than that, there is no legislation that regulates and recognizes domestic workers' rights.

Domestic workers perform a variety of work within a household, have long working hours (up to twelve hours a day) and receive very low salaries (JALA-PRT 2010), and they are very vulnerable to abuse from their employers. Data from 2007–2011 show that there were 726 cases of abuse or exploitation of domestic workers, including 536 instances of unpaid wages, 348 cases of child labour, 617 cases of imprisonment, physical abuse, serious injury and even death (JALA-PRT 2010), while between 2012–2013 there were 653 cases of violence against domestic workers (JALA-PRT and LBH APIK Jakarta 2014).

5.2. Advocacy for a national law on domestic work

In 2004, cases of violence against domestic workers emerged and caused widespread public concern. Following these cases, a group of NGOs led by the Rumpun Tjoet Njak Dien (RTND)¹⁷⁷ in collaboration with the National Commission for Women conducted research on the working conditions, exploitation and abuse of domestic workers in 10 Indonesian cities. Based on the research, the authors recommended the adoption of a national law to protect domestic workers (JALA PRT 2010) and decided to form the

¹⁷⁷ The Rumpun Tjoet Njak Dien is an NGO located in Yogyakarta and was the first NGO to mobilize around issues affecting domestic workers in Indonesia in 1989.

National Advocacy Network for the Protection of Domestic Workers (the Network hereafter). The key members of the Network are:

- iii. RTND, which supports domestic workers' unionization (JALA PRT and IDWN 2013), established a domestic worker education centre, and campaign mainly in Yogyakarta;¹⁷⁸
- iv. Jakarta LBH APIK, which focuses on cases of abuse and violence against domestic workers;¹⁷⁹
- v. Legal Aid Institute of Jakarta, that identified the vulnerability of domestic workers due to a lack of legal protection;¹⁸⁰
- vi. Women's Solidarity (Solidaritas Perempuan, SP), that focuses on both migrant workers and domestic workers, pointing out the lack of legal protection for both groups;¹⁸¹
- vii. Imadei Network (Mitra Imadei), a Catholic organization that assists domestic workers; and
- viii. People's Women's Movement (Gema Perempuan), a Jakarta-based NGO that works mainly on child domestic workers.

Since 2004, the Network has been the leading actor at national level to advocate for the protection of domestic workers. Its key demand is the approval of a national law to regulate and recognize domestic work in order to address the abuse and exploitation suffered by domestic workers across the country.¹⁸² The Network claims that domestic work is legitimate work and that domestic workers should be afforded the same rights as other workers. Their advocacy continued over three electoral terms (2004–2009, 2009–2014 and 2014–2019) and activists have employed different strategies to influence government and legislative bodies (see table 5.1).

Table 5.1 Advocacy conducted by the National Advocacy Network for the Protection of Domestic Workers

| Advocacy | National Advocacy Network for the Protection of Domestic Workers |
|------------------------------|--|
| <i>Role</i> | <i>Leading Actor</i> |
| Approach/Framing | The protection of domestic workers is an issue of gender equality and labour rights |
| Focus | Regulation of the work relationship between the domestic worker and the employer |
| Demands | Recognition and valuation of domestic work as decent work and domestic workers like other workers and regulation of domestic work similar to other sectors |
| 2004–2009 Strategies | Lobby the government and national parliament, especially the Legislative Agency ^a and parliamentary Commission IX ^b Strengthen domestic workers' organizations Coordinate support of subnational organizations |
| 2009–2014 Strategies | In addition to the strategies used in 2004–2009: Expand the network to include workers' unions and NGOs working with migrant workers, at national, regional and international level Join international campaigns and events Sue the Indonesian state for neglecting to protect a group of citizens: domestic workers employed within the country and overseas Negotiate with presidential candidates for their support |
| <i>Strategies after 2014</i> | Urge parliament to include the Protection of Domestic Workers Bill as a priority in the National Legislative Programme |

Notes: ^a The Legislative Agency has the function to set the legislative agenda of the parliament. ^b The parliamentary Commission IX focuses on social justice, industrial relations, and health.

¹⁷⁸ Interview with Lita Anggraini, coordinator of the National Advocacy Network for the Protection of Domestic Workers (JALA PRT).

¹⁷⁹ Interview with Ratna Batara Munthi, Director of Jakarta LBH APIK.

¹⁸⁰ Interview with Pratiwi Febry, lawyer in the Legal Aid Institute Jakarta.

¹⁸¹ Interview with Dinda Nuurrannisa Yura, head of the Division for Migration, Trafficking, and HIV/AIDS at Women's Solidarity.

¹⁸² Since 2011, the Network has also lobbied for ratification of the ILO Convention on Decent Work for Domestic Workers No. 189/2011, see following sections in this chapter.

5.2.1 *Emergence of advocacy for domestic workers (2004–2009)*

In 2004, the National Advocacy Network for the Protection of Domestic Workers (the Network hereafter) drafted a Bill to protect domestic workers and published an academic policy paper arguing the need for a national law. The most important point of these two documents was the term “domestic worker”. By using this term, the Network emphasized that domestic workers are indeed workers and that the working conditions between workers and employers must be regulated by the state.

In order to get feedback on the paper and on the Bill, the Network undertook public consultations; meanwhile it ran campaigns to recognize and protect domestic workers as workers, and to strengthen the understanding of labour rights (JALA PRT 2010). After the consultations, the Network revised the academic policy paper and the Bill and, using its direct connections with some members of parliament, it requested them to introduce the Bill to parliament.¹⁸³ These members of parliament submitted the Bill to parliamentary Commission IX and to the Legislative Agency. As a result, the Protection of Domestic Workers Bill was included among the priorities of the National Legislative Programme for the period of 2004–2009, and the government of President Megawati started to consider the Bill. In 2006, the Ministry of Women’s Empowerment and Children scheduled discussions on the proposed Bill and drafted an academic policy paper for the government in 2008. The Ministry conducted studies and consulted with other ministries and civil society. The academic policy paper, the studies and the opinions from the government and civil society became the basis for the debate within parliament.¹⁸⁴ Deliberations within parliament only started in 2009, at the end of the parliamentary term. Claims such as standard, working hours, holidays and leave were opposed by political parties within parliament.¹⁸⁵

¹⁸³ See Chapter Two for details on the legislative process in Indonesia.

¹⁸⁴ Interview with Mudjiati, Deputy III for Women’s Protection at the Ministry of Women’s Empowerment and Child Protection.

¹⁸⁵ Interview with Mudjiati (Deputy III for Women’s Protection at the Ministry of Women’s Empowerment and Child Protection) and interview with Lita Anggraini (JALA PRT).

Table 5.2 Advocacy Process at National Level

| The National Advocacy Network for the Protection of Domestic Workers: Mobilization | State's Response | | |
|---|--|--|---|
| | Parliament | Government | National Commission for Women |
| <i>Period I—Susilo Bambang Yudoyono (2004–2009)</i> | | | |
| 2004: submit to parliament a draft Bill on domestic work and propose to include it among the legislative priorities of the electoral term | 2004: include the draft Bill among the legislative priorities, but no discussions were scheduled | 2006: discussion of the draft Bill within the Ministry of Women's Empowerment | Support the Network's draft Bill and create a working group to investigate domestic work |
| 2006: advocate the Ministry of Women's Empowerment and Child Protection | | 2008: the ministry compiled an academic policy paper and completed a study on domestic workers | |
| <i>Period II—Susilo Bambang Yudoyono (2009–2014)</i> | | | |
| 2009: lobby parliament to include the submitted draft Bill among the legislative priorities of the electoral term | 2009: include the draft Bill among the legislative priorities | 2010: discussion hosted by the Department of Labour | 2011: provide input to parliament with an academic policy paper |
| 2011: advocate parliament to include the draft Bill among legislative priorities for the year 2011 | 2010: Commission IX halted deliberations on the Bill | 2014: the Ministry of Foreign Affairs hosted a workshop on the ratification of ILO Convention No. 189/2011 | 2011: work together with upper-middle-class women from the Indonesian Women's Congress |
| 2011: mobilization for the ratification of the ILO Convention No. 189/2011 | 2011: include the draft Bill among the 2011 legislative priorities | | |
| 2012: Three-day campaign "Chained Action" where domestic workers chained themselves to parliament gates | 2011: publication of the academic policy paper in support of the bill | | 2014: advocate parliament to ratify ILO Convention No. 189/2011 and to enact the draft Bill |
| 2013: lobby parliament to discuss the draft Bill | 2011: establish a working group to draft a Bill | 2012: include the draft Bill among the 2012 legislative priorities | |
| 2013: submit the draft Bill to government | 2012: working group conducted a comparative analysis with legislation from other countries | | |
| 2014: restart the mobilization for ratification of ILO Convention No. 189/2011 | 2013: the working group hosted three public consultations in the cities of Makassar and Malang | | |
| 2014: lobby the National Awakening Party and the Ministry of Foreign Affairs | 2013: Commission IX finalized a draft Bill | | |
| | 2014: Commission IX submitted the 2013 draft Bill to parliament | | |
| | 2014: host a meeting with the Network | | |
| <i>Period III—Joko Widodo (2014–)</i> | | | |
| 2014: fasting campaign to demand inclusion of the draft Bill in the legislative agenda for the 2015–2019 electoral term | 2014: discuss the draft Bill with the Network | | |

5.2.2 Advocacy from 2009–2014: New strategies to widen support

From 2009 to 2014, the Network adopted three main strategies: (i) building the capacity of domestic workers' organizations; (ii) collaborating with other organizations and networks; and (iii) lobbying both parliament and government to enact the Protection of Domestic Workers Bill.

Capacity building of domestic workers' organizations

In the mid-2000s, the Network realized the importance of having domestic workers advocating for their own issues as it understood that the campaign to protect domestic workers was predominantly run by organizations working on behalf of domestic workers, and therefore the voice of these workers was not strong enough.¹⁸⁶ In Indonesia, there are not many domestic workers' unions and the number of domestic workers members of other unions is also small.¹⁸⁷ A study conducted by the Network and the International Domestic Workers Network (IDWN) found in 2013 that there were only nine domestic workers' organizations throughout several provinces, and five of these were domestic workers' unions.¹⁸⁸ These five organizations were concentrated in the cities of Mataram, Yogyakarta, Makassar and Greater Jakarta. Based on these findings, the Network provided capacity-building support to domestic workers to strengthen existing organizations and to establish new ones. It established training centres for domestic workers that ran training sessions for vocational skills, as well as on labour rights, including the right to organize.¹⁸⁹ However, the Network found it challenging to organize domestic workers without a law that guarantees such rights.¹⁹⁰ Further, organizing domestic workers requires a long process, including negotiations with employers to grant them at least one day off to take part in the activities of unions and organizations.¹⁹¹

Joining international movements and collaborating with other organizations

Since the late 2000s, the Network sought support from other organizations. At the international level, it joined in 2009 the international movement that was advocating for the Convention on Decent Work for Domestic Workers approved by the International Labour Office (ILO). In 2010–2011, the ILO together with the Network coordinated the process of consultations across Indonesia, which included disseminating information on the proposed Convention and collecting feedback from domestic workers and activists through seminars and meetings at the national and subnational level. Since the adoption of ILO Convention No. 189/2011 on Decent Work for Domestic Workers, the Network has been lobbying for ratification of the Convention together with the approval of a national law on domestic work. The Network celebrates International Domestic Workers' Day (16 June) as a means to repeat its demands and raise awareness. The ILO country office also collaborated with civil society through awareness-raising programmes and support to domestic workers' organizations.¹⁹² The Network also worked with international networks, such as the International Domestic Workers' Federation, where collaboration focused more on collecting evidence on working conditions and on the presence/impact of domestic workers' organizations. However, the Network did not feel there was sufficient

¹⁸⁶ Interview with Lita Anggraini (JALA PRT), Pratiwi Febry (lawyer at the Legal Aid Institute Jakarta), and Ari Sunarijati (member of the Network and of the Indonesia-Wide Workers' Union of Reform).

¹⁸⁷ Interview with Lita Anggraini (JALA PRT), Pratiwi Febry (lawyer at the Legal Aid Institute Jakarta), and Ari Sunarijati (member of the Network and of the Indonesia-Wide Workers' Union of Reform).

¹⁸⁸ The domestic workers' unions in the study are: i) the Domestic Workers' Freedom Union in Semarang with 102 members; (ii) the Tunas Mulia Domestic Workers' Union in Yogyakarta with 412 members; (iii) the National Tunas Workers' Union in Surabaya with 100 members; (iv) the Workers' Union of Anggrek, Teratai and Melati that was established in 2008 and has 200 members; and (v) the Broomstick Workers' Union in Jakarta that has approximately 60 members (JALA PRT and IDWN 2013).

¹⁸⁹ Interview with Lita Anggraini, JALA PRT.

¹⁹⁰ Interview with Lita Anggraini (JALA PRT) and Ari Sunarijati (member of the Network and of the Indonesia-Wide Workers' Union of Reform).

¹⁹¹ Discussion meeting of the National Advocacy Network for the Protection of Domestic Workers, 21 May 2014.

¹⁹² Interview with Arum Ratnawati, ILO officer in Jakarta.

support toward political mobilization from transnational organizations; tension was often felt between the Network's members and these organizations.¹⁹³

Within Indonesia, the Network collaborated with other organizations and networks that focus on migrants' and on children's rights. In 2009, the Network founded the Domestic Workers' Decent Work Network (*Jaringan Kerja Layak Pekerja Rumah Tangga*, JAKERLA PRT) together with Migrant Care, the Indonesian Migrant Workers Union (*Serikat Buruh Migran Indonesia*, SBMI), the Network to Eliminate Child Labour (*Jaringan Penghapusan Pekerja Anak*, JARAK), and the Association of Indonesian Workers (*Asosiasi Tenaga Kerja Indonesia*, ATKI). This network was specifically formed during the consultations for the ILO Convention. However it lasted only six months due to a lack of coordination and collaboration, and insufficient funding to support this additional network.¹⁹⁴

In 2010, the Network created the Action Network Committee on Domestic Workers (*Jaringan Komite Aksi Pekerja Rumah Tangga*, JKAPRT) in collaboration with three union confederations: the Confederation of Indonesian Trade Unions (*Konfederasi Serikat Pekerja Indonesia*, KSPI), the Confederation of Trade Unions Across Indonesia (*Konfederasi Serikat Pekerja Seluruh Indonesia*, KSPSI), and the Confederation of Labour Unions Across Indonesia (*Konfederasi Serikat Buruh Seluruh Indonesia*, KSBSI). The key claims of this new network were ratification of the ILO Convention, approval of the Protection of Domestic Workers Bill, and amendment of Protection and Placement of Indonesian Migrant Workers Abroad Law No. 39/2004.¹⁹⁵ In 2012, the Indonesian Advocacy Network for the Revision of the Protection and Placement of Indonesian Workers Abroad Law (*Jaringan Advokasi Revisi UU No.39 tahun 2004 tentang Penempatan dan Perlindungan Tenaga Kerja Indonesia di Luar Negeri*, JARI PPTKILN) joined the KAPRT, which changed its name to Migrant Workers' Network (*Jaringan Buruh Migran*, JBM)¹⁹⁶ The Migrant Workers' Network brought together the claims both from domestic workers and from migrant workers—who often are the same persons—and mobilized for the approval of a national law on domestic work to recognize domestic workers as workers, and for the ratification of the ILO Convention and of the 1990 UN Convention on Protecting the Rights of Migrant Workers and Their Families.¹⁹⁷ In its mobilization efforts, the Migrant Workers' Network has been supported by the Indonesian Democratic Party of Struggle, the Golkar Party and the Welfare Justice Party.

Advocating parliament and government

At the beginning of the new electoral term in 2009, the Network once again lobbied parliament to include the Bill on domestic workers in the National Legislative Programme. Through parliamentary Commission IX¹⁹⁸, the Bill was included in the 2010 programme, and the Commission began to debate minimum wage, restrictions on working hours, and

¹⁹³ Interview with Lita Anggraini, JALA PRT.

¹⁹⁴ Interview with Ari Sunarijati, Indonesia-Wide Workers' Union of Reform.

¹⁹⁵ The Protection and Placement of Indonesian Migrant Workers Abroad Law No. 39/2004 sets out regulations to protect Indonesian workers who are placed in employment overseas. Migrant workers' organizations contest the inadequacy of the law to effectively protect workers once they are abroad.

¹⁹⁶ Interview with Lita Anggraini, JALA PRT.

¹⁹⁷ Among their activities, the Migrant Workers' Network hosted a meeting in early 2014 attended by the National Awakening Party, ILO officers, and the Confederation of Indonesian Trade Unions of Reform to discuss protection and decent work for domestic workers. During the meeting, advocates requested the National Awakening Party to take action and to push for approval of a national law. However, the meeting was not followed by any initiative or action (field observation on 18 February 2014 and interview with Ari Sunarijati, Indonesia-Wide Workers' Union of Reform).

¹⁹⁸ Parliamentary Commission IX focuses on the legislative themes of Demography, Health, Manpower and Transmigration Affairs.

other rights such as health insurance.¹⁹⁹ Yet in mid-2010, the discussion was interrupted without clear reason.²⁰⁰ According to some respondents, this was due to internal disagreement within parliament over the content of the Bill.²⁰¹ Thus, in 2011, the Network changed its strategy and pursued the Indonesian state with a citizens' lawsuit²⁰² because of the lack of an adequate legal framework to protect the rights of a group of citizens—domestic workers—and therefore to neglect them.²⁰³ Activists used the trial process as a way to advocate the importance of the Bill and to issue press releases at each hearing. As a result, the Bill was again prioritized in the 2011 National Legislative Programme and Commission IX published an academic policy paper and proposed a new Bill.²⁰⁴

In 2011, the Central Jakarta District Court issued a verdict rejecting the lawsuit, but recommended that Commission IX, parliament and the government accelerate the policy process for approving a law on domestic workers. However, despite the Court's recommendations, the Bill was omitted from the 2012 National Legislative Programme. In response, the Network organized new demonstrations and actions. For instance, some activists chained themselves together for three days in front of the parliament building (Widianto 2011; ICJR 2012).²⁰⁵ Due to the publicity generated by this action, Commission IX held three meetings on the Bill and established a Domestic Workers Working Group tasked with studying other countries' legislation on domestic work. For example, working group members visited South Africa and Argentina.

In 2013, once again, the parliament postponed the debate and the Network collaborated with the Action Committee on Domestic and Migrant Workers to increase pressure on the state. One action, "Cleaning Up the Parliament", saw a giant replica of a bucket and mop, broom and toilet installed in front of the parliament building.²⁰⁶ Consequently, the parliamentary Domestic Workers Working Group reinitiated discussions on the Bill and consulted civil society in Makasar and Malang. The process of discussion between the Working Group, Commission IX and parliament continued smoothly until April 2013, when it was again interrupted. Although advocates continued mobilization efforts, parliament was by then focusing on the end of the electoral term and on elections for the next term, leaving the legislative initiative on domestic work on the margins.²⁰⁷

In parallel, from 2009–2014, the Network also advocated the government, especially the Ministry of Labour and Transmigration, and the Ministry of Foreign Affairs. In 2010, the Ministry of Labour and Transmigration drafted a separate Bill on the grounds of the high vulnerability of domestic workers to violations of their labour rights.²⁰⁸ The Ministry hosted consultations with the Ministry of Social Welfare, the Ministry of

¹⁹⁹ Interview with Yuni Asri (staff member of the Migrant Worker Working Group at the National Commission for Women), Lita Anggraini (JALA PRT), and Ari Sunarijati (Indonesia-Wide Workers' Union of Reform).

²⁰⁰ Presentation by Lita Anggraini, JALA PRT, at the SCN-CREST and UNRISD Research Methodology Workshop, 29 November 2013.

²⁰¹ Interview with Yuni Asri, staff member of the Migrant Worker Working Group at the National Commission for Women.

²⁰² The Indonesian legal system allows citizens to sue the state for failing to legally protect its citizens. Since 1998, Indonesian civil society has sued the state twice: the first time on the lack of protection for migrant workers victims of trafficking and the second time on the lack of protection for domestic workers.

