

## Achieving substantive gender equality in Indonesia

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Earlier this year, the government of Lhoksemauwe in Aceh, Indonesia disseminated a circular to the public prohibiting women to ride straddle on motorcycles. According to the text of the circular as well as the statements given by the government of Lhokseumawe, such a prohibition is needed in order to ‘enforce Sharia law’, ‘preserve the local culture’s values and traditions’ and ‘prevent immorality’. The circular has been called discriminatory by human rights activists and even the central government. While human rights may be restricted when strictly necessary and in the pursuit of a legitimate aim, neither requirement is met in this case. Experts have spoken out explaining that straddling is the safest position for anybody to