²⁰³ 162 Indonesian citizens signed the lawsuit: activists, academics, domestic workers, their families, employers. They were legally represented by the Human Rights Working Group, LBH APIK Jakarta, Migrant Care, Indonesian Migrant Workers' Union, Women's Solidarity, and the Trade Union Rights Centre. The lawsuit was filed against the President, Vice-President, Minister of International Relations, Minister of Law and Human Rights, Minister of Labour and Transmigration, the Head of the National Agency for Placing and Protecting the Indonesian Workforce, and Indonesian national parliament. Interview with Lita Anggraini (JALA PRT).

²⁰⁴ Presentation by Lita Anggraini, JALA PRT, at the SCN-CREST and UNRISD Research Methodology Workshop, 29 November 2013.

²⁰⁵ Presentation by Lita Anggraini, JALA PRT at the SCN-CREST and UNRISD Research Methodology Workshop, 29 November 2013.

²⁰⁶ See <http://www.jalaprt.co/replika-toilet-dan-sapu-raksasa-di-depan-gedung-dpr/> (accessed 5 December 2014).

²⁰⁷ Interview with Yuni Asri, staff member of the Migrant Worker Working Group at the National Commission for Women.

²⁰⁸ Interview with Nora Kartika, Subdivision Head of Ministry for Labour and Transmigration.

Women's Empowerment and Child Protection, the Ministry of National Affairs and the National Secretariat.²⁰⁹ They discussed issues such as minimum wage, the Eid/Christmas bonus, social security, and monitoring mechanisms. In its Bill, the Ministry was cautious in regard to setting up minimum wage standards and preferred to leave it and other issues to private negotiations between domestic workers and employers. In spite of these consultations, the Ministries interrupted the discussion and invited the parliament to take on the Bill as a parliamentary legislative initiative.²¹⁰ A positive step was taken in 2011 when President Yudhoyono in his statement at the International Labour Conference declared his willingness to ratify ILO Convention No. 189/2011. The president argued that the Convention would support Indonesia to protect its overseas migrants working as domestic workers.²¹¹ However, since then the government has not ratified it. In February 2014 it renewed its intention to ratify the Convention, but these declarations were not followed by any concrete action.

Confronted with the lack of action from the government, in June 2014 the Network organized a meeting with the Ministry of Foreign Affairs on the International Day of Domestic Workers. Advocates demanded to the Ministry to take action on ratification of the ILO Convention No. 189/2011. The Ministry responded by hosting a two-day workshop, jointly organized with the Network and the Action Committee on Domestic and Migrant Workers, with the task of preparing an academic policy paper and drafting a new Bill. The workshop was attended by the National Commission of Human Rights, the National Commission for Women, the Indonesian Commission on Child Protection, and the Ministry for Law and Human Rights.²¹² The initiative was successful and in 2014 the Network and the Action Committee on Domestic and Migrant Workers finalized the academic policy paper as agreed during the workshop.²¹³ However, the process was interrupted as the electoral term came to an end.

5.2.3 2014–2015: President Widodo's term

With the new electoral term, the Network renewed its advocacy efforts with the new parliament and the new government. Their first demand was to include the legislative initiative on the domestic work Bill in the 2015 National Legislative Programme, which they carried out through demonstrations and other actions. In November 2014, five domestic worker activists chained themselves to the gates of parliament and started a hunger strike. After six days of the hunger strike, the parliamentary Legislative Agency finally met with representatives of domestic workers only to inform them about the impossibility of including domestic work among the legislative priorities due to the parliament's full schedule.²¹⁴ During November and December 2014, other activists, students and individual citizens joined the hunger strike. The mass media reported widely on domestic workers' working conditions and the claims being made.²¹⁵ The hunger strike ended in early January 2015.

In October 2015, the authors, as follow-up to this research, organized a workshop to discuss the research findings. Civil society activists and the National Commission on

²⁰⁹ The National Secretariat is an executive body and represents the government in the policy-making process.

²¹⁰ Interview with Nora Kartika, Subdivision Head of Ministry for Labour and Transmigration.

²¹¹ Interview with Nora Kartika, Subdivision Head of Ministry for Labour and Transmigration.

²¹² Observation from the meetings in June 2014.

²¹³ Interview with Lita Anggraini, JALA PRT.

²¹⁴ Each parliamentary Commission can discuss only two bills for each year. In late 2014, the Legislative Agency had four bills for Commission IX, all to be discussed in 2015: the Pharmacy Bill, the Midwifery Bill, a revision of the Placing and Protecting of Indonesian Migrant Workers Law No. 39/2004, and the Bill on the Protection of Domestic Workers. While setting up the agenda of Commission IX, the Agency thought to exclude the Bill on domestic work.

²¹⁵ Observation of hunger strike and related activities in November/December 2014.

Women attended the meeting and discussed ways to develop effective collaboration to move forward with domestic workers' labour rights. A series of meetings followed and activists organized actions to lobby the parliament. Finally, the issue of domestic workers' protection was included in the 2016 National Legislative Programme in February 2016.

5.2.4 *The role of the National Commission for Women*

Within the state, the National Commission for Women has been opposing the resistance to the legal protection of domestic workers. Similarly to the Network, the National Commission for Women considers domestic work as legitimate work and focuses on the regulation of the working relationships between domestic workers and employers, and on the gender relations embedded in this sector of work. Although both the Commission and the Network are lobbying for a national law on domestic work, they have been advocating separately, with different approaches and strategies. The National Commission for Women considered it crucial to gain the support of women workers, as they may have been the first social group to oppose regulation and protection of social workers. For this reason, in 2008, it completed a study on the societal perceptions of domestic workers and in 2010 started to collaborate with women's organizations, such as the Indonesian Women's Congress (*Kongres Wanita Indonesia*, KOWANI).²¹⁶ KOWANI, which includes approximately 80 women's organizations mainly from upper middle classes, is considered by the National Commission for Women as one of the most important organizations in mobilization efforts for two reasons: (i) it could have influenced state actors because of its closeness to the state, and (ii) it could have been used to disseminate information about domestic work and gain the support of its members, especially upper-middle-class women's groups from the main cities, including Jakarta, Bogor, Tangerang, and Bekasi. The National Commission for Women targets women workers from higher classes who usually employ domestic workers in order to avoid conflicts among women's organizations, and division between women domestic workers and women employers of domestic workers.²¹⁷ However, the National Commission for Women found strong resistance as it advocated for framing domestic workers as an issue for all women²¹⁸ as it sought to raise solidarity and avoid conflict.²¹⁹

After 2013, however, the National Commission for Women interrupted its intensive mobilization activities and dialogue with women's organizations due to a lack of funding.²²⁰ Since then, the Commission has largely focused on celebrating the International Domestic Workers' Day; for instance, in 2014, it urged the government to ratify the ILO Convention and to enact the Protection of Domestic Workers Bill. Further, it started using international human rights law and its monitoring mechanisms. It requested to the Indonesian state to follow the recommendations of the 2012 Universal Periodic Report of the Human Rights Council (OHCHR 2012), and the 2014 Report of the United Nations Committee on Economic, Social and Cultural Rights (CESCR). Both urged the Indonesian state to immediately ratify the ILO Convention and additionally the CESCR urged the state to afford domestic workers in Indonesia proper appreciation for their work in regard to a decent wage, workplace health and safety, limitations on working hours, days off and leave, and social security, including protection from unfair dismissal (CESCR 2014). Only after the workshop organized by

²¹⁶ Interview with Yuni Chuzaifah (commissioner at National Commission for Women) and Yuni Asri (staff member of the Migrant Worker Working Group at the National Commission for Women).

²¹⁷ Interview with Yuni Chuzaifah (commissioner at National Commission for Women) and Yuni Asri (staff member of the Migrant Worker Working Group at the National Commission for Women).

²¹⁸ Interview with Yuni Chuzaifah (commissioner at National Commission for Women) and Yuni Asri (staff member of the Migrant Worker Working Group at the National Commission for Women).

²¹⁹ Presentation by Lita Anggraini, JALA PRT.

²²⁰ Interview with Yuni Asri (staff member of the Migrant Worker Working Group at the National Commission for Women).

the authors to share research findings in October 2015 with the Network, the National Commission for Women intensified its mobilization in collaboration with the Network, achieving the inclusion of domestic workers' protection in the 2016 National Legislative Programme.

Table 5.3: Comparison among the draft Bills by the Network, the National Commission for Women and parliament

| | The Network's 2004 draft Bill | 2011 Academic Policy Paper by the National Commission for Women | Parliamentary 2013 draft Bill |
|---------------------------------|---|--|---|
| Scope of domestic work | Distinction between: full-time and part-time domestic workers specific role (performing specific job, such as childcare, cook) and general role (performing all tasks associated with domestic work) | Distinction between traditional domestic workers (member of the family and relatives working without formal contract) and non-traditional domestic workers (recruited through placement agencies and working with formal contract) | Distinction between: full-time live-in domestic workers full-time live-out domestic workers part-time domestic workers |
| Minimum age | 18 years | | 15 years with parental consent |
| Wage | Adoption of a Standard Minimum Wage system | Adoption of a Standard Minimum Wage system | Private agreement between employer and domestic worker on the amount and on the means (cash or in-kind) of remuneration |
| Working hours | Part-time: four hours/day Full-time: forty hours/week (eight hours/day for five days or seven hours/day for six days) Extra hours paid as overtime | | Part-time: from four to six hours/day Full-time: from eight to twelve hours/day |
| Leave | Weekly leave: from one to two days/week if working days are five or six per week Minimum twelve days/year Three months of maternity leave Two days/month of period leave | Leave for religious activities Maternity leave Family leave in case of sickness or passing of a family member Amount of leave days is not specified If the domestic worker does not use the leave days, the employer pays them as part of the salary | One day off/week, but on the basis of a private agreement between the employer and domestic worker Lack of regulation on leave, but on the basis of a private agreement between the employer and domestic worker |
| Health insurance | Provided by employer | Focus on workplace safety and health insurance | Provided by the employer |
| Political rights | Right to organize and unionize; Right to be a member of a political party | Right to organize and unionize | Right to organize and unionize |
| Right to training and education | Right to receive regular training sessions for skills development | Right to receive regular training sessions | |

5.3 Mobilization in the subnational research sites

Although they started in parallel with national mobilization efforts, the subnational advocacy processes have not been as strong. In the province of West Sumatra and in the district of West Pasaman, there was hardly any advocacy, except for some organizations handling individual cases. In the rest of the research sites, the mobilization is led mostly by NGO activists, apart from the Jember Regency, where the ILO was the first actor to advocate for domestic workers' rights. In some areas such as East Java and West Nusa Tenggara, cases of violence against domestic workers sparked mobilization and the demand for policy change. However, subnational government tended to dismiss these claims because of (i) the lower rate of violence against domestic workers compared to cases against other groups, like migrant workers, (ii) the challenge of calculating fair wages, and (iii) lack of a national legal framework to develop by-laws.

5.3.1 The case of West Nusa Tenggara

West Nusa Tenggara has no regulations on domestic work, although several NGOs have mobilized for the protection and support of domestic workers since 2000. Some of these organizations include People's Advocacy Institute for Democracy (*Lembaga Advokasi Rakyat untuk Demokrasi*, LARD), LBH APIK West Nusa Tenggara, the Indonesian Women's Coalition for Justice and Democracy (*Koalisi Perempuan Indonesia untuk Keadilan dan Demokrasi*, KPI), the Indonesian Tunas Alam Foundation (*Yayasan Tunas Alam Indonesia*, SANTAI), Panca Karsa and the Child Protection Organization (*Lembaga Perlindungan Anak*, LPA). LBH APIK West Nusa Tenggara and LARD have experience in assisting domestic workers who are victims of violence. Since 2006 LARD has provided education and awareness-raising sessions on their rights. Together with National Advocacy Network for the Protection of Domestic Workers, LARD has been planning to set up a domestic workers' union in the province.²²¹ The other NGOs focus on West Nusa Tenggara citizens who migrate overseas to work as domestic workers.

While handling cases of violence against domestic workers, both LBH APIK West Nusa Tenggara and LARD faced the same experience of impunity of the perpetrators. For instance, LBH APIK provided long-term assistance to a domestic worker, N.L.G., who was raped by her employer in 2000. After nine years of legal dispute, the Indonesian Supreme Court condemned the employer to prison; to date the verdict has not been acted upon.²²² Similarly, an employer who murdered a domestic worker called Sumati was not persecuted, and LARD found it difficult to obtain a sentence against him.²²³

Based on their experiences, LBH APIK West Nusa Tenggara and LARD, together with the Indonesian Tunas Alam Foundation and Panca Karsa, began mobilizing around the importance of subnational regulations to protect domestic workers. In the early stages of the mobilization, the organizations disseminated materials and organized television talk shows with subnational state officers, such as the mayor of Mataram City and members of the provincial parliament.²²⁴ In 2008, LARD again urged the provincial authority to issue adequate by-laws and campaigned via mass media.²²⁵ The institute also hosted a meeting with members of parliament, but it was not followed by any action from the subnational state, which pointed to the lack of evidence on violence against domestic workers, and regulation of domestic work was not considered as a legislative priority.²²⁶

²²¹ Interview with Mahmudah Kala, LARD.

²²² Interview with Beuty Erawati, LBH APIK West Nusa Tenggara. See also LBH APIK WTN (2014).

²²³ Interview with Beuty Erawati, LBH APIK West Nusa Tenggara.

²²⁴ Interview with Beuty Erawati (LBH APIK West Nusa Tenggara) and Mahmudah Kala (LARD).

²²⁵ Interview with Beuty Erawati (LBH APIK West Nusa Tenggara) and Mahmudah Kala (LARD).

²²⁶ Interview with Mahmudah Kala, LARD.

Further, women who employ domestic workers, including members of parliament, opposed some of the claims, such as the right to a minimum wage and a restriction on working hours. For instance, they argued that the minimum wage for domestic workers should be calculated differently from the other workers, as it should consider the cost employers bear with live-in domestic workers.²²⁷

Unfortunately, the organizations faced several constraints that decreased their capacity to mobilize, especially in terms of funding. After 2008, each organization tended to mobilize separately²²⁸ and collaboration with the national movement was diminished.²²⁹ Consequently, resistance felt from the state actors and internal constraints in the movement led to stagnation of mobilization efforts. However, both LBH APIK West Nusa Tenggara and LARD continue to provide legal aid and education to domestic workers.

Table 5.4 Initiatives of the actors mobilizing on domestic workers' protection in West Nusa Tenggara

| Actor | Strategy |
|--|--|
| <i>Leading Actor</i> | |
| LBH APIK West Nusa Tenggara | Provide legal aid to domestic workers victims of violence Publish an academic policy paper for a subnational regulation |
| People's Advocacy Institute for Democracy (LARD) | Organize and provide education to domestic workers Provide support for cases of violence against domestic workers Organize awareness-raising activities Drafting of a subnational regulation together with LBH APIK West Nusa Tenggara Publish an academic policy paper for a subnational regulation together with LBH APIK West Nusa Tenggara |
| <i>Supporters</i> | |
| Indonesian Women's Coalition | Organize domestic workers Facilitate the formation of a domestic workers' union Support publication of the academic policy paper |
| Indonesian Tunas Alam Foundation | Provide education for domestic workers Support publication of the academic policy paper Advocate for the protection of child domestic workers, in collaboration with the Child Protection Organization |
| Child Protection Organizations | Advocate for the protection of child domestic workers |

5.3.2 East Lombok: Including domestic work into informal workers' mobilization

As East Lombok is the district in Indonesia with the highest number of its citizens working abroad, almost all NGOs and the local state focus on the protection of migrant workers overseas (Awaludin 2015). Further, the district government approved Subnational Regulation No. 7/2007 on Labour Protection for Informal Workers. This does not specifically address domestic workers, but it does incorporate these workers within its scope. The regulation was initially proposed by the Women's Association for Justice and Legal Aid in 2007 because of the large number of workers in the informal economy and therefore outside legal protection. The Association identified domestic workers employed in the district but it had not encountered any cases of abuse against these workers.²³⁰ The regulation however was much contested. First, local NGOs

²²⁷ Interview with Mahmudah Kala, LARD.

²²⁸ Interview with Beuty Erawati, LBH APIK West Nusa Tenggara.

²²⁹ Interview with Mahmudah Kala, LARD.

²³⁰ Interview with Hay R, NGO activist.

claimed that the policy process was not participatory as there was no open consultation with civil society.²³¹ Thus, they argued, the regulation will unlikely bring social change. Second, even if this regulation adopts provisions to protect the rights of informal and also domestic workers—such as minimum wage, access to social security, limit of daily working hours at eight/six days per week—its definition of informal workers is unclear.²³²

5.3.3 Protection for domestic workers in West Sumatra and West Pasaman: There or not?

Mobilization efforts for the protection of domestic workers in West Sumatra and West Pasaman have not achieved the level of policy change hoped for. During the research, some degree of a culturally rooted disregard toward domestic workers and their potential claims was found.²³³ According to several research participants, domestic workers are migrants from other provinces who mainly work as nannies.²³⁴ However, local citizens were also found working as domestic workers, especially part-time and doing tasks such as washing, ironing and cooking. In the Minangkabau culture, working in someone else's household is regarded as a low work: "As if Minangkabau women would work as domestic workers, Minangkabau women have pride, how could they hold their heads up high?"²³⁵ Working in a factory, farm or plantation has more value than working in someone else's home.²³⁶ Due to these differing social and cultural perceptions, many domestic workers, especially those from West Sumatra, avoid admitting that they work as domestic workers and do not refer to themselves as such.²³⁷

Before the 2000s, it was common for families to host a person from a poorer family in exchange for domestic work. These individuals are known as *dunsanak* (Nurami Perempuan 2013). The *dunsanak* are considered members of the family and if they are children and adolescents, often the hosting family funds their education. According to several studies, the terms "domestic workers" or "helper" became popular only in the early 2000s, when more households started to hire domestic workers as both partners joined the labour market. Hendrawati (2010) classifies domestic workers in Minangkabau society in three categories: (i) full-time workers who live in their employer's house; (ii) full-time workers that do not live with their employer; and (iii) part-time workers.

Among these three categories, the live-in domestic workers are the most vulnerable. They are considered to be part of the household and all of their needs are met by the employer, but, their working hours and workload is unclear as they are expected to be available when their help is required by the employer (Hendrawati 2010).

In terms of advocacy, although commonly held perceptions disregard domestic workers, the local women's organization Women of Conscience does recognize them and has demanded the regulation of domestic work.²³⁸ The Women's Crisis Centre run by the

²³¹ Interview with Hay R, NGO activist.

²³² Interview with QG, NGO activist.

²³³ Interviews with Putri Yefani, Salmawati, Asmar and Sri Mulyani (Minangkabau Traditional Customs Organization of West Pasaman); interview with Firdaus, head of the Indonesian Legal Aid Association in West Sumatra; interviews with Yefri Heriani (Women's Crisis Centre run by the Women of Conscience), with Tanti Herida (Indonesian Women's Coalition) and with Khaidir Dt St. Kabasaran (Minangkabau Traditional Customs Organization).

²³⁴ Interview with Salma, Asmar, Sri Mulyani and Putri Yefani, members of the Minangkabau Traditional Customs Organization of West Pasaman.

²³⁵ Interview with Firdaus, head of Indonesian Legal Aid Association in West Sumatra, 17 March 2014.

²³⁶ Interview with Putri Yefani, member of the Agency for Women's Empowerment and Family Planning.

²³⁷ See also interviews with Firdaus (head of Indonesian Legal Aid Association in West Sumatra) and Putri Yefani (Agency for Women's Empowerment and Family Planning).

²³⁸ Interview with Khaidir Dt. St. Kabasaran (Minangkabau Traditional Customs Organization), Desi Asmaret (*Aisyiyah* West Sumatra) and Yefri Heriani (Women's Crisis Centre of the Women's Conscience).

organization in Padang City handles cases of violence against domestic workers such as rape, theft and imprisonment. However, the organization has not proposed any policy changes yet because of the negative cultural perception of domestic work, and the lack of sufficient resources to run an effective and comprehensive advocacy campaign.

5.3.4 Violence against domestic workers in East Java

In East Java, mobilization efforts for domestic workers' labour rights have emerged and are growing slowly. The issue gained the attention of NGOs and women's groups after a case of abuse against a domestic worker called Marlina in Surabaya in 2011 (Wasono 2011). Marlina was a child domestic worker at that time and was abused by all family members of the household where she was working. Her employers accused her of theft and after she denied their accusation, they started abusing her. When the situation became unbearable, she decided to admit to the uncommitted theft in order to be brought to the police, and to escape from her abusers. When she was presented to the police, her condition was critical and she took the opportunity to tell the police about the abuse. Her case spurred action from both civil society and the state, which flagged the importance of protecting domestic workers.²³⁹

After the Marlina case, the Samitra Abhaya Women's Pro-Democracy Group (*Samitra Abhaya Kelompok Perempuan Pro Demokrasi, SA KPPD*),²⁴⁰ student activists and labour activists joined the advocacy network the Solidarity Care for Domestic Workers to show solidarity and advocate for by-laws to protect domestic workers.²⁴¹ The East Java Province approved Subnational Regulation No. 9/2005 on the Implementation of the Protection of Women and Children Victims of Violence, but this regulation does not cover domestic workers adequately.²⁴² Therefore, Solidarity Care for Domestic Workers not only lobbied for ratifying this regulation, but also to adopt other regulations that are more specific on domestic workers' labour rights (Taufiq 2012).²⁴³ The latter would define domestic workers as workers with regulated working hours, workloads, benefits, holidays and safety at their workplace.²⁴⁴ A regulation was drafted by activists Sri Wahyuningsih and Umu Rithy, both from the Research and Development Centre of Law and Gender at the Brawijaya University in Malang. This draft was then discussed and jointly revised by several organizations and activists within the network, including SA KPPD and the Centre for Human Rights Studies, Surabaya University. The draft generated tension among women's organizations as some women's workers' groups who also employ domestic workers rejected the draft regulation as they feared they could not afford the minimum wage as proposed in the draft.²⁴⁵ Further, in 2012 many activists who had joined the Solidarity Care for Domestic Workers network decreased their participation.

SA KPPD remained the main actor behind the mobilization until it had to reduce its advocacy activities due to a lack of financial resources, internal controversies and staff

²³⁹ The abusers were prosecuted and condemned (Wasono 2011).

²⁴⁰ SA KPPD is a women's organization in East Java that supports victims of violence providing psychological and legal aid. The organization is also a member of the National Advocacy Network for the Protection of Domestic Workers.

²⁴¹ Interview with Rosana Yuditia Ripi, SA KPPD.

²⁴² Interview with Melly Rizqiyah, Solidarity Care for Domestic Workers.

²⁴³ See news article "Tolak Revisi Perda Perlindungan Perempuan, Buat Perda Baru untuk PRT" [Reject the Revised Regulation on Women's Protection, Approve a New Subnational Regulation for Domestic Workers]. Accessed 18 April 2014.

<http://m.suarasurabaya.net/kelanakota/detail.php?id=00c99386a25dc5c95175ec38dd4915022012103252>

²⁴⁴ Interview with Dian Noeswantari, Human Rights Studies Centre, Surabaya University, and Women's Pro-Democracy Committee.

²⁴⁵ Interview with Dina Katjasungkana, SA KPPD.

turnover.²⁴⁶ The turnover affected the effectiveness of the campaign and knowledge transfer among activists.²⁴⁷ From 2010–2013, the organization collaborated with Save the Children in the “Eliminate Exploitive Child Labor through Education and Economic Development” (EXCEED) Programme.²⁴⁸ In this framework, SA KPPD set up a community group to work with child domestic workers. The group ran several creative activities, such as writing and art, awareness-raising activities on child rights and published a bulletin. As part of this programme, the group advocated to hold the state responsible for the working conditions of domestic workers and for child labour. Further, it encouraged child domestic workers to join public campaigns and to deliver speeches on their status within provincial parliament.²⁴⁹ The programme however was implemented for only 18 months in 2010–2011 and for 12 months in 2012–2013.²⁵⁰ Later in 2013, SA KPPD also collaborated with the local ILO office,²⁵¹ which directly urged the government to provide protection to domestic workers. Their strategy was to resume advocacy for a subnational regulation on domestic work and to collaborate with several government agencies, including the Agency for Community Empowerment and the Social Services Provincial Office.²⁵² However, the collaboration ended after few months due to the completion of the ILO programme.²⁵³

Apart from its collaboration with SA KPPD, the ILO implemented other activities in 2012 to raise awareness on domestic workers’ labour rights (Yakub 2012).²⁵⁴

- i. collaborate with mass media, including a series of interactive talk shows with the radio SmartFM Subaraya in 2012(ILO 2012) to disseminate information on domestic workers and child domestic workers;
- ii. advise the governor of East Java to regulate domestic workers via a Governor’s Decree, Governor Regulation, or Subnational Regulation.

The ILO Office proposed a series of policies that would not set a standard wage for domestic workers, but would acknowledge their rights and regulate working hours, type of work, holiday and leave, contractual terms, insurance, and education for child domestic workers. It recommended selecting the appropriate governmental agency to serve as coordinator for these policies. Further, it offered to mediate between workers and employers for developing labour standards for the contracts and to provide training sessions to domestic workers in state training centres (Yakub 2012).²⁵⁵

The response from the provincial state was limited due to a conflict between the governmental Agency for Social Services and the governmental Agency for Community Empowerment, and lack of national legislation that could be used as guidance for subnational regulations (Yakub 2012). In 2012, the Agency for Development and Planning, and the Agency for Women’s and Children’s Protection unsuccessfully proposed amending Subnational Regulation No. 9/2005 to include domestic workers (Yakub 2012). The new government elected in 2013 did not support this legislative proposal due to the lack of a national legislation.²⁵⁶

²⁴⁶ Research observation at the SA KPPD annual meeting on 30 March 2014, and interview with Dina Katjasungkana, activist from SA KPPD.

²⁴⁷ Observation of a SA KPPD meeting and interview with Dina Katjasungkana, activist from SA KPPD.

²⁴⁸ See details of the Programme at <https://indonesia.savethechildren.net/what-we-do/child-protection> (accessed 25 February 2016).

²⁴⁹ Interview with Dina Katjasungkana, SA KPPD.

²⁵⁰ Interview with Dina Katjasungkana, SA KPPD.

²⁵¹ The ILO office in East Java coordinates a programme on the eradication of the worst forms of child labour and on the strengthening of trade unions. Interview with a staff member of the East Java ILO Office.

²⁵² Interview with Rosana Yuditia Ripi, SA KPPD.

²⁵³ Interview with Rosana Yuditia Ripi, SA KPPD.

²⁵⁴ Interview with a staff member of the East Java ILO Office.

²⁵⁵ Interview with a staff member of the East Java ILO Office.

²⁵⁶ Interview with a staff member of the East Java ILO Office.

5.3.5 Advocacy for domestic workers in the Jember district

In Jember, mobilization efforts for policy change specifically in favour of domestic workers' rights were not found. Only since 2010 has some attention been focused on the elimination of child labour when the ILO office in East Java hosted a conference together with a group of local NGOs²⁵⁷ working on domestic work. The purpose of the conference was to find solutions to eliminate child labour, increase their access to education, adopt strategies to make Jember a child-friendly district, and to promote equality between girls and within families.²⁵⁸ One proposal was adopting a subnational regulation to ban child labour. After the conference, the group of NGOs approached the caucus of women in the district parliament and district Commission D on social welfare. They also organized awareness-raising meetings and produced publications on child labour. In spite of these efforts, the district parliament rejected the proposal for a subnational regulation to ban child labour as it did not have a specific budget for this theme and it was not part of the legislative agenda. In addition, the mass media did not pay a lot of attention to child labour because of the societal perception that there were few child domestic workers.²⁵⁹ The ILO, NGOs and the state jointly launched a programme for child domestic workers to improve their professional skills. The rationale behind this programme was that children would be able to find better jobs and escape from the worst forms of child labour because of their new skills. However, the programme failed as it was not geared to influence the state to address the challenges faced by child domestic workers and was closed the same year.²⁶⁰

Between late 2012 and early 2013, the ILO partnered with SA KPPD, the Women's House (*Rumah Perempuan*), the National Plantation Company XII and Radio Prosalina Jember²⁶¹ to establish the Forum to Observe and Discuss the Elimination of the Worst Forms of Child Labour (*Forum Pemerhati dan Penggagas Penghapusan Bentuk-Bentuk Pekerjaan Terburuk Pada Anak*, FP3BPTA). The Forum conducted workshops and advocacy to include the elimination of child labour in the subnational legislative programme as a legislative priority. However, the district parliament did not discuss this proposal. The Forum changed its strategy and approached different district agencies and departments. First, they lobbied the Department of Labour and the Office for Social Welfare. The former stated that its role was only to handle labour in relation to industry, excluding child domestic work from its sector, while the latter indicated that it was already providing programmes to strengthen children's capacities and skills. Yet the Forum pointed out that the existing programmes focus on skill development rather than protection.²⁶² In a second phase, they approached the Department of Education, the Jember Subnational Development Planning Board (*Badan Perencanaan dan Pembangunan Daerah*, BAPPEDA), the Agency for Women's Empowerment and Family Planning, and Commission D. The Department of Education claimed that education participation rates were high, meaning that children were already in school, while Commission D did not consider the development of policies to eliminate child

²⁵⁷ The Empowered Communities Initiative Foundation (*Yayasan Prakarsa Swadaya Masyarakat*, YPSM), the Research Institute for Communities and Development (*Lembaga Pengkajian Kemasyarakatan dan Pembangunan*, LPKP), Ibunda Foundation, the Indonesian Family Planning Association (*Perkumpulan Keluarga Berencana Indonesia*, PKBI), Policy Studies and Social Transformation (*Studi Kebijakan dan Transformasi Sosial*, SKETSA), the Indonesian Migrant Workers' Union (*Serikat Buruh Migran Indonesia*, SBMI), and the Centre of Information on Child Rights Studies (PSIHA).

²⁵⁸ Interview with a staff member of the East Java ILO Office.

²⁵⁹ Interview with Eri Andriani, head of Women's House.

²⁶⁰ Interview with Yayak Nawiyati, head of the Ibunda Foundation.

²⁶¹ The Women's House is a women's organization that works in Jember. The National Plantation Company XII of East Java is private-public company, while Radio Prosalina is a local public radio station.

²⁶² Interview with Dina Katjasungkana, SA KPPD.

labour as a priority. As reported by one respondent, members of the Commission D stated that child labour was not a priority because “no child had ever died from being a domestic worker.”²⁶³ Further, the district parliament was starting to direct its focus to the election campaign in April 2014.²⁶⁴

5.4 Conclusions

Advocacy efforts for legal frameworks to protect domestic workers, particularly at national level, have been under way since 2004, but the focus and the strategies have changed over time. The National Advocacy Network for the Protection of Domestic Workers was created in 2004 and since then it has led national mobilization efforts for a national law on domestic work. The Network consisted of NGOs, domestic workers; organizations and unions, legal aid organizations, trade unions, labour organizations and women’s organizations. Between 2004 and 2009, it published studies, prepared an academic policy paper, proposed a Bill, and advocated parliament and government. Its advocacy strategies shifted in 2009 after failure to achieve the enactment of the Bill in the 2004–2009 electoral term. After 2009, the Network sought broader support within civil society, including unions, labour federations, and migrant workers’ unions and organizations, with an impact on its agenda, such as supporting the claims of migrant workers. It also developed the capacity of domestic workers’ organizations with the rationale that domestic workers should voice their own demands and not be represented by other organizations. After 2011, the Network advocated for ratification of ILO Convention No. 189/2011. At subnational level, the movement for the protection of domestic workers is weak and has often stalled, although there have been initiatives in East Lombok, West Nusa Tenggara, Jember and East Java. In West Pasaman and West Sumatra, there have not been advocacy efforts, confirming that the local socio-cultural context influences women’s movements as described below.

In West Sumatra and in West Pasaman, there is significant cultural resistance to campaigning domestic workers’ protection. There is cultural denial of the situation faced by domestic workers and a strong view that Minangkabau women do not work as domestic workers due to cultural values and honour which exclude working and living in others’ houses. This means that some women perform domestic work covertly and do not consider themselves as domestic workers.

In West Nusa Tenggara, mobilization led by local NGOs—which mainly focuses on violence against domestic workers—has not been constant and has been opposed by other civil society organizations and by the state. The most controversial issue is setting up a minimum wage for domestic workers equal to other workers’ wages. Additionally, state actors consider the protection of domestic workers as unimportant due to the low number of abuse cases reported.

As East Lombok is place of origin for the majority of Indonesian migrant workers moving abroad, most of the local NGOs mobilize for the protection of overseas migrant domestic workers. Only West Nusa Tenggara LBH APIK tried to push for including the rights of domestic workers employed in the district into the subnational regulation on the protection of informal workers approved in 2005.

In East Java, a few women’s organizations and the local ILO office mobilized after cases of violence against domestic workers were reported by mass media. These organizations created a network and urged the state to approve a subnational regulation.

²⁶³ Interview with Dina Katjasungkana, SA KPPD.

²⁶⁴ Interview with Dina Katjasungkana, SA KPPD.

Initially, the state was very receptive and proposed to amend an existing regulation on the protection of women and children to integrate these demands. However the process stalled. Further, staff and leadership turnover and lack of financial resources affected the advocacy process and the NGOs' capacity to mobilize.

In the district of Jember, NGOs' advocacy developed within an ILO programme to eliminate child labour. This meant that the focus was not on the protection of domestic workers per se, but rather on the elimination of child labour. The state mildly responded with a skills development programme, which was considered by the activists to increase child labour, including child domestic work, instead of reducing it.

As seen in these case studies, the state's response differed in accordance with Blackburn's (2004) argument that the state is not monolithic. At national level, some institutions such as the National Commission for Women, the Ministry of Women's Empowerment, the Ministry of Labour, and the Ministry of Foreign Affairs supported activists' demands. But both the Ministry of Women's Empowerment and the Ministry of Labour were less supportive after 2010. Other institutions, particularly the parliament, opposed mobilization efforts. Initially the parliament included the proposed Bill as a priority in the national legislative programme; yet the deliberations stalled repeatedly and have not progressed. Resistance was caused over controversial issues such as minimum wage, holidays and limitation of working hours. In addition, refusal to recognize domestic workers as workers and to value their work stems from patriarchal views that deems domestic work as part of the reproductive/private sphere of the household and therefore the woman's responsibility. At subnational level, the state also resisted claims to recognize and regulate domestic work, even as part of other agendas such as child labour or informal labour. These responses confirm Fraser's (1989) argument on the complexity of policy change and the influence of interests on policy making.

Chapter 6. Unpaid Care Work: Contesting Values

6.1 Introduction

In Indonesia, unpaid care work, which includes tasks associated with raising children, maintaining a household and caring for elderly parents, is considered to be work for women. It is not valued or given recognition by stakeholders, including policy makers and development experts (Eridani 2012). However, as a growing number of women joins the labour market, unpaid care work has been increasingly debated, especially in terms of childcare (Dewi 2012; Nugrohandhini 2014). Data from the Central Statistics Agency (*Badan Pusat Statistik*, BPS) show a fast-growing rate for women joining the labour markets; in Jakarta, for instance, the number of women outside the labour market decreased from 43.32 per cent in 2005 to 38.77 per cent in 2010.²⁶⁵ In many migrant families, particularly in Jakarta, both the mother and father work outside home; they often experience difficulties in raising and nurturing their children. For them, childcare could be provided by domestic workers or childcare centres. However, these two options are not always affordable for these families (Nugrohandhini 2014). This chapter seeks to analyse whether unpaid care work, especially childcare, has been sufficiently debated in public and the factors that have influenced this debate. In addition to the national level, the chapter describes the mobilization efforts around unpaid care work in three districts—West Pasaman, Jember and East Lombok, and in three provinces—West Sumatra, East Java and West Nusa Tenggara.

6.2 Women's organizations' initiatives at national level

Initiatives on unpaid care work at national level can be divided in two categories: (i) the provision of childcare facilities to support women workers, mostly by NGOs and religious organizations, and (ii) mobilization to change intra-household gender roles in laws and policies. In line with Fraser (1989), these initiatives represent two approaches to unpaid care work. The former aims at meeting women's needs, while the latter goes beyond and aims at changing gender roles to realize women's rights.

6.2.1 Supporting women workers

The issue of childcare is a concern among NGOs, especially those that support women's rights. By using a rights-based approach, activists argue that women have the right to choose between being a housewife or joining the labour market.²⁶⁶ These organizations believe that in both cases women workers have to be supported in carrying out their care work. In addition, they acknowledge the unequal division of labour between men and women in Indonesian society,²⁶⁷ which derives from Marriage Law No. 1/1974 (Hadiz and Eddyono 2005). This law positions men as the head of the family, responsible for financially providing for the household, while it positions women as responsible for managing household work. In the Marriage Law, Articles 31 and 34 state that the role of women is innate and limited to work within the house. On the one hand, this law guarantees the rights of women in the domestic sphere, including joint assets during the marriage, and the obligation of men to earn an income. On the other hand, it limits women's role in the public sphere and is considered out of line with the current scenario where more women are choosing to join the labour market. Because of the phrasing of the Marriage Law, women workers experience a dual workload. According to the

²⁶⁵ Women tend to work in the informal sector more than men. In 2010 the percentage of women in urban areas working in the informal sector was 52.98 per cent, while for men it was 50.14 per cent.

²⁶⁶ Interviews with Wawan Suwandi (New Men's Alliance), Lilis Listiyowati (*Kalyanamitra*) and Ratna Batara Munthi (LBH APIK Jakarta).

²⁶⁷ Interviews with Wawan Suwandi (New Men's Alliance), Zainial Abidin (ELSAM), Lilis Listiyowati (*Kalyanamitra*), Ratna Batara Munthi (LBH APIK Jakarta), Lita Anggraini (JALA PRT), Ari Sunarijati (deceased, FSPSI Reformasi, *Federasi Serikat Pekerja Seluruh Indonesia Reformasi*).

respondents interviewed, these women should be supported by the state and by the rest of the household.²⁶⁸

This situation has led several NGOs to adopt internal policies for their women staff, who can therefore benefit from labour rights that are so far unrecognized by the state,²⁶⁹ including LBH APIK Jakarta, *Kalyanamitra*, the Human Rights Study and Advocacy Organization (*Lembaga Studi dan Advokasi Masyarakat*, ELSAM), and Women's Solidarity (*Solidaritas Perempuan*). These policies can include creating family-friendly workplaces for women with children aged under five, breastfeeding facilities in the office,²⁷⁰ telework, flexible working hours,²⁷¹ child-friendly facilities during training sessions and work trips, and additional per diem for child carers during work trips.²⁷² The Human Rights Study and Advocacy Organization also provides paid paternity leave for one month,²⁷³ which outperforms the state's provision of two-days of paid paternity leave following the birth of a child as per Labour Law No. 13/2003.

Religious organizations also work to support women in performing unpaid care work and advocate for its equal sharing within the household. For instance, the religious women's organization *Aisyiyah* adopted the concept of *sakinah* (harmonious), by which a family is harmonious if all members are protected from violence, unpaid domestic and care work is fairly divided between all family members, and they mutually respect and value each other. In addition, to support women workers from low socio-economic backgrounds, *Aisyiyah* manages approximately 5,865 kindergartens and 86 early childhood education facilities (*Aisyiyah n.d.*). On the contrary, none of the Indonesian trade unions, even when their members are mostly women, have provided childcare facilities.

Apart from the facilities provided by civil society organizations, women workers also use childcare centres provided by the private sector, community childcare centres—which sometimes operate informally in townships and villages—or leave their children with neighbours.²⁷⁴ The latter option usually costs 25–40 per cent of the mother's salary. In Rawa, an informal settlement in West Jakarta, leaving children with neighbours for extended periods of time is a common practice.²⁷⁵ Parents usually provide a monthly stipend, rice, oil and pocket money for the child's needs. These children usually develop a family-like relationship with their carers.²⁷⁶

6.2.2 Mobilization for policy change on intra-household gender roles

In addition to efforts to provide short-term solutions to unpaid care work, some women's organizations have lobbied the state to revise policies and laws that establish unequal intra-household division of labour between men and women. Among these organizations, the National Advocacy Network for the Protection of Domestic Workers (*Jaringan Advokasi Nasional Perlindungan Pekerja Rumah Tangga*, JALA PRT) urges

²⁶⁸ Interview with Lilis Listyowati, *Kalyanamitra*.

²⁶⁹ Interviews with Lilis Listyowati (*Kalyanamitra*), Zainal Abidin (ELSAM), and Wawan Suwandi (New Men's Alliance).

²⁷⁰ Interview with Wawan Suwandi (New Men's Alliance).

²⁷¹ Interviews with Lilis Listyowati (*Kalyanamitra*) and with Dinda Nuurannisa Yura (Women's Solidarity).

²⁷² Interviews with Lilis Listyowati (*Kalyanamitra*), Zainal Abidin (ELSAM), Ratna Batara Munthi (LBH APIK Jakarta), and Dinda Nuurannisa Yura (Women's Solidarity/SP).

²⁷³ Interview with Zainal Abidin, ELSAM. For information about ELSAM, see <http://elsam.or.id/> (accessed 1 March 2016).

²⁷⁴ Interview with Ari Sunarijati, *FFPSI Reformasi*.

²⁷⁵ Field observation on 8–9 July 2014.

²⁷⁶ Interview with RO and RQ, residents of Rawa Village and carers for neighbour's children.

the state to protect domestic workers as a way of recognizing women who work in the household (see chapter 5). On the other hand, since the 1990s, women's organizations such as LBH APIK Jakarta, Indonesian Women's Coalition and KOWANI have mobilized to abolish discriminatory gender roles in Indonesian laws (LBH APIK Jakarta 1996; Hakim 2003). Their main focus has been Marriage Law No. 1/1974, which states that "the husband is the head of the family and the wife is the homemaker" (Article 31) and was therefore considered as discriminatory (Hakim 2003; M-22/MYS 2015).

In the 1990s, KOWANI prepared a draft amendment for Marriage Law No. 1/1974 to eliminate discriminatory gender roles, and submitted the draft to parliament in early 2003. In 1998, LBH APIK Jakarta researched whether Indonesian laws legitimize discriminatory gender roles and their impact on women.²⁷⁷ LBH APIK Jakarta's studies found that discriminatory gender roles are legitimized by the Marriage Law and reported these findings to the CEDAW Committee through the Indonesian CEDAW Working Group (CWGI).²⁷⁸ In response, in 1998, the CEDAW Committee recommended that the Indonesian state amend all discriminatory clauses within the Marriage Law (Katjasungkana and Hadiz 1999). In the late 1990s, LBH APIK Jakarta drew attention to the importance of amending the Marriage Law, including within the Indonesian women's movement, and created a network to mobilize around this issue. However, discussions within this advocacy network stalled because of the different opinions among its members. For instance, KOWANI proposed to keep polygamy in the Marriage Law only under certain conditions, while feminist organizations suggested to get rid of it completely. Some women's religious organizations disagreed with the proposed amendment as they considered it as a way to legitimize same sex marriage. From 2000, these organizations directed their attention toward the policy process for Anti-Domestic Violence Law No. 23/2004, which was considered more likely to have a successful outcome compared to advocacy efforts for amending the Marriage Law.

From 2005 and after the approval of Anti-Domestic Violence Law No. 23/2004, LBH APIK Jakarta continued the mobilization on the Marriage Law, but the divergent views and attitudes between feminist women's organizations and other women's organizations, such as the Indonesian Women's Congress, persisted and hampered the network's initiative. Nevertheless, in 2009 the CWGI conducted a legal review of the Marriage Law in accordance with CEDAW principles and standards, and flagged the articles regarding discriminatory gender roles for men and women within marriage (see box 6.1). In 2010–2011, it also conducted several workshops and thematic discussions regarding proposed amendments to the Marriage Law, including a national workshop on 23–24 August 2010. During this workshop, the advocacy network on the Marriage Law agreed to cautiously advocate for amending the Law and to work collaboratively to build consensus within the women's movement. However, controversial issues such as polygamy and same sex marriage resurfaced, making it very difficult to achieve consensus.²⁷⁹

6.3 The state's initiatives

6.3.1 The state's support to women workers

Even without women's advocacy efforts, the Indonesian state started to pay attention to childcare in 1963, during the New Order regime, and the first programme on childcare

²⁷⁷ Saptaningrum 1999; Wilujeng et al. 2002; Eddyono and Hadiz 2005.

²⁷⁸ This group was also established by LBH APIK Jakarta in order to monitor the implementation of the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) and to prepare and submit shadow reports on Indonesia to the CEDAW Committee (Katjasungkana and Hadiz 1999).

²⁷⁹ Personal communication of the author Estu Fanani, coordinator of the Indonesian CEDAW Working Group.

was coordinated by the National Social Welfare Department (Dewi 2012). During the democratic transition, national state officers also began to see the importance of childcare for women employees in the public sector. The Ministry of Forestry opened a childcare centre in its building in 1993, both for its staff and for non-staff citizens (Ang 2007). Dharma Wanita, an organization for wives of civil servants, was also instrumental in encouraging the Ministry to provide childcare centres for employees (Nugrohandhini 2014). In 2013, this Ministry issued a circular letter to allow children in the workplace during the first week after the Eid holidays (Nugrohandhini 2014). In 2000, the General Directorate of Early Childhood Education and of Informal Education at the Ministry of Education began to develop an Early Childhood Education Programme to provide mostly pre-school activities for a few hours a day. This programme provides funding for new materials and furniture to some women's and religious organizations for their existing childcare facilities (Aisyiyah n.d.). The Ministry of Education approved Regulations No. 22/2006 and No. 23/2006 on Early Childhood Education to promote the creation of childcare facilities to support child development. Childcare is also one component of the "Child-Friendly City" programme, launched by the Ministry of Women's Empowerment and Child Protection with Regulation No. 12/2011 (Dewi 2012). In 2008, the Minister of Women's Empowerment and Child Protection, the Minister for Labour and Transmigration, and the Minister for Health signed a joint Decree on the importance of breastfeeding, requesting state institutions to provide on-site breastfeeding and childcare facilities for staff.²⁸⁰ In 2012 the Ministry of Maritime Affairs and Fisheries built a children's playground that also served as a childcare facility and breastfeeding room for nursing mothers of its staff (Amri 2012). Once again, Dharma Wanita played an instrumental role in furthering these initiatives. Finally, the Gatot Subroto Army Hospital in Jakarta, the Department of Social Welfare, and the Office of the State Secretariat provide internal childcare facilities (M Famili Journey 2011). Nevertheless, these initiatives are not sufficient in response to growing demand from women public servants in terms of space, staffing and quality (Dewi 2012; Nugrohandhini 2014). Further, they address only the demand within the public sector, and they are not extended to the whole of society.

In November 2014, after a meeting with the Union of Muslims (*Persatuan Ummat Islam*, PUI), the Vice-President of Indonesia, Jusuf Kalla, (2014–2019) published a statement calling for a reduction of women's working hours to allow them to have adequate time to educate their children, fulfilling their role as mothers (Rastika 2014). The statement caused controversy within the state and in civil society. The Minister of Empowerment for State Apparatus agreed on the proposal (Permana 2014). However, the deputy chairperson of one parliamentary house called for an assessment of this proposal to avoid discrimination against women (Permana 2014), while the deputy chairperson of the other parliamentary house rejected the proposal as it would further discriminate against women and reinforce discriminatory gender roles in which educating children is solely a woman's responsibility (Adv 2014). Among civil society, the New Men's Alliance (*Aliansi Laki-Laki Baru*, ALB) and others opposed the proposal, and women activists rejected the statement on the grounds that the proposed policy was extremely gender biased. The dynamics of this controversy illustrate the tensions around unpaid care work, especially childcare, and women's roles. This debate highlighted that policy makers can reinforce or eliminate gender discriminatory gender roles through policies and laws. For instance, the proposal to reduce women's working hours pictures women as the sole child carer. In contrast, the Child-Friendly City

²⁸⁰ See <http://www.depkes.go.id/resources/download/pusdatin/infodatin/infodatin-ASI.pdf> (accessed 2 March 2016).

programme emphasizes the responsibility and the duty of both parents, as well as society and the state, to provide a good environment for child development, without reinforcing the role of women as mothers.

6.3.2 Response to demands to eliminate discriminatory gender roles

Although public provision of childcare contributes to shifting childcare from women to society, Indonesian legislation, especially the Marriage Law, has not been sufficiently amended to introduce equal responsibilities and duties between women and men, as demanded by women's organizations. In 2000, the Ministry of Women's Empowerment and Child Protection drafted an amendment to the Marriage Law in response to pressure from both Indonesian women's organizations and international organizations. Prior to that, the CEDAW Committee in 1998 recommended removing all laws and policies that entrenched discriminatory gender roles, responsibilities and attributes to men and women (Katjasungkana and Hadiz 1999). In 2003, parliament discussed amendment of the Marriage Law as recommended by KOWANI, LBH APIK Jakarta and the Ministry of Women's Empowerment and Child Protection. However, parliamentary deliberations came to a halt over controversial issues such as polygamy. Later, the CEDAW Committee once again called attention to the discriminatory language in the Marriage Law in its reports to the Indonesian state in 2007 (CEDAW Committee 2007) and 2012 (CEDAW Committee 2012), but without any positive influence.

6.4 Mobilization around unpaid care work at the provincial and district levels

As women's organizations' advocacy efforts around unpaid care work took off at national level, some organizations also started to address the issue at subnational level. Among the research sites, we found initiatives around unpaid care work—either to support women workers to perform child and elderly care, or to promote the equal sharing of unpaid care work—in all the provinces and districts, except for the province of East Java. In Jember, a district with one of the highest rate of out-migration, we explored a childcare initiative for children of overseas migrants (see box 6.2).

6.4.1 “New Men” for unpaid care work: The case of East Lombok

At the time of research, the district of East Lombok had no policies on unpaid care work. Research participants preferred not to use the term “care”, which they considered unfamiliar, and defined it as tasks related to childcare performed on an unpaid basis within the family. As discussed in chapters 4 and 5, policies in this area were usually adopted in response to events and specific cases that attracted the attention of the public and the state, and which proved women's demands on a certain issue to be right. This was valid for migrant workers, domestic violence and sexual assault. So far, however, the issue of unpaid care work remained out of the news and thus was not considered important. Generally, mothers manage childcare, and because of the high level of out-migration, fathers also care for children. When neither of the parents can undertake this work, it is outsourced to a childcare worker or to a member of the extended family (grandparent, aunt or uncle) with the aim of mutually supporting each other.

In this context, the People's Movement of Nature Lovers and the Advocacy Organization for Indonesian Migrant Workers work to raise awareness and foster understanding of intra-household equal gender roles. To some extent they were successful in encouraging the equal sharing of unpaid work between husbands and wives. The two organizations are not women's organizations per se, but they began to include women in their activities in 2009 after joining a programme on gender equality, and growing recognition of the importance of integrating women in activities related to migration and to natural resources

management run by the women's organization *Rifka Annisa*.²⁸¹ In 2012, the two organizations together with the New Men's Alliance promoted the programme "Men Care" (*Laki-Laki Peduli*) to involve men in the campaign for gender equality. The programme promotes the idea of a new masculinity identity that is different from the "traditional" one. The "new man" adheres to principles of gender equality and equity, non-discrimination and no violence.²⁸² Male community organizers were invited to join the programme and to create community forums to promote the "new men's" principles through formal and informal discussions and special events/campaigns, such as the 16 Days of Activism against Gender-Based Violence Campaign. Initially, the idea of "new men" was challenged by the general public, religious leaders, and community leaders as they saw it as a way to create men with no self-esteem, and to push both women and men to oppose religious teachings.²⁸³ Over time, however, these challenges and opposition decreased. An increasing number of men currently support the Alliance, implementing the idea of "new men" in everyday family life, especially when women migrate.²⁸⁴ Further, organizations providing childcare have also started to recruit men and have adopted internal policies to favour paternity and promote men's engagement in unpaid care work. For instance, the People's Movement of Nature Lovers has introduced a policy of two-week paternity leave.

During the research fieldwork, the East Lombok Agency of Women's Empowerment and Family Planning stated that the subnational government was planning to host a public consultation on unpaid care work.²⁸⁵ In 2015, the Agency set up childcare facilities, special toilets and breastfeeding facilities in public markets after demands raised by some women activists to include these facilities in the Development Plan approved in 2014.²⁸⁶ Prior to that, the subnational state opened in 2009 "breastfeeding corners" equipped with baby change facilities in public spaces, such as parks and in public hospitals.²⁸⁷

6.4.2 Province of West Nusa Tenggara: Care as a new issue

As in East Lombok, "unpaid care work" was a new term among the research respondents in West Nusa Tenggara, although they have mobilized on childcare. Opinions from the respondents were diverse. Some questioned the term and the mobilization around it and whether it is a way to quantify or monetize the role of wives within the home, especially in regard to childcare. The idea to monetize women's unpaid care work was opposed by those sceptical about introducing monetary values within the scope of the family.²⁸⁸ Most of the research participants agreed that women's dual burden of paid work and work in the house is an important issue to raise, although they do not use the term "unpaid care work". They see ways to mobilize around it through NGOs and other civil society organizations from a women's rights perspective and the equal sharing of domestic responsibilities.²⁸⁹ On the contrary, the provincial

²⁸¹ Interview with Muhammad Juani, Organization for Indonesian Migrant Workers.

²⁸² See <http://lakilakibaru.or.id/tentang-kami/prinsip-alb/> (accessed 6 March 2016).

²⁸³ Interviews with Muhammad Juani and with Roma Hidayat, activists from the Organization for Indonesian Migrant Workers.

²⁸⁴ Interviews with Muhammad Juani and with Roma Hidayat, activists from the Organization for Indonesian Migrant Workers.

²⁸⁵ Interview with Hajah Sumantrial, staff from the East Lombok Agency for Women's Empowerment and Family Planning.

²⁸⁶ Interview with Hajah Sumantrial, staff from the East Lombok Agency for Women's Empowerment and Family Planning.

²⁸⁷ Interview with GQ, NGO activist.

²⁸⁸ Interview with AY and RD, NGO activists.

²⁸⁹ Interview with QG, KZ, ZC and JL, NGO activists.

state focuses only on women's economic contribution to the labour market, and therefore seeks to find ways to allow them to manage both paid and unpaid work. For instance, Governor Regulation No. 9/2012 establishes the responsibility of public and private companies to provide breastfeeding rooms to allow women to breastfeed their children up to six months, without interrupting their work.

6.4.3 Caring for parents and children in West Sumatra province and in West Pasaman district

The issue of unpaid care work, especially care for children and the elderly, emerged during interviews with research participants from West Sumatra and West Pasaman. In West Sumatra, the state has set in place a programme for elderly people since 1980, which includes recreational activities and nursing homes.²⁹⁰ From 2009 to 2010, the state conducted training sessions for in-home care workers to assist elderly people, however this initiative was not successful.²⁹¹ For childcare, the West Sumatra Islamic Court provided breastfeeding facilities on their premises, but it is the only example.²⁹²

In West Pasaman, particularly in urban areas, there are childcare centres but they are not widely used as families prefer leaving children with their relatives.²⁹³ In the past, within Minangkabau families, children were left to the care of the women in a common house, and the uncle—mother's brother, *mamak*—provided for the needs of nieces and nephews, including their education (Abidin 2008). Women were also responsible for elderly care. In terms of the economic cost for elderly care, while many of the research participants stated that this was a shared responsibility, in reality female members of the extended family funded it.²⁹⁴ Male members do not contribute, meaning that elderly care in Minangkabau society is entirely the burden of women members of the family (Indrizal 2005).²⁹⁵ However, Minangkabau people have undergone a cultural shift and nowadays families tend to be nuclear, in which the husband is seen as the family head and is fully responsible for the wife and children. Several research participants affirmed that daughters and daughters-in-law are expected to care for the elderly²⁹⁶ and this is currently justified by gender stereotypes such as the "natural" attitude women are supposed to have for caring: "There is the issue of patience, women have more patience [to care]. Well, in most cases, care of elderly parents in the [*Minangkabau*] society is undertaken by women, not men. However if they live with their son, it is their daughter-in-law who will care for them. It's usually so."²⁹⁷

According to respondents, religious and customary norms influence and justify discourses about families' responsibility and in particular women's and girls' responsibility to care for the elderly.²⁹⁸ In West Pasaman, women are seen as the first carer for their parents and their in-laws. Transferring this responsibility to other individuals is seen as acceptable only if she joins the labour market and any other female member of the extended family can care for them. In this case, siblings must

²⁹⁰ Interview with Desi Mufianti, Director of Harmonia and NGO activist in West Sumatra, during a focus group discussion, 23 July 2014.

²⁹¹ Interview with Putri Yenfani, NGO activist.

²⁹² Interview with Rina Noverya, Padang Legal Aid Institute, during a focus group discussion, 23 July 2014.

²⁹³ Interview with Rina Noverya, Padang Legal Aid Institute, during a focus group discussion, 23 July 2014.

²⁹⁴ Women used inherited property and wealth to provide for elderly people. This inheritance was considered as a form of social security for the entire extended family. In case of elderly people without children, their nieces were responsible for their care.

²⁹⁵ See http://id.wikipedia.org/wiki/Orang_Minangkabau (accessed 1 March 2016).

²⁹⁶ Interview with Rina Noverya, Padang Legal Aid Institute, during a focus group discussion, 23 July 2014.

²⁹⁷ Firdaus, Head of the Indonesian Legal Aid Association of West Sumatra, during a focus group discussion, 23 July 2014.

²⁹⁸ Interviews with Tanti Herida, NGO activist, and with Yeyen Kiram, staff of the Agency for Women's Empowerment and Family Planning at Limpapeh, West Sumatra.

bear the financial cost of paid care service.²⁹⁹ Providing care for parents is seen as a religious and cultural obligation.³⁰⁰ Because of these religious and customary perceptions, elderly nursing homes are rarely used by West Pasaman families as their use would be an insult to their parents.³⁰¹

6.5 Conclusions

In Indonesia, unpaid care work emerged in public debate in the early 2000s, in parallel with the strengthening of the women's movement and a growing number of women entering the labour market. At national level, an increasing number of initiatives from the state assist women civil servants to perform unpaid childcare; concurrently, a growing movement advocates for the equal sharing of unpaid care work within the household, and the amendment of the Marriage Law that legitimizes discriminatory gender roles within the family. Men's organizations are involved in this mobilization supporting women's groups. At subnational level, we found similar initiatives, again based on the specific contextual features of each research site. For instance, in a village in Jember, an organization is mobilizing to assist left-behind children, because of the high rate of out-migration (see box 6.2); while in East Lombok, the New Men's Alliance works with men to promote different models of masculinity. Some of the initiatives addressing unpaid care work question the existing intra-household gender roles and promote a shift to see unpaid care work as both women's and men's responsibilities. However, these mobilizations remain weak and are contested.

Box 6.1: Proposal for Amending Marriage Law No. 1/1974

In 2010, the advocacy network for the Marriage Law led by LBH APIK Jakarta and the CEDAW Indonesian Working Group proposed to amend Marriage Law No. 1/1974 to eliminate clauses that legitimize discriminatory gender roles. Below are their proposed amendments.

Marriage Law No. 1/1974

Chapter IX: Rights and Obligations of the Two Partners

Article 30

- (1) Each partner has the same rights and obligations within the household and in society.
 - (2) Each partner has equal roles and responsibilities within the household.
- Each partner, either individually or collaboratively, has the right to legal action.

Clarifying Clauses:

Public life includes participation in social, economic/labour, political and leisure activities.

Article 31

- (1) Each partner has the equal right and obligation to mutually respect, protect, value, support, and be faithful to the other.
- (2) Each partner has the equal right to work and participate in the society.
- (3) Each partner has the equal right and obligation to fulfil household duties in accordance with ability.
- (4) Each partner has the equal right and obligation to manage household tasks.

²⁹⁹ Interviews with Tanti Herida, Indonesia Women's Coalition, and with Yeyen Kiram, staff of the Agency for Women's Empowerment and Family Planning at Limpapeh, West Sumatra.

³⁰⁰ Interview with Yeyen Kiram, staff of the Agency for Women's Empowerment and Family Planning at Limpapeh, West Sumatra.

³⁰¹ Interview with Putri Yefani, NGO activist.

Box 6.2: Providing community-based care for children of overseas workers: The case of Ledokombo, East Java

Ledokombo is a village within the Regency of Jember, East Java, and its habitants are predominantly of Madurese ethnicity. The livelihood in this area is based on agriculture, informal small trade and the opportunities offered by the public sector. Because of the lack of employment, many residents have migrated, mainly to Bali, or overseas toward the Middle East, Malaysia, Singapore, Taiwan and Hong Kong. Most women who migrate are married and have children, who are left with their fathers. When both parents migrate, children are left with relatives—grandmothers, uncles or aunts, or rarely to neighbours. Parents send them remittances to provide for their children's needs. Often, the quality of care provided to these children depends on the amount of the remittances the carers receive.³⁰² It was found that if remittances are paid regularly, the children receives good care. On the other hand, if they decrease, children are often neglected. In some cases, remittances are spent on other uses rather than on children's needs, for instance for a second marriage (Velayanti 2014). Further, left-behind children have been found to run the risk of dropping out schools or becoming victims of abuse from adults or from their peers.³⁰³

In many cases, the state and institutions such as religious organizations do not consider these children as children in need of assistance. In this context, a group of volunteers made up of teachers, students and others created a recreational space—*Tanoker*—for left-behind children. They consider these children as social orphans, entitled to receive attention and benefits from the community, and strive to guarantee them their rights to education, play, leisure and childhood. *Tanoker* staff also collaborate with the NGO Migrant Care. Together, they advocate for policies at village level to address migration and left-behind children and raise awareness on these issues. Over time their advocacy has been successful. Village Law No. 6/2014 allocates a budget for educational and recreational services for left-behind children.

³⁰² Interview with Dr. Suporahardjo, head of Tanoker.

³⁰³ See <http://id.Tanoker.org/index.php/profil.html> (accessed 1 March 2016).

Chapter 7. A Comparative Analysis of Women's Mobilization

7.1 Introduction

This chapter compares the findings described in the previous chapters across issues (violence against women, domestic workers' labour rights, unpaid care work) and across governance levels (national, provincial and district). The following variables are compared:

- i. actors (leading actors and supporters), their claims and strategies;
- ii. opponents, their claims and strategies;
- iii. the state's response;
- iv. how the contextual features influenced women's mobilizations.

National and the subnational mobilizations for each policy issue are compared first; the second part considers similarities and differences across policy issues.

7.2 Ending violence against women: A comparison across national and subnational mobilizations

7.2.1 Who mobilizes for policy change to end violence against women?

Our findings confirm Mazur's (2009) argument that women's movements are the key political actor to initiate advocacy processes for gender equality policies. Indonesian women's organizations were crucial in triggering processes of policy change on violence against women at all governance levels. They led campaigns to criminalize domestic and sexual violence and to guarantee women's rights to bodily and sexual autonomy (see tables 7.1 and 7.2). The national movement to criminalize domestic violence was led and coordinated by a feminist legal aid organization that assists victims of violence, the Women's Association for Justice and Legal Aid (LBH APIK Jakarta). Activists working with LBH APIK Jakarta are mainly lawyers and paralegals, but also scholars. Local offices of LBH APIK in West Nusa Tenggara and East Lombok started the mobilization for subnational regulations to eradicate violence against women. Religious women's organizations played a crucial role in East Java and in Jember; although their scope is providing assistance to women in general, they made violence against women one of their priorities. In the district of Jember, apart from religious women's organizations, female students and scholars from local universities also coordinated mobilizations.

Once women's organizations started mobilizing on violence against women, they often expanded their base of consensus and support, and gained wider visibility by establishing networks with other women's organizations or other civil society organizations, such as human rights, child rights, etc. These broad alliances usually became the main actor driving change and were able to strengthen the visibility of the mobilization. For instance, the Advocacy Network to Eradicate Domestic Violence (JANGKA PKT) was the key actor in the mobilization against domestic violence and the first interlocutor of the national state during the entire policy process. This network expanded first to women's organizations, and second to religious and customary organizations, human rights organizations, political parties, etc. In East Lombok, LBH APIK coordinated a network of NGOs that are not specifically women's organizations, such as the Advocacy Organization for Indonesian Migrant Workers, the People's

Movement of Nature Lovers and the New Men's Alliance. Another powerful network of women's and child rights' organizations was crucial during the policy process in Jember.

In mobilizing around violence against women, national and subnational women's movements tended to be cohesive. For instance, no organization within the movement opposed the legislative proposal for a national law against domestic violence. Consensus on the contents of the draft Bill presented by LBH APIK Jakarta was built effectively through consultations over a few years. On domestic violence, what united women's organizations was that all women—irrespective of their religion, class, etc.—are affected by domestic violence as women, confirming Htun and Weldon's (2010) hypothesis on gender status as a policy issue. Further, women opposed the doctrinal take on domestic violence as a private issue and together sought to bring it into the public sphere, questioning intra-household gender relations that legitimize violence against women. However, the national movement split during the policy process for the Anti-Pornography Law, 2008, between the women's organizations that promoted the legal ban of pornography as a way to protect women and children from both sexual violence and moral decline, and those who saw the legislative proposal as a way to control women's bodies and sexuality, and therefore as regressive legal framing. Further, the NGOs networks in East Java and Jember were considerably weakened by internal conflicts among members in relation to which claims to prioritize and which advocacy strategies to use. On occasion, these conflicts resulted in some members withdrawing and forming new alliances. These examples from both national and subnational mobilizations confirm our hypothesis that the women's movement is diverse and heterogeneous (see chapter 2). Women have different understanding of gender equality and therefore have different claims and strategies (Blackburn 2004). Further, solidarity among women's organizations cannot be taken for granted as women's organizations have different interests and may be opponents during the policy process, instead of being supportive of each other (Fraser 1989). As mentioned in chapter 2, Indonesian women's movements can be distinguished by the ultimate goal of their mobilization: (i) challenging the patriarchal system, (ii) supporting the patriarchal system, (iii) or positioned somewhere in between these ideologies. This ideological distinction was particularly evident during the policy process for the Anti-Pornography Law, 2008.

In addition to women's organizations, national and subnational policy change to end violence against women was sometimes initiated by state actors, even if to a lesser extent compared to women's organizations. These state institutions have a specific mandate to work on violence against women or on women's rights. The National Commission for Women has the mandate to advise the state on how to address violence against women. In the early 2000s, its members, mainly coming from social movements, took advantage of their strategic position within the state to strongly advocate for a national law against domestic violence and worked closely with women's organizations. The Agencies for Women's Empowerment and Family Planning in East Lombok and West Sumatra initiated advocacy efforts for subnational regulations on violence against women. In the district of West Pasaman, the leading actors of the advocacy process were women police officers from the Women's and Children's Protection Unit, together with the local Agency for Women's Empowerment and Family Planning. These findings imply that the presence of women who advocate for women's rights within state institutions might have a crucial role in influencing processes of policy change.

Finally, at subnational level, other actors advocating for the elimination of violence against women are customary women leaders, as was found in West Pasaman, and activists from religious organizations and from universities, as in the case of Jember district and East Java province.

Advocacy at a national level encouraged movements at a subnational level. Some advocacy was initiated by local governments but only after prompting from the national level, as was the case in West Sumatra, or at the urging of local organizations, as was the case in East Lombok.

Table 7.1: Comparative analysis of the national mobilization around violence against women

| Mobilization | Actors | | Demands | | Strategies | | State's Response |
|--------------------------|---|--|---|---|--|--|--|
| | Supporters | Opponents | Supporters | Opponents | Supporters | Opponents | |
| <i>Domestic violence</i> | <p>Women's organizations</p> <p>Women's sections within religious organizations, political parties, judicial bodies and parliament</p> <p>Professional women such as journalists</p> <p>National Commission for Women</p> <p>Ministry of Women's Empowerment</p> | <p>Some members of parliament</p> <p>Some religious leaders (especially on criminalization of marital rape)</p> | <p>A national law against domestic violence</p> | <p>Refuse a national law on domestic violence</p> <p>Refuse the criminalization of marital rape</p> | <p>Gain support from religious and customary organizations</p> <p>Use specific cases of violence against women</p> <p>Use the momentum of direct elections</p> <p>Advocate within institutions and organizations</p> | <p>NA</p> | <p>Approved Anti-Domestic Violence Law No. 23/2004 including most of women's demands</p> |
| <i>Anti-Pornography</i> | <p>Muslim religious organizations</p> <p>Women's organizations</p> <p>Women's sections within religious organizations</p> <p>Children's organizations</p> <p>Ministry of Women's Empowerment</p> <p>Political parties and members of parliament</p> <p>Public figures</p> | <p>Islamic and Christian women's organizations</p> <p>LGBTI organizations</p> <p>Customary organizations</p> <p>Members of parliament</p> <p>National Commission for Women</p> | <p>A national law to ban pornography to protect future generations and women from moral decline</p> | <p>Reject the proposal as it criminalizes women and adopts a morality approach to address pornography</p> | <p>Lobby policy makers</p> <p>Campaigns</p> <p>Demonstrations</p> | <p>Lobby policy makers</p> <p>Campaigns</p> <p>Demon-strations</p> | <p>Approved Anti-Pornography Law No. 48/2008 including some demands from both supporters and opponents</p> |
| <i>Sexual violence</i> | <p>Women's organizations</p> <p>Academics</p> <p>Religious leaders</p> | <p>Public figures</p> <p>Government officials</p> <p>Parliament members</p> | <p>A national law against sexual violence</p> <p>Reforming the judicial procedure to guarantee victims' access to justice</p> | <p>Reject the proposals by blaming victims of sexual violence</p> | <p>Campaigns</p> <p>Demonstrations</p> <p>Publication of studies and researches on sexual violence</p> | <p>Publish statements through mass media</p> | <p>Discussion on how to address sexual violence against children</p> |

Table 7.2 – Comparison among subnational mobilizations to end violence against women

| | Province of West Nusa Tenggara | District of East Lombok | Province of East Java | District of Jember | Province of West Sumatra | District of West Pasaman |
|-----------------------|---|--|---|---|---|--|
| <i>Leading actors</i> | LBH APIK (feminist organization) | Agency for Women's Empowerment and Family Planning NGOs | NGOs Religious organizations students | Students and scholars Religious organizations | Governor Agency for Women's Empowerment and Child Protection | Police personnel Government Customary women leaders (<i>bundo kandung</i>) |
| <i>Supporters</i> | Women's NGO Network Customary leaders Agency for Women's Empowerment and Child Protection | Customary leaders Religious leaders | Government members Members of parliament | District mayor (2000–2005) | NGOs Customary leaders Members of parliament | none |
| <i>Opponents</i> | Some religious and customary leaders | Some religious and customary leaders | Some government members Members of parliament from Islamic parties | District mayor (2005–2010) Members of parliament | Some customary leaders | None |

7.2.2 Mobilizing strategies used by women's organizations

Across governance levels, women's organizations used different strategies to mobilize and gain visibility and support (see table 7.3 for the strategies at subnational level). The choice of which strategy was used depends on the demands women raise. Four common strategies across the research sites have been identified.

Gaining support from religious and customary organizations

Religious and customary organizations and leaders play a crucial role in both political and everyday life in Indonesia; national and subnational women's organizations therefore strategically sought their support in order to advance their demands. As violence against women, especially domestic violence, is both a doctrinal and a gender status policy issue, its regulation through secular legislation can challenge religious and/or customary values and norms, including the religious interpretation of the relationships between husbands and wives. JANGKA PKTP included religious leaders—both Islamic and Christian—as a way to prevent their opposition during the policy process for the Anti-Domestic Violence Law, 2004. Gaining support from religious and customary organizations was even more important at subnational level, where these organizations are even more influential than the state. Therefore, in East Lombok and West Nusa Tenggara, women activists asked for support from the most influential Islamic organization, *Nahdatul Ulama*, and other religious leaders to lobby subnational assemblies for regulations to protect women and children from violence. In mobilizing against sexual violence against girls and women through the customary practice of elopement, *merariq*, women activists first started a dialogue with customary leaders to understand their opinions and eventually gain their support. The framing of claims through interpretations that suit religious and customary principles and norms was crucial in gaining support from religious and customary organizations. For instance, many Muslim activists use the concept of *sakinah* (harmonious) family from the Koran to justify the need to end domestic violence.

Using specific cases of violence against women

Another similarity between national and subnational mobilizations is the use of cases of violence against women to mobilize support. At national level, data collection and case examples were effective in drawing societal attention to domestic violence and provided powerful ammunition to influence policy makers. In East Lombok and West Nusa Tenggara, cases of violence against children, including cases of *merariq*, raised societal concern, and by using these facts the local movement for a subnational regulation to end violence was able to gain the support of religious and customary leaders. In West Sumatra, data on the incidence of violence against women was submitted to the provincial governor to raise awareness on this issue. In Jember, the mass incidents of rape during the May 1998 riots triggered activists to mobilize through networks, to assess the problem of domestic violence, to urge the government to establish Women's Crisis Centres and Centres for Protection of Women and Children, and to approve regulations to protect women and children.

Using the momentum of direct elections

The political momentum of elections was used by some leading actors at both national and subnational levels. The national movement against domestic violence urged President Megawati to authorize parliamentary discussions on the Anti-Domestic Violence Bill during the presidential election campaign in 2004. President Megawati conceded to this demand in order to retain the votes of women's organizations and of women more broadly. During the 2008 governor elections in West Nusa Tenggara the women's movement declared they would support the candidates who committed to

working with women's rights activists by signing a symbolic contract. Likewise in East Lombok, the collaboration between NGOs and the parliament facilitated the progress of the advocacy process. In the elections in East Java, the women's movement directly lobbied the candidates as member of parliament from the strongest party, the National Awakening Party.

Advocacy from within institutions and organizations

An important strategy was working with individuals that could champion women's demands within state institutions or other organizations. Women in the national parliament contributed to the success of the mobilization for a national law against domestic violence by lobbying other parliamentarians and their political parties. Women activists within national wide religious organizations such as the Council of Churches in Indonesia (*Persekutuan Gereja-Gereja di Indonesia*, PGI) and *Fatayat Nahdlatul Ulama* also influenced their respective organizations from within. As a result, the PGI reached out to people affiliated to their organization to gain their support and conducted internal seminars, inviting activists from LBH APIK Jakarta and the National Commission for Women. *Fatayat Nahdlatul Ulama* obtained the support of the overarching organization *Nahdlatul Ulama*. Advocacy from within was a strategy used in East Lombok, Jember and West Pasaman, where individuals within governments and parliaments lobbied and demanded subnational regulations for the protection of children from violence.

Apart from these four similar strategies, activists used strategies tailored for the specific context and issue they mobilized around. The national movement opted for effective strategies to raise societal awareness and to gain the attention of the mass media, such as the involvement of victims of violence who shared their stories. A widespread campaign to raise societal awareness was conducted simultaneously with lobbying activities toward key stakeholders. The advocacy network gradually expanded and consultations among civil society organizations were frequently held to discuss claims and plan campaigns together. Their mobilization was successful because of the wide scope and influence of the national advocacy network. In Jember, the women's movement was underpinned by personal links with the mayor, through the first lady. Similarly, in West Pasaman customary women leaders and individuals in government personally approached the mayor. Using personal connections is an effective strategy only when the presence and the capacities of the women's movement are strong. However these personal connections were not sustainable in terms of long-term impact. In Jember, the mayor strongly supported women's demands, but when a new mayor was elected, the women's movement was excluded from the policy process due to their personal connection with the previous mayor.

Table 7.3: Comparison among demands and strategies to end violence against women at subnational level

| | Demands | | Strategies | |
|---------------------------------------|---|---|--|--|
| | Supporters | Opponents | Supporters | Opponents |
| <i>Province of West Nusa Tenggara</i> | Protection of women and children against violence | Reject demands that challenge religious and/or customary practices (including ban of child marriage, equal intra-household gender roles) | Dialogue with religious and customary leaders Publish data and case studies Use the momentum of direct elections Create an advocacy network Adopt a wide definition of violence against women | Press release and use of the mass media Host seminars and meetings |
| <i>District of East Lombok</i> | Protection of women and children against violence protection of girls from <i>merariq</i> (elopement) | Reject demands that challenge religious and/or customary practices (including ban of child marriage, equal intra-household gender roles) Refuse to link the practice of <i>merariq</i> to violence against women and girls | Support policy makers in drafting the regulation to end violence against women Host meetings to dialogue with religious and customary leaders Refer to Anti-Domestic Violence Law No. 23/2004 and subnational state's obligation to implement such law Adopt a wide definition of violence against women | Statements against the mobilization |
| <i>Province of East Java</i> | Protection of women from domestic violence | Reject demands because of the lack of a national legal framework | Raise cases of violence against women Lobby the <i>Muslimat Nahdlatul Ulama</i> , one of the largest Islamic organizations Refer to Anti-Domestic Violence Law No. 23/2004 and subnational state's obligation to implement such law Support policy makers in drafting the regulation to end violence against women Adopt a wide definition of violence against women | Statements against the mobilization |
| <i>District of Jember</i> | Establish an Integrated Services Centre for victims of violence coordinated by NGOs and funded by the state Approve a subnational regulation on the protection of women and children | None | Publish data and case studies Lobbying the mayor through personal connections Refer to Anti-Domestic Violence Law No. 23/2004 and subnational state's obligation to implement such law Adopt a wide definition of violence against women | Exclusion of civil society from the policy process and from the management of the Integrated Services Centre |

| | | | | |
|---------------------------------|--|---|---|-----------------------------------|
| <i>Province of West Sumatra</i> | Protection of women and children against violence | Reject demands that challenge customary practices (including. equal intra-household gender roles) | Consult subnational parliament, national state actors (National Commission for Women) and civil society Refer to Anti-Domestic Violence Law No. 23/2004 and subnational state's obligation to implement such law | Statements against the initiative |
| <i>District of West Pasaman</i> | Approve a subnational regulation on the protection of women and children Free forensic medical services for victims of violence | None | Network with organizations working on women's rights Advocate from within state institutions | None |

7.2.3 Opponents, claims and strategies

Advocacy is a political process and thus any mobilization is likely to cause a reaction from opponents (Fraser 1989). Violence against women can be considered as a doctrinal policy issue since its criminalization challenges entrenched cultural and religious values surrounding the issue. We observed that the degree of resistance to policy change to end violence against women varies across national and subnational levels because of the nature of the claims raised by advocates. During the policy process for the Anti-Domestic Violence Law No. 23/2004, criminalization of marital rape met with strong opposition from several stakeholders, including members of parliament and the Ministry of Religious Affairs. Opponents also lobbied individual members of parliament for adopting the definition of marriage as per the Marriage Law No. 1/1974, which only recognizes heterosexual marriages recorded with the state. The opposition—mainly religious leaders and policy makers affiliated to religious parties—to advocacy efforts for criminalization of sexual violence is more complex because women’s organizations adopted different strategies and articulated the issue in different ways. We observed that when the victims of sexual violence are children, there is generally less opposition from state actors compared to cases of sexual violence against adult women. Opponents associated sexual violence against women to discourses of morality and conduct of the victims, with arguments similar to those used for the anti-pornography proposal. According to these arguments, if a woman violates norms and decency as stipulated by religion and culture—such as the way she dresses or in her relations with men³⁰⁴—she deserves to be sexually abused or assaulted. This “victim-blaming” discourse is a challenge for the women’s movement, especially when it is used by state officers. During the research fieldwork, we did not identify whether there is opposition within the women’s movement because mobilization against sexual violence was at that time ongoing.

The anti-pornography legislative proposal met very strong opposition from feminist organizations as well as from other civil society organizations. The debate was centred on issues of women’s morality. Those who supported the legislative proposal linked pornography to women without morality who practice pornography, and with consumers who commit sexual violence. Opponents of this proposal instead framed pornography not as an issue of morality, but as a form of women’s exploitation and trafficking. In this policy process, both movements claimed to protect women and children, but they had different framings: supporters used arguments based on the protection of women’s morality, while opponents used arguments relating to the protection of women’s rights. Both movements employed similar strategies: lobbying policy makers, approaching mass media, and launching nationwide campaigns.

At subnational level, the strength of the opponents depended on whether local political leaders supported women’s movements. In West Sumatra, West Nusa Tenggara and Jember, governors and mayors supported women’s claims to end violence against women and children, therefore the resistance from government, parliament, religious and customary leaders was low. For instance, after the National Commission for Women informed the West Sumatra province of the high rate of violence against women, the governor and the Agency for Women’s and Children’s Empowerment found almost no opposition while drafting a subnational regulation to address the issue.

³⁰⁴ As per the case of the widow from Aceh who was accused of adultery because she invited a man into her house. Report by the National Commission for Women. (Komnas Perempuan 2015; chapter 4).

7.2.4 Response of the state

The state's response to women's claims varies because of two factors. First, the state is not a monolithic entity. The research findings reinforce Blackburn's (2004) argument that the Indonesian state consists of multiple institutions that are comprised of diverse actors and interests. For instance, in response to the movement for the Anti-Domestic Violence Law No. 23/2004, the government held conflicting views about whether to support or oppose the legislative proposal. The Ministry of Women's Empowerment supported it, yet the Department of Religion objected to the definitions of violence and family as proposed by advocates. In addition, the president did not consider the Bill as a priority initially. Similarly, the Ministry of Religious Affairs supported the anti-pornography legislative proposal, while President Megawati did not. However, diversity within government in subnational regions was not as significant as at the national level. Generally, in subnational areas policy makers tend to follow the local leadership (governor or mayor), as illustrated by the cases of West Sumatra, West Nusa Tenggara and Jember. Yet different opinions tend to emerge when the local political leader does not have a clear position in relation to the women's movement. In East Java, for example, the governor did not have a strong opinion on women's claims to end violence against women and thus local Islamic parties developed different arguments and opinions. Therefore, women's movements at the local level relied on a strategy of lobbying via personal connections.

Second, the degree of pressure from activists (either opponents or supporters) influences the state actors' response. The state tends to positively respond to women's claims when their advocacy is strong. For instance, the national movement against domestic violence was very strong and had almost no opposition. Despite the different opinions within parliament and the opposition from the Ministry of Religious Affairs, the societal push for the passage of the anti-domestic violence Bill was extremely strong. Thus, parliament and government accommodated most of the demands of the movement. Conversely, if advocates and opponents are equally strong, as in the case of the Anti-Pornography Law, the state tends to compromise between both sides by accommodating some demands and rejecting others.

7.3 Comparison of national and subnational advocacy processes for the protection of domestic workers

Mobilization for the protection of domestic workers is ongoing. Both at national and subnational levels, few organizations mobilize for domestic workers' labour rights; often, these organizations mobilize on behalf of domestic workers, where the process of unionization has been very slow. Moreover, neither the national state nor the provinces or districts have taken concrete action to address the demands raised by activists after more than 10 years of struggle. Mobilization was initiated by a national NGO network, the National Advocacy Network for the Protection of Domestic Workers (*Jaringan Nasional Advokasi Perlindungan Pekerja Rumah Tangga*, JALA-PRT) in 2004; this movement later spread to several subnational areas, particularly at provincial level. Yet national and subnational mobilizations have different features. The national mobilization is stronger, more intense and stable, largely due to the leadership of the JALA-PRT, which changed its strategies over time. Subnational mobilization has taken place mainly in the provinces of West Nusa Tenggara and East Java, while there has been virtually no action in the other subnational areas of the research. Moreover, even in these two provinces, the advocacy efforts have been less stable and irregular, and mobilization at provincial level did not extend down to district level. Furthermore,

subnational organizations have mostly reacted to specific cases as they appeared in the media, and mobilization efforts waned after these incidents left the spotlight.

7.3.1 *Leading actors, claims and strategies*

The leading actors advocating for the protection of domestic workers are relatively homogeneous as they predominantly originate from women's NGOs, confirming that the presence of women's organizations is crucial for mobilization. In East Java, the local ILO office also played a leading role in raising awareness around working conditions of domestic workers (see section 7.3.4), whereas state institutions have been slow to start any initiatives (see section 7.3.3). At the national level, JALA-PRT is comprised mainly of NGOs that provide legal aid and assistance to victims of domestic violence. Indeed, their mobilization started in response to the increasing rate of violence against domestic workers and also to the lack of research on these cases. This network then established contacts with subnational movements across the provinces, such as the People's Advocacy Institute for Democracy (*Lembaga Advokasi Rakyat untuk Demokrasi*, LARD), LBH APIK West Nusa Tenggara, Savvy Amira, and Women's Pro-Democracy Committee (*Komite Perempuan Pro Demokrasi*, KPPD). These connections were facilitated because of their previous collaboration during the policy process for the Anti-Domestic Violence Law No. 23/2004. In addition, subnational activists joined national mobilization efforts by addressing cases of violence against domestic workers.

The demands raised by national and subnational organizations are the same: regulation of domestic workers' labour rights and their recognition as workers. However the policies they advocate and the strategies they use are different. JALA-PRT urges the state to adopt a national law and to ratify ILO Convention No. 189/2011. The network demands a minimum wage standard, leave entitlements, limitation on working hours and the rights recognized for other workers. It mostly lobbies the parliament and the government. Strategies adopted so far include: demonstrations in Jakarta; a lawsuit against the Indonesian state for being unable to protect a specific group of citizens, the domestic workers; and using international normative frameworks to hold the state accountable. At subnational level, claims are the same (except for the ratification of the ILO Convention), but the strategies used to make sure that domestic workers' rights are included in the political agenda are different. For instance, advocates plugged their claims in other mobilization efforts such as the protection of informal workers in East Lombok, or protection of children from child labour and women from violence in East Java. However, even when claims on domestic workers' rights are adopted, the regulations on these other issues do not cover domestic workers adequately.

Table 7.4: Comparison of actors and their demands for domestic workers' protection across national and subnational levels

| | At national level | Province of West Nusa Tenggara | District of East Lombok | Province of East Java | District of Jember | Province of West Sumatra | District of West Pasaman |
|----------------|---|--|---|---|--|--|--------------------------|
| Leading actors | National Advocacy Network for the Protection of Domestic Workers | People's Advocacy Institute for Democracy LBH APIK West Nusa Tenggara (feminist organization) | LBH APIK West Nusa Tenggara (feminist organization) | Samitra Abhaya (women's organization) Women's Pro-Democracy Group Solidarity Care for Domestic Workers (student activists) International Labour Organization | International Labour Office Samitra Abhaya (women's organization) Women's Pro-Democracy Group | Women of Conscience Women's Crisis Centre | None |
| Supporters | National Commission for Women International Labour Office Women's organizations Activists from trade unions and from migrant worker organizations Ministry of Women's Empowerment and Child Protection Ministry of Labour Ministry of Foreign Affairs | Indonesian Women's Coalition Indonesian Tunas Alam Foundation Institute for Children Panca Karsa Foundation | None | Agency for Women's and Children's Empowerment | Activists for women's and child rights | None | None |
| Opposition | Some NGO activists Members of parliament Public servants Labour rights activists | Governmental agencies Activists from NGOs and trade unions | None | Governor (2013–2017) Members of parliament | District parliament Various district agencies and departments (labour, social affairs, education, etc.) Public officials | None | None |

7.3.2 *Resistance to recognition of domestic workers' labour rights*

Opposition toward the recognition of domestic workers' labour rights is similar at both national and subnational levels. It stems from the peculiarities of this policy issue that overlaps Htun and Weldon's (2010) categories of doctrinal/non-doctrinal and class-based (see chapter 2). As a class-based policy issue, the regulation and recognition of domestic workers' labour rights see a clash among women along the line of class. For instance, women workers who employ domestic workers oppose national and subnational mobilizations for the protection of domestic workers. These women workers usually argue that they would not be able to afford to hire domestic workers with a decent minimum wage as their own wages are too low in the first place. This resistance was evident within the trade unions, which inconsistently supported the national mobilization coordinated by JALA-PRT, which was due to internal disagreement. Similarly, many female parliamentarians who employ domestic workers disagreed with JALA-PRT's claims. Their opposition can in part explain why the policy process at national level has gone by fits and starts over a period of more than 10 years. The recognition of domestic workers as workers, and therefore having labour rights such as limited working hours and minimum wages, was strongly opposed by members of parliament. To justify their resistance, many parliamentarians, both women and men, argued that setting minimum working conditions would reduce job opportunities for domestic workers.³⁰⁵

Resistance from women workers makes domestic workers' protection also a doctrinal policy issue. Many women are able to join the labour market only by transferring their unpaid domestic and care work to domestic workers. Domestic work is seen as solely women's responsibility to either be performed by female household members on an unpaid basis, or to be transferred to other women. Further, claims made for domestic workers' protection is doctrinal because it challenges the societal attitudes toward domestic work, which is still undervalued. Both national and subnational activists found resistance from policy makers, civil society and sometimes from the domestic workers themselves to change these attitudes. At national level, JALA-PRT struggles to change the narratives associated with domestic workers and to bring domestic workers' labour rights into the public arena:

Their [members of parliaments'] actions demonstrate that they view this solely as an issue of the JALA-PRT, rather than as a fundamental human rights issue. Domestic workers are a group of citizens whose fundamental rights have been violated. But they [members of parliament] only see this as a private matter.³⁰⁶

Narratives of the relationship between domestic workers and employers as kinship or a private relationship still prevail over interpretations of the employer/domestic work relationship as a labour one: "Some [members of parliament] repeatedly expressed that the [Domestic Workers Protection] Bill should reduce families' dependence on domestic workers. When we defined domestic workers as workers, some of them still insisted on using the term 'helper' [...]. This is a huge challenge."³⁰⁷

7.3.3 *The response of the state*

The national state's response was stronger compared to the subnational response due to the higher intensity of national mobilization efforts. Nevertheless, both national and

³⁰⁵ Interview with Fitriasyah, technical staff at the Ministry for Labour and Transmigration.

³⁰⁶ Interview with Lita Anggraini, Coordinator of the National Advocacy Network for the Protection of Domestic Workers, 21 May 2015.

³⁰⁷ Interview with Yuni Asri, staff at the National Commission on Violence Against Women, 24 May 2015.

subnational states seem to be reluctant in addressing claims on domestic workers' protection. As mentioned in the previous section, this resistance at both national and subnational levels comes mostly from the policy makers within the government and in parliament who employ domestic workers and therefore have a personal interest in ensuring that paid domestic work is not regulated. Despite this general opposition, within the national state, the National Commission of Women, the Ministry of Women's Empowerment and Child Protection, the Ministry of Labour and the Ministry of Foreign Affairs partly responded to claims for domestic workers' protection. However their response wavered over time. During the early stages of the mobilization, the National Commission for Women collaborated with JALA-PRT on a scoping study on violence against domestic workers. Following 2012 the commission was not less proactive because of funding cuts; it was less supportive because the new commissioners did not agree on the proposal for a national law on domestic workers' protection as demanded by JALA-PRT. Only recently, toward the end of 2015, did the National Commission for Women agree to collaborate with JALA-PRT on advocating for the Protection of Domestic Workers Bill. The Ministry of Women's Empowerment and the Ministry of Labour had initially conducted discussions on the Bill, but, after identifying a number of issues that caused opposition from domestic workers' employers the discussions stalled. Over three electoral terms since 2004, the national parliament has only been attentive when widespread campaigns drew the attention of mass media; thus the policy process proceeds slowly. At subnational level, the executive and the legislative bodies in West Nusa Tenggara and East Java—the only two provinces where advocates have addressed their claims toward the state—did not consider the protection of domestic workers a legislative priority compared to other issues, such as out-migration.

Table 7.5: Comparison of national and subnational strategies and the state's responses on domestic workers' protection

| | At national level | Province of West Nusa Tenggara | District of East Lombok | Province of East Java | District of Jember | Province of West Sumatra | District of West Pasaman |
|--------------------------|--|---|---|---|--|--|---------------------------------|
| <i>Claims</i> | Recognition of domestic workers as other workers Labour rights for domestic workers | End violence against domestic workers Domestic work as decent work Approval of a subnational regulation for domestic workers | Recognition of domestic workers as other workers | End violence against domestic workers Domestic work as decent work | End child labour | End violence against domestic workers | None |
| <i>Strategies</i> | Lobby members of parliament and government Strengthen domestic workers' organizations Network with other civil society organizations Use international normative frameworks | Set up a domestic workers' union Provide legal aid to domestic workers Use of mass media to disseminate information on domestic workers' status | Join the mobilization for informal workers' rights Include domestic workers' protection into a subnational regulation on informal workers | Lobby the government and parliament Include the protection of domestic workers into the subnational regulation on the protection of women and children | Include the ban of child labour in domestic work in the Child-Friendly City initiative | Use mass media | None |
| <i>State's responses</i> | Opposition from members of parliament, including women Support from the National Commission for Women, but irregular over time Consultation for the ratification of ILO Convention No. 189/2011 within the 2009–2014 Ministry of Foreign Affairs | No response as the domestic workers' protection is not considered a legislative priority | Inclusion of domestic workers under the definition of informal workers, no specific mention to specific domestic workers' protection (including against violence) | Failed attempt by the government to amend the subnational regulation on the protection of women and children | No response as the domestic workers' protection is not considered a legislative priority | No response as the domestic workers' protection is not considered a legislative priority | None |

7.3.4 Explaining the lack of mobilization at subnational level

As mentioned above, among the six subnational research sites, some degree of mobilization on domestic workers' protection was only found in the provinces of West Nusa Tenggara and East Java. In the other provinces and districts, the lack of mobilization can be explained by at least three factors. First, in some contexts, other policy issues are considered to have higher priority in the political agendas of women's movements. For instance, women's and migrants' organizations in East Lombok and Jember focus on migrant domestic workers abroad, rather than targeting domestic workers in the district. Second, in the areas of Jember, West Pasaman and East Lombok, sharing unpaid domestic and care work among the female members of the extended family is still the predominant model. This means less reliance on paid domestic workers. On the contrary, in Jakarta, where most of the organizations advocating the national state are based, the demand for domestic workers is high due to the lack of extended family networks and many migrant women reach the city and find employment in this sector. Third, in West Sumatra, West Pasaman and East Lombok, the practice of fostering children in exchange for their work in the household still exists. However, the domestic work undertaken by these children is not considered as work, but as a form of reciprocity as the family provides them with accommodation and education.

7.4 Initiatives on unpaid care work

Unpaid care work is seen as women's responsibility. Thus, women workers carry the double burden of paid and unpaid work and, when possible, tend to transfer unpaid care work to other female family members or paid women workers. In areas where the kinship system and ties among extended family members are strong, such as West Sumatra, West Pasaman and West Nusa Tenggara, unpaid care work is mostly transferred to sisters, sisters-in-law, mothers-in-law, mothers, etc. In urban areas, especially in Jakarta, where families tend to be nuclear and migrant, women tend to transfer unpaid work to women workers and childcare to private or public facilities.

Apart from private strategies to manage the double burden of paid and unpaid work, initiatives around unpaid care work are slowly emerging across governance levels in response to the entrance of women into the labour market. At the national level, we identified two advocacy initiatives around this policy issue.

First, since 1996, a group of women's organizations have been demanding the amendment of clauses of Marriage Law No. 1/1974 regarding women's and men's roles and responsibilities within the family. The Law is considered to discriminate against women by relegating them to the private space and by regarding them as the primary unpaid care giver. The demand to amend the Marriage Law is related to the growing demand for the equal sharing of unpaid domestic and care work within the household, using a women's rights-based approach and challenging patriarchal gender roles. Although women's organizations agree on this demand, their consensus fails when it comes to ban polygamy, which is currently regulated by Marriage Law No. 1/1974.

Second, State actors, NGOs and other grassroots organizations have taken action both in demanding and providing childcare facilities. The discourse behind these initiatives is that providing childcare services is a way to support women workers by enabling them to conduct productive work and provide for the materials needs of the family. However, these initiatives are scattered and not interconnected. Additionally, in spite of some

improvements (see chapter 6), the state still lags behind in acknowledging its responsibilities to provide childcare services.

At provincial and district level, there are few initiatives, but the most significant include:

- the New Men's Alliance in East Lombok through which advocates campaign for equal sharing of unpaid domestic and care work between husbands and wives;
- the after school care services for left-behind children run by grassroots groups and volunteers in Jember in response to the high rate of out-migration.

Although unpaid care work, especially childcare, is emerging as a policy issue and an increasing number of women's organizations are recognizing the importance of addressing women's double burden, mobilization efforts as well as the state's action around this issue are still limited. Women's organizations have found it difficult to reach consensus on this issue, which remains highly contested. As previously mentioned, the women's movement is divided between those organizations that provide care facilities without questioning the household division of labour and those who demand a radical change of gender roles in the home. Nevertheless, women's organizations see the state as responsible for supporting families in performing unpaid care work. Thus they progressively demand the provision of public services, especially childcare and services for left-behind children. From its side, the national state has ignored the demands to formally change discriminatory household gender roles as described in Marriage Law No. 1/1974. Finally, at all governance levels, policy makers tend to ignore the issue or propose policies that reinforce women as the sole unpaid care worker, such as the proposal to reduce working hours for women in order to allow them to take care of their children.

7.5 Comparing mobilization and advocacy across policy issues

This section compares the processes of mobilization, advocacy and policy change on three policy issues: violence against women, domestic workers' protection and unpaid care work.

First, all mobilization around these three policy issues clearly confirms that processes of advocacy and gender equality policy change are complex, as argued by Mazur (2009) and Fraser (1989). This process is not necessarily a linear process going from demands raised by civil society and other actors all the way through to policy making. Mobilizing support for women's claims requires time, funding and negotiation with many different actors in order to gain their support and to weaken opposition. In advocating for gender equality policy change, the advocates of the three issues hold the state responsible for guaranteeing gender equality; protecting women from violence, labour exploitation, and discrimination within the household; and tackling gender stereotypes.

Second, in terms of strength and influence, the mobilization to end violence against women is stronger both at national and subnational levels compared to mobilization efforts on domestic workers' protection and unpaid care work, which are emerging issues, especially across provinces and districts. The leading actors are mainly women's organizations or state actors that have a mandate to promote women's rights and gender equality.

The type and number of supporters from civil society and the state vary depending on the policy issue:

- violence against women: human rights organizations, men's organizations, child organizations, members of parliament, religious and customary leaders, and academics;
- domestic workers' protection: NGOs and migrant workers' organizations; and
- equal sharing of unpaid care work/equal intra-household gender roles: men's organizations.

The success of the mobilization on violence against women is due to the fact that diverse women's organizations collaborated and shared a common purpose. In this sense, violence against women is a gender-status policy issue that affects all women as women, and therefore facilitates collaboration. In contrast, Indonesian women's movements tend to split in the case of class-based policy issues—such as domestic workers' protection—and of doctrinal policy issues—like intra-household equal gender roles. Outside the women's movement, mobilizations on domestic workers' protection and equal gender roles within the household—including the equal sharing of unpaid care work—were less successful, not only because they are emerging issues in the public debate, but they also challenge the patriarchal system and religious and cultural traditions. Similarly, claims related to sexual and domestic violence that concern women's morality also led to a division between feminist and non-feminist women's organizations, and to stronger opposition from civil society and state actors (such as the issue of marital rape). Issues related to pornography, including beliefs around morality, split the women's movements into several groups: those who opposed the patriarchal system (feminist movements), those who supported the patriarchal system, and those who were somewhere in between these two positions. Thus, our analysis confirms that the success of gender equality policy change also depends on the type of policy issue as argued by Htun and Weldon (2010) where movements split and collaborate depending on the issue.³⁰⁸ It also agrees with Blackburn (2004) on the diversity and heterogeneity of Indonesian women's organizations.

The issues of violence against women and domestic workers both encompass doctrinal issues. The issue of women's care work and domestic workers are also doctrinal issues as they are based on fixed gender-based roles. The issue of women's care work affects many women, especially upper-middle-class women who work outside the home. In contrast, the issue of domestic workers is limited to a group of lower class women. Htun and Weldon (2010) consider that non-doctrinal issues that only affect certain groups of women are more difficult to advocate. From this perspective the issue of domestic workers combines doctrinal and class-based aspects and is hence more difficult to advocate than the issues of violence against women or women's care work. On the issue of domestic workers there is no agreement between the different women's movements to pursue the protection of domestic workers. There are conflicts of interest between women who employ domestic workers and rely upon access to affordable domestic workers.

Third, the core strategies used by national and subnational activists across the three issues are similar: (i) establishing alliances and advocacy networks (JANGKA PRT; JALA-PRT; the network for the amendment of Marriage Law No. 1/1974); (ii) use of mass media to drive the attention of society and state; and (iii) rallies, campaigns, and demonstrations. Building alliances proved to be more successful in the case of violence

³⁰⁸ However, our analysis categorized policy issues differently compared to Htun and Weldon (2010). For instance, they classify violence against women as a gender status and non-doctrinal policy issue, while, in the Indonesian context, violence against women is both gender status and doctrinal.

against women as most of the women's organizations, state actors and other civil society organizations were united in condemning it; whereas the issues of domestic workers' protection and equal gender roles within the household caused fragmentation and division among women's organizations and with other civil society organizations over controversial claims such as polygamy; minimum wages for domestic workers, etc. Apart from these three core strategies, activists for each mobilization developed different strategies according to the policy issue and to the socio-cultural context, especially at subnational level. For instance, in the case of domestic workers' protection, a specific strategy is facilitating domestic workers' unionizing, raising awareness on their rights and building their advocacy skills, while, activists for the eradication of violence against women widely used the political momentum of the elections, both at national and subnational levels.

Fourth, we observe linkages across policy issues and mobilizations that advocates sometimes used to make their mobilization stronger. For instance, the national movement against domestic violence incorporated to some extent claims on domestic workers' protection by including domestic workers as members of the household and therefore vulnerable to domestic violence. The issues of equal sharing of unpaid care work and domestic workers' protection are also connected as they both challenge unequal intra-household gender roles that excessively place unpaid work within the household on women. Indeed, unpaid care work is transferred from one woman to another by hiring domestic workers. However, because of fragmentation among women on these two policy issues, we observed that so far activists at any governance level have made no effort to link and mobilize together on these two issues. In the case of domestic workers' protection and unpaid care work, we found linkages across mobilizations at subnational level, especially in the areas of Jember, West Nusa Tenggara and East Java, where activists for the protection of domestic workers and childcare provision advocate themselves also on issues related to migration or collaborate with organizations advocating for migrants' and left-behind children.

Fifth, subnational and national advocacy and policy processes are often connected. Women's organizations usually have strong ties across governance levels. For instance, the actions and campaigns of national mobilization efforts against domestic violence and on the protection of domestic workers were carried out simultaneously in Jakarta and in several subnational regions. Further, to hold their governments accountable, subnational women's movements used national policies such as the 2000 National Action Plan on Violence Against Women (in East Java and Jember) and the national Anti-Domestic Violence Law No. 23/2004 (in West Nusa Tenggara and East Java). However, we found that these ties were not as strong in the case of unpaid care work and of equal intra-household gender roles. In terms of policy outcomes, we found that policies drafted at district and provincial levels are usually broad in scope. In the case of violence against women, the subnational regulations we analysed generally cover both women and children and include other issues such as human trafficking.

7.5.1 Impact of the four contextual factors on policy process

In chapter 3, four contextual factors that influence both women's mobilizations and the state's response were identified: (i) the process of democratization and decentralization, (ii) the strength of religious and cultural organizations, (iii) the presence of women's movements, and (iv) the presence/influence of international organizations. In this section, the impact of these factors on the national and subnational policy processes across the three policy issues is explored.

The process of democratization and decentralization

The democratic transition and decentralization provided an opportunity for women to voice their demands through a variety of ways at both national and subnational levels. With the onset of democracy, different interest groups emerged and the national state tended to accommodate demands without favouring a single interest group, by either compromising between groups, or supporting the strongest one as seen in the policy processes on domestic violence and on pornography (see section 7.4). With the introduction of the direct electoral system, candidates for political positions (namely, president, governor, mayor and member of national and subnational parliaments) have to strategically gain support from voters. The direct elections therefore are a window of opportunity for women's movements to influence the candidates' agendas in exchange for their support and for candidates to strategically calculate whether or not to support women's claims. However, momentum from political elections has also been used by opponents, for instance religious groups. So far women's organizations have used political momentum only for advocating on violence against women (see section 7.2), but less on the other two policy issues.

Decentralization plays a large role in all subnational research sites as it provides an opportunity to mobilize and participate in the policy process at local level, enabling stakeholders to raise specific claims related to a certain socio-cultural context (Robinson 2009). For instance, in East Lombok and West Nusa Tenggara, critical issues for the activists were the cases of sexual violence against girls under the guise of the customary practice of *merariq* and human trafficking, especially of women, due to the high rate of out-migration. In Jember, the provision of childcare tackles the specific problem of the left-behind children. Domestic workers' protection was advocated as part of other agendas, such as informal labour, in other regions. Further, subnational and national movements can pursue different goals, as in the case of the national movement on violence against women that mobilized separately for a law on domestic violence and one on sexual violence, while subnational activists tend to demand regulations to address violence in both public and private spheres, without distinction.

Due to the autonomy guaranteed to provinces and districts, this often results in a gap where national laws are not incorporated into subnational regulations. In each subnational region, the process of incorporation of the national Anti-Domestic Violence Law No. 23/2004 only began years later. In 2006, East Lombok had only a Mayoral Decree to establish the Integrated Service Centre for Women and Children Victims of Violence, while the subnational regulation was only passed in 2013. In West Nusa Tenggara, Anti-Domestic Violence Law No. 23/2004 was incorporated only in 2009 in Subnational Regulation No. 2/2009. In West Sumatra, the Subnational Regulation for the Protection of Women and Children was enacted in 2013, while the Jember district passed a regulation in 2014, 10 years after the approval of the national law. In West Pasaman, the debate on a subnational regulation on violence against women started in 2014. An MoU between the Ministry of Women's Empowerment and Child Protection, the Ministry of Interior Affairs and the subnational governments was fundamental in accelerating the approval of subnational regulations between 2009 and 2014, especially in West Sumatra, East Lombok and Jember. Only East Java province adopted a subnational regulation in 2005, soon after the approval of the national law, because subnational mobilization was strongly linked with national efforts. Subnational case studies show that the process of incorporating national legislation into subnational regulations is strongly influenced by the presence of subnational women's movements

and by pressure from the national state. In conclusion, democracy and decentralization do represent a crucial contextual factor that facilitates mobilization and advocacy for gender equality policy change. However, it requires women advocates to be able to strongly mobilize at all governance levels.

The strength of religious and cultural organizations

Another factor of the political context affecting women's movements and the state's response is the strength of religious and customary organizations. The national movement advocating for Anti-Domestic Violence Law No. 23/2004 targeted religious organizations and their leaders in order to gain their support from the early stages of mobilization. The absence of opposition from religious leaders was one reason why the state accommodated women's demands. Yet, the supporters of the Anti-Pornography Law No. 48/2008 utilized religious ideology to justify the proposal and gain support. Most of the supporters were indeed religious organizations and leaders. Religious and customary leaders have not influenced mobilization efforts for domestic workers' rights while, they have played a significant role in the controversial debate on equal intra-household gender roles. At subnational level, in the provinces and in the districts, the influence of religious and customary leaders in politics is very strong and visible. For this reason, activists to end violence against women from East Java, West Nusa Tenggara and East Lombok attempted to collaborate with religious leaders from the early stages of mobilization. In East Lombok and West Nusa Tenggara, during the mobilization against the practice of *merariq*, women's movements dialogued with both religious and customary leaders to obtain their support. In West Pasaman, women customary leaders called *bundo kanduang* were some of the leading activists demanding the approval of policies to eradicate violence against women and the provision of services for victims of violence. However, we found that to some extent policy makers' and activists' lack of understanding of customary practices contrasted with episodes of violence against women, especially domestic violence (see Appendix I). In other cases, customary leaders have been excluded from the policy process, resulting in an increase in political tensions between customary organizations, women's rights advocates and state actors. On domestic workers' protection, customary ideology by which being a domestic worker is equal to a low social status is a barrier to domestic workers' organizing and unionization as was the case in West Pasaman. In matrilineal communities such as those in West Pasaman, the idea of the equal sharing of unpaid care work is resisted because of the influence of the traditional system of the extended household. We can conclude that religious and customary organizations are crucially important, especially on doctrinal policy issues and particularly at the subnational level. Therefore women advocates can strategically collaborate with them from the beginning of the mobilization process.

The presence of women's movements

The presence of women's movements was a crucial factor at both national and subnational levels for all policy issues. Most of the mobilization efforts on violence against women and on domestic workers' protection were started and coordinated by women's organizations. The presence of activists within state institutions, such as the parliament, fundamentally bridges the movement and the state, and facilitates the adoption of certain claims into political agendas, as found for the national movement against domestic violence. Women's organizations, however, were more successful when they have technical knowledge on the processes of law making and when they can provide reliable evidence. This meant collaborating with lawyers, paralegals, politicians and scholars. Further, women's organizations are influential when they are properly funded and supported by international or national donors. Indeed, we observed that

many subnational mobilizations across the three policy issues are weakened by the lack of funding, in some cases caused by a change of priorities in the international donor community, as was the case of West Sumatra. Therefore, women's organizations are crucial and influential when they have capacities and knowledge, and when they are adequately funded.

Linkages between the Indonesian women's movement and the international level

The state's response to women's demands also depends on the impact of international influences on national and subnational contexts. Indonesian national women's organizations—but not the subnational organizations—have used international discourses as well as international human rights frameworks while advocating for the three policy issues. For instance, the Indonesian CEDAW Working Group extensively used the reporting mechanism under the CEDAW to make the Indonesian state accountable for both the eradication of violence against women and equal intra-household gender roles. JALA-PRT collaborated with the ILO during the consultation process for ILO Convention No. 189/2011, adopting the ILO framework for decent work. At both national and subnational levels, international organizations—usually development agencies and transnational organizations—have had considerable impact by providing both framing and funding. The mobilization of Indonesian organizations such as LBH APIK Jakarta and West Nusa Tenggara, and the Advocacy Organization for Indonesian Migrant Workers in Lombok was strongly facilitated by international donors; this is why funding cuts and delays have affected advocacy activities, especially of subnational NGOs as was the case in East Java. In West Sumatra, international donors shifted their focus from women's rights and violence against women to post-disaster relief and development after the 2004 earthquake. Consequently, local NGOs shifted their focus accordingly and only a few organizations continued to mobilize on the eradication of violence against women despite the lack of funding. The ILO office in East Java was crucial in the mobilization on domestic workers' protection. By contrast, in the case of unpaid care work, international discourses have been less influential on Indonesian women's organizations. To conclude, we argue that international normative frameworks remain a powerful tool for Indonesian women's organizations and that international organizations play a crucial role in supporting national and subnational organizations in their mobilization.

Chapter 8. Conclusions: Key Findings and Recommendations

In this chapter, the research arguments and methodology are briefly summarized followed by a summarization of key research findings. Finally, recommendations for policy makers, women's human rights advocates and women's organizations are provided.

8.1 Research objectives, background and methodology

This study explored when and why the Indonesian state responds to women's claims around policy change on the policy issues of violence against women, domestic workers' labour rights, and equal sharing of unpaid care work (see chapter 1). It proposes:

- i. analysing the dynamics of processes of gender equality policy change initiated by the women's movements in Indonesia; and
- ii. exploring whether the state's response to women's demands is influenced by democratization and decentralization, the presence of religious and customary organizations, and international organizations.

We argue that policy change is the result of a claims-making process, which requires continuous negotiations on the formulation of the problem and on articulation of the related demands (see chapter 2). These negotiations involve actors who start an advocacy process, their supporters, the opponents and policymakers (Fraser 1989; Htun and Weldon 2010; Mazur 2009). Diverse social and political contexts as well as culture and religion influence women's advocacy efforts. In addition, the type of policy issue negotiated in the policy process greatly impacts on the outcome of the process itself (Htun and Weldon 2010).

In 1998, Indonesia underwent a change from the repressive, undemocratic New Order regime of President Suharto (1966–1998) to the New Democratic Era. At the same time, provinces and districts gained greater autonomy because of decentralization, which triggered a process of democratization at the subnational level. This new scenario provided windows of opportunity for civil society, including women's organizations, to participate and influence policy making at both national and subnational levels. For this reason the study examined women's movements advocating the national state as well as those advocating at subnational level. We focused our research in three provinces (West Sumatra, East Java, West Nusa Tenggara) and three districts (West Pasaman, Jember, East Lombok). These areas were selected based on considerations of the existing advocacy initiatives, the different kinship systems—matrilineal, patrilineal and parental—and the specific cultural and religious contexts (see chapter 3).

To explore the processes of mobilization and policy change, we adopted a qualitative feminist methodology, using the following methods: interviews, observation, participant observation, focus group discussions, and review of academic and grey literature (see chapter 2). The research fieldwork was conducted between 2013 and 2014, and involved women activists with different backgrounds (NGOs, academics and religious organizations), members of government and parliament at national and subnational levels, and religious and customary leaders (see Appendix 2).

8.2 Key findings

Based on the analysis of the evidence collected during research, we can identify and summarize the six key findings based on the Indonesian national and subnational contexts.

First, *the process for policy change is political* and comprises negotiations among state actors, women's organizations and other civil society organizations, including religious and customary ones.

Second, *women's organizations* are crucial in order to initiate gender equality policy change processes. The presence of the women's movements and the strength of their mobilization lead to successful outcomes, as in case of the mobilizations to end violence against women. What makes women's organizations influential is (i) the creation of networks among women's organizations and with other civil society organizations; (ii) the development of a shared political agenda, (iii) the support from religious and customary leaders; (iv) the connections between national, subnational, and international movements. However, women's organizations are diverse in ideologies and interests, thus the degree of solidarity and cohesion varies according to the nature of the policy issue and how the claims are framed. A careful process is necessary to reach agreement within the women's movement. *Leadership and funding* are fundamental. The development of strong alliances requires strong leadership that is able to negotiate priorities among different organizations. Additionally, successful mobilizations require adequate and sustainable funding for women's organizations and specifically for political activities. The lack of funding causes a decline in and failure of advocacy efforts. Further, building consensus among women's organizations and gaining support from civil society also require good leadership and adequate funding.

Third, *the state is not a single entity*. State actors are very diverse in terms of interests and priorities, which differ across political parties, within political parties and across governance levels. This diversity influences the outcome of the policy-making process. Further, policy makers' response to women's demands vary according to the level of opposition encountered.

Fourth, within the state, *institutions with the mandate to promote women's rights and gender equality* (like the National Commission for Women, Ministry of Women's Empowerment and Child Protection and the local agencies for women's empowerment) play an important bridging role between policy makers and women's movements, as well as channelling women's movements' claims within the state. However, these institutions, despite their similar mandate, might disagree in pursuing certain women's demands.

Fifth, *the opposition* against women's advocacy efforts varies according to the nature of the policy issue and strongly affects women's movements' strategies and demands. At both national and subnational levels, much of the opposition relates to religion and morality. This resistance generally arises from religious organizations and leaders who benefit from a strong sense of legitimacy in the eyes of their followers. The state tries to use the power of religious social forces to its own ends, but often has to compromise with them. Class-based opposition is another type of resistance, especially in the case of domestic workers' labour rights. At national level, women's organizations pay close

attention to the constellation of potential opponents while preparing their advocacy strategies in order to weaken their resistance.

Sixth, the *nature of the policy issue* matters as it affects the degree of (i) solidarity among women's organizations and (ii) of the support/resistance from civil society and the state. While women's organizations tend to be united on policy issues that affect all women as women such as violence against women, they tend to be divided on those claims that are considered class-based, like domestic workers' protection, or doctrinal as they are linked with religious moral conducts, such as women's sexuality and autonomy over their own bodies. Currently, the division among women based on class is the main constraint toward moving forward in recognizing and protecting domestic workers' labour rights.

8.3 Recommendations

Based on the research, we provide recommendations to women's rights advocates, women's organizations, policy makers and customary leaders on how to foster and facilitate gender equality policy change.

8.3.1 Recommendations for women's rights advocates and women's organizations

- Strengthen Indonesian women's movements by:
 - increasing collaboration among women's organizations and advocates for gender equality, and with men's organizations like the New Men's Alliance;
 - building a shared political agenda across women's organizations;
 - developing strategies to weaken the opposition of religious leaders and organizations.
- Ongoing action for the eradication of all forms of violence against women by:
 - collaborating with state institutions, especially local agencies for women's empowerment, for enacting and/or amending regulations to end such violence;
 - monitoring the implementation of national and subnational laws and policies to end violence against women, in particular the functioning of the Integrated Service Centres;
 - advocating for the criminalization of all harmful practices and for using customary practices that respect women's and girls' rights.
- Mobilize for domestic workers' labour rights by:
 - supporting domestic workers' organizations and unions;
 - framing domestic workers' labour rights with a gender perspective to overcome class-based division among women;
 - collecting data on domestic workers and their working conditions at both national and subnational levels;
 - intensifying coordination between the National Advocacy Network for the Protection of Domestic Workers and the National Commission for Women;
 - developing strategies (such as public campaigns) to gain broader support from civil society;
 - linking domestic workers' labour rights with other policy issues such as child labour.
- Mobilize for redistribution of unpaid care work by:
 - continuing advocacy efforts for amendment of Marriage Law No. 1/1974 in order to establish equal responsibilities for husbands and wives;

- strengthening existing initiatives on equal sharing of unpaid care work within the household, including collaboration with men's organizations (such as the New Men's Alliance);
- strengthening existing childcare initiatives to support women workers and women migrants (such as Tanoker in Jember district) and replicating them in other provinces and districts.
- Hold the state accountable by:
 - requiring transparent policy-making processes;
 - using international human rights laws, such as the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and the International Covenant on Economic, Social and Cultural Rights (ICESCR).

8.3.2 Recommendations for Indonesian policy makers at national and subnational levels

- Approve a national law and subnational regulations to recognize and protect domestic workers' labour rights, including the ban of child labour in the paid domestic work sector.
- Amend national Marriage Law No. 1/1974 to guarantee gender equality within the family.
- Harmonize national and subnational laws and policies in order to protect women's rights and to promote gender equality.
- Implement existing laws, policies and subnational regulations to end violence against women by:
 - collaborating with women's organizations;
 - improving coordination between local agencies for women's empowerment and other local agencies.
- Ensure the provision of childcare services, especially in areas highly affected by female out-migration (such as Jember district)

8.3.3 Recommendations for customary leaders

- Identify customary mechanisms to promote women's rights and gender equality.
- Be proactive in banning harmful customary practices.

8.3.4 Recommendations for international and national donors

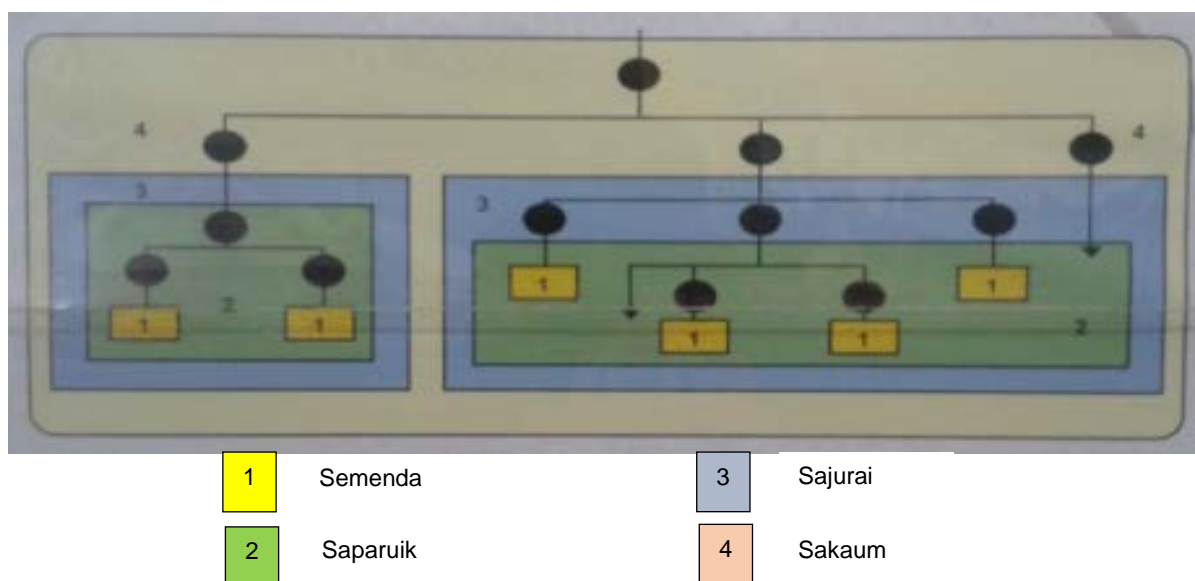
- Provide long-term funding for political and advocacy activities (such as advocacy efforts for amending Marriage Law No. 1/1974, approving national laws on domestic workers' protection and against sexual violence).
- Support the mobilization for domestic workers' labour rights, especially at subnational level by:
 - supporting domestic worker training centres;
 - funding research to develop policy solutions to regulate contractual terms between employer and domestic workers.
- Support the emerging advocacy around unpaid care work by:
 - supporting childcare initiatives;
 - funding research on how to effectively advocate for equal sharing and redistribution of unpaid care work, and on developing adequate policies;
 - supporting collaboration between women's and men's organizations (such as the New Men's Alliance).

Appendix 1

Mechanisms to solve cases of violence against women in the Minangkabau culture

The Minangkabau people, the majority ethnic group in West Sumatra province and in West Pasaman district, rely on customary institutions to settle disputes, including cases of violence against women, without the intervention of third parties such as the state (Hanani 2012). Minangkabau matrilineal society is based on the *kaum* (clan) and the *nagari*, the local customary government. A clan or *kaum* is a blood-related family group, from the mother's line, and is headed by a *penghulu* or clan chief. The smallest unit of a Minangkabau clan is the *semenda*, which corresponds to the nuclear family when a man marries a female descendent of the clan (see figure 1). A group of *semenda* that includes from four to five generations forms the *saparuik*, the extended family unit. All members of a *saparuik* usually live together in a “longhouse”.³⁰⁹ Each *saparuik* is headed by a woman called *bundo kanduang*. Several *saparuik* living in adjacent longhouses are referred to as *sajurai*. *Sajurai* are collective entities that usually possess collective wealth known as *haratopusako*, which includes farmland. They are finally grouped in *sakaum*, which is referred to as “one family” that shares respect, property, descendants, and inheritance (Kreager and Schroder-Buterfilly 2004).

Figure 1 - Structure of a Minangkabau Clan



Disputes within a longhouse are first settled by the *bundo kanduang*, who often plays a crucial role in protecting women from domestic violence (Hanani 2012).³¹⁰ If the parties do not reach an agreement, the *ninik mamak* (the group of *penghulu*—the leader of clan) intervenes through a decision made in their meeting. Minangkabau law tends to favour the achievement of consensus among the parties of the dispute. Only as a last resource is the case brought to state institutions. Violence against women is one of these disputes.

³⁰⁹ The longhouse is the traditional house used by family members as their residence and to hold festivals. Each longhouse has separated rooms for girls and for married couples.

³¹⁰ See http://eprints.uinsby.ac.id/249/1/Buku%20%20Fix_61.pdf.

Sexual and domestic violence are one of the most serious crimes under the customary law, *Nan Salapan*:

[W]omen in the eyes of Minangkabau culture deserve protection. ... If it [violence against women] is carried out, [it] will be sinful. It is right to protect women according to Minangkabau law. It [the Minangkabau law] is based on the understanding that women are vulnerable beings that should be protected. Denying this [protection] by perpetrating violence against women is strongly prohibited by Minangkabau culture.³¹¹

Sexual Violence

Because of the seriousness of the crime, the perpetrator of sexual violence is exiled from the clan. The saying “*ka lurah nan indak barangin, ka bukit nan indak babatu*” (into the abyss that is not windy, to the hill which is not rocky) means that the perpetrator will be exiled to a place where there is no livelihood. Nowadays, due to a cultural shift in Minangkabau society, perpetrators are usually brought to the police instead of being exiled.³¹² The customary law nevertheless still applies to *ninik mamak* accused of sexual violence. In this case, only if the issue cannot be solved through the customary law is it reported to the police and prosecuted by the state.

Domestic Violence

Cases of domestic violence between husband and wife are usually reported and discussed in a meeting with the *ninik mamak* from both sides. The first step is resolving the conflict through mediation and the advice of the *ninik mamak*. If the conflict is resolved, the couple mutually agrees to keep living together and the husband is allowed to return to the longhouse. Together they sign a document in which they describe the solution in case domestic violence reoccurs. When it is not possible to solve the conflict, the husband is distanced from his wife and children, and cannot return to the longhouse. Victims of domestic violence can also decide to report the case to state institutions:

If a woman reports to the police [it] is not a problem under traditional customs. She can if she doesn't accept [the customary resolution]. Customary law cannot stop state law. But according to the customs this [case of domestic violence] should be submitted to the *ninik mamak* first. ... We are all aware of the law It can be helpful to apply the law. Before this law didn't exist, we didn't know about it. Before ... we had [the customary law].³¹³

Research respondents acknowledged the need to have a state regulation that introduces sanctions for perpetrators as customary law cannot provide harsh sanctions.

Limitations in applying the customary law

Implementation of customary law has some limitations. First, *ninik mamak* can be biased in settling cases of domestic violence, favouring the perpetrator, if he is part of their immediate family.³¹⁴ Second, women are often not aware of the existence of laws and regulations that guarantee them protection in case of violence.³¹⁵ Third, the shame and stigma associated with violence against women acts as a disincentive for women in obtaining legal protection. Most people assume that domestic life should not be exposed

³¹¹ Interview with Asbir Dt. Rajo Mangkuto, 18 March 2014, customary leader.

³¹² Interview with Asbir Dt. Rajo Mangkuto and Khaidir Dt St. Kabasaran, customary leaders.

³¹³ Interview with Khaidir Dt St. Kabasaran, 7 March 2014, customary leader.

³¹⁴ Interview with Khaidir Dt St. Kabasaran, customary leader.

³¹⁵ Interview with Eti Rahmida, Vice Head of Bundo Kandung West Pasaman.

in public because it is a disgrace that will cause embarrassment for the whole family. Therefore, women have a tendency to cover up the violence they experience and often cases of violence are settled within the family.

In this context, the *bundo kanduang* usually spread the knowledge on laws and regulations on violence against women and support victims in reporting either to the customary leaders or to police:

Sometimes [husbands] hit their wife. ... [Wife] just hides it. We say her that this is domestic violence, [but] she keeps it within the house. ... we need to raise awareness first. Not just women, but both men and women have to understand the law. If the law is known and a wife is slapped, she can get a medical report, challenge him [husband] and maybe he will go to prison and there will be change.³¹⁶

According to Asbir Dt. Rajo Mangkuto, one of the traditional leaders and advisors of the Minangkabau Traditional Customs Organization (*Lembaga Karapatan Adat Alam Minangkabau*, LKAAM), laws—not shame or embarrassment—should prevail, since violence against women violates customary law, whereas not reporting only contributes to hiding crimes and is equal to committing a crime.³¹⁷ However, in practice this customary law does not really apply. Although there are domestic violence cases, women do not report the case and there is no sanction to those who are not reported the case.

³¹⁶ Interview with Eti Rahmida (Vice Head of Bundo Kanduang West Pasaman) 8 March 2014.

³¹⁷ Interview with Asbir Dt. Rajo Mangkuto, 18 April 2014.

Appendix II

List of respondents and organizations

Some respondents' names have been replaced by faked initials to guarantee their anonymity.

| Name | Affiliation | Date of interview | Date of the focus group discussion |
|-----------------------|---|----------------------------|------------------------------------|
| <i>National level</i> | | | |
| Zainal Abidin | ELSAM | 24 May 2014 | |
| Lita Anggraini | JALA PRT | 21 May 2014 | |
| Maria Ulfah Anshor | Indonesian Commission for Child Protection and Fatayat Nahdatul Ulama | 8 September 2014 | |
| Sylvana Appituley | Council of Churches in Indonesia and National Commission for Women | 22 May 2014 | |
| Yuni Asri | Migrant Worker Working Group at the National Commission for Women | 21 May 2014 24 May 2015 | |
| Yuni Chuzaifah | National Commission for Women | 21 May 2014 | |
| Lilly Danes | National Commission for Women/ Council of Churches in Indonesia | 26 May 2014 | |
| Lenny Dasuha | Council of Churches in Indonesia | 22 May 2014 | |
| Supriyadi W. Eddyono | Institute for Criminal Justice Reform | 24 May 2014 | |
| Pratiwi Febry | Legal Aid Institute Jakarta | 28 May 2014 | |
| Fitriasyah | Ministry for Labour and Transmigration | 8 September 2014 | |
| Lidwina Inge | Faculty of Law, National University of Indonesia | 26 May 2014 | |
| Sulistiyowati Irianto | Postgraduate, National University of Indonesia | 23 May 2014 | |
| Nora Kartika | Ministry for Labour and Transmigration | 8 September 2014 | |
| KK | Women's rights activist | 22 May 2014 | |
| Iva Kusuma | Faculty of Law, National University of Indonesia | 26 May 2014 | |
| Lilis Listiyowati | Kalyanamitra | 22 May 2014 | |
| Siti Maesaroh | National Commission for Women | 20 May 2014 | |
| Masruchah | National Commission for Women | 21 May 2014 | |
| Mudjiati | Ministry of Women's Empowerment and Child Protection | 15 August 2014 | |
| Ratna Bataramunthi | LBH APIK Jakarta | 25 May 2014 | |
| Ita Fatia Nadia | UN WOMEN | 24 May 2014 | |
| Tri Hastuti Nur | Aisyiah | 8 September 2014 | |
| Nuranah | Ministry of Women's Empowerment and Child Protection | 15 August 2014 | |
| Rita Pranawati | Indonesian Commission for Child Protection | 23 May 2014 | |
| Pri | Ministry of Women's Empowerment and Child Protection | 15 August 2014 | |

| Name | Affiliation | Date of interview | Date of the focus group discussion |
|---------------------------|--|--------------------------|---|
| Arum Ratnawati | International Labour Office – Jakarta | 28 May 2014 | |
| RO | KampungRawa community member | 25 May 2014 | |
| Nur Rofiah | FatayatNahdatulUlama | 28 May 2014 | |
| Rohika | Ministry of Women's Empowerment and Child Protection | 15 August 2014 | |
| RQ | KampungRawa community member | 25 May 2014 | |
| Ida Ruwaida | Faculty of Sociology, National University of Indonesia | 26 May 2014 | |
| Tumbu Saraswati | National Commission for Women | 22 May 2014 | |
| Danielle Johanna Syamsuri | National Commission for Women | 22 May 2014 | |
| Ari Sunarijati | Federasi Serikat Pekerja Seluruh Indonesia Reformasi | 21 May 2014 | |
| Wawan Suwandi | New Men's Alliance | 21 May 2014 | |
| Kunthi Tridewiyanti | National Commission for Women | 26 May 2014 | |
| V | National Commission for Women | 20 May 2014 | |
| FR Yohana Wardhani | Magenta Legal Research and Advocacy | 20 May 2014 | |
| Dinda Nuurannisa Yura | Women's Solidarity | 21 May 2014 | |

West Nusa Tenggara Province

| | | | |
|----------------|---|----------------|--|
| AD | NGO activist | 5 May 2014 | |
| AY | NGO activist | 3 May 2014 | |
| EH | Government employee | 5 May 2014 | |
| BeutyErawati | West Nusa Tenggara LBH APIK | 5 May 2014 | |
| KZ | NGO activist | 2 May 2014 | |
| Mahmudah Kala | LARD | 3 May 2014 | |
| Q | Government employee | 9 May 2014 | |
| R | Provincial government officer | 9 May 2014 | |
| RD | NGO activist | 3 May 2014 | |
| RK | Customary Leader | 15 August 2014 | |
| S | NGO activist | 2 May 2014 | |
| SR | Indonesian Women's Coalition for Justice of NTB | 2 May 2014 | |
| YE | Commissioner at the provincial commission on social affairs | 13 May 2014 | |
| ZC | NGO activist | 2 May 2014 | |
| GQ | NGO activist | 9 May 2014 | |
| Hay R | NGO activist | 9 May 2014 | |
| Roma Hidayat | Organization for Indonesian Migrant Workers | 12 May 2014 | |
| ITL | Boarding school Narmada of West Lombok | 16 August 2014 | |
| Muhammad Juani | Organization for Indonesian Migrant Workers | 6 May 2014 | |
| LI | NGO activist | 6 May 2014 | |

| Name | Affiliation | Date of interview | Date of the focus group discussion |
|------------------------------|--|--------------------------|---|
| P | People's Regional Representative Council of East Lombok | 7 May 2014 | |
| QG | NGO activist | 12 May 2014 | |
| QP | Government employee | 7 May 2014 | |
| QS | Customary leader | 14 August 2014 | |
| RG | People's Regional Representative Council of East Lombok | 7 May 2014 | |
| RL | NGO activist | 7 May 2014 | |
| Hajah Sumantrial | East Lombok Agency for Women's Empowerment and Family Planning | 7 May 2014 | |
| ST | Government employee | 7 May 2014 | |
| T | Academic and legal consultant | 16 August 2014 | |
| <i>West Sumatra Province</i> | | | |
| Desi Asmarek | Aisyiah West Sumatra | 21 March 2014 | |
| Dra. Hj. Sitti Izzati Aziz | People's Regional Representative Council of West Sumatra Province | 21 July 2014 | |
| Rosneli Boer | BundoKanduang | 25 March 2014 | |
| Sjahridal Dahlan | Women's Studies Centre University of Andalas | 25 July 2014 | |
| DE | Government officer | 19 March 2014 | |
| M. Nurul Fajri | Legal Aid Padang | 25 March 2014 | |
| Firdaus | Indonesian Legal Aid Association in West Sumatra | 17 March 2014 | 23 July 2014 |
| GX | Women's NGO activist | 15 March 2014 | |
| Yefri Heriani | Women Crisis Centre of Women of Conscience | 15 March 2014 | |
| Tanti Herida | Indonesian Women's Coalition | 16 March 2014 | |
| Henny Herwina | Women's Studies Centre University of Andalas | 24 July 2014 | |
| Yeyen Kiram | Agency for Women's Empowerment and Family Planning at Limpapeh | 16 March 2014 | |
| KQ | NGO activist | 22 March 2014 | |
| Rifai Lubis | Q Bar Padang | 22 March 2014 | 23 July 2014 |
| Asbir Dt Mangkuto | Minangkabau Traditional Customs Organization West Sumatra | 18 July 2014 | |
| Desi Mufianti | Harmonia | | 23 July 2014 |
| KomPol Nelwati | Women's and Children's Protection Service Unit Police Regional of West Sumatra | 20 March 2014 | |
| Rina Noverya | Legal Aid Padang | | 23 July 2014 |
| Sitti Nurjudiah | Indonesian Association for Women with Disabilities | 19 July 2014 | |
| Vino Oktavia | Legal Aid Padang | 17 March 2014 | |
| Adek Putra | Legal Aid Padang | | 23 July 2014 |
| Hafizur Rahman | Agency for Women's Empowerment and Family Planning | 19 March 2014 | |
| PR Raudha Thaib | BundoKanduang | 25 March 2014 | |
| Putri Yenfani | Integrated Service Centres for Empowering Women and Children of West Sumatra | 17 March 2014 | |
| Emma Yohanna | Indonesian Women's Coalition for Justice of West Sumatra | 24 July 2014 | |

| Name | Affiliation | Date of interview | Date of the focus group discussion |
|------------------------------|--|---|------------------------------------|
| <i>West Pasaman District</i> | | | |
| Asmar | Integrated Service Centres for Empowering Women and Children | 11 March 2014 | |
| Desmawati, SH | People's Regional Representative Council II of West Pasaman | 10 March 2014 | |
| Marwinda Dewita, SE. | Communication and Consultation Family Institution | 12 March 2014 | 15 March 2014 |
| Soni Erminda | National Department of Social and Labour | 12 March 2014 | 15 March 2014 |
| Rosmal Fitra | <i>BundoKanduang</i> | 9 March 2014 | |
| Khaidir Dt St Kabasaran | <i>Minangkabau</i> Traditional Customs Organization of West Pasaman | 7 March 2014 | |
| Rosni Latif | West Pasaman <i>Bundo Kanduang</i> | 8 March 2014 | |
| Sri Mulyani | Integrated Service Centres for Empowering Women and Children | 11 March 2014 | |
| Evo Nosara, SH | Women's and Children's Protection Service Unit at the Police Force | 11 March 2014 | |
| Pasrial | People's Regional Representative Council II of West Pasaman | 21 July 2014 | |
| Eti Rahmida | West Pasaman <i>BundoKanduang</i> | 8 March 2014 | |
| Salmawati, M.Psi. | Integrated Service Centres for Empowering Women and Children | 11 March 2014 | |
| Harlina Syahputri, SH MM | Office for Women's Empowerment and Child Protection of West Pasaman | 10 March 2014 | |
| Winisma | West Pasaman <i>Aisyiah</i> | 12 March 2014 | 15 March 2014 |
| <i>East Java Province</i> | | | |
| IrfanAfandi | East Java International Labour Office | 12 April 2014 | |
| Soka Handinah Katjasungkana | SamitraAbhaya Women's Pro-Democracy Committee/Semarang LBH APIK | 20 December 2013 4 February 2014 20 February 2014 | |
| Dian Noeswantari | Human Rights Studies Centre at the University of Surabaya/ Women's Pro-Democracy Committee | 7 January 2014 24 January 2014 | |
| RosanaYuditia Ripi | SamitraAbhaya Women's Pro-Democracy Group | 12 November 2013 23 November 2013 | |
| <i>Jember District</i> | | | |
| Alfianda | Women's Alliance of Jember , Women's Care Movement, and Indonesian Women's Coalition for Justice | 3 October 2014 | |
| EriAndriani | Women's House | 16 April 2014 | |
| Menik Chumaidah | Centre for Women's and Children's Services and <i>Asakinah</i> Women Crisis Centre | 3 May 2014 14 May 2014 | |
| Ema Kemalawati | Women's Pro-Democracy Committee | 3 October 2013 | |
| Dewi Masyitoh | FatayatNahdatulUlama and Centre for Women's and Children's Services | 5 December 2013 | |
| Mustautin | MuslimatNahdatulUlama/National Awakening Party/People's Regional Representative Council | 5 December 2013 | |

| Name | Affiliation | Date of interview | Date of the focus group discussion |
|-----------------------------|---|---|---|
| Yayak Nawiyati | Ibunda Foundation | 10 December 2013 | |
| Josias Anto Budi Nugroho | Agency for Women's Empowerment and Family Planning | 7 April 2014 | |
| Ninik Rahayu | National Commission for Women | 21 December 2013 14 May 2014 | |
| Solihati | Integrated Service Centre | 12 December 2013 17 December 2013 | |
| Sri Sulistiyani | Women's Care Movement | 5 October 2013 1 December 2013 26 December 2013 | |
| Suporahardjo | Head of Tanoker | 12 December 2014 | |
| Hamdanah Usman | Family Empowerment and Prosperity | 7 April 2014 | |
| Sri Wahyuni | Family Empowerment and Prosperity | 16 November 2013 | |

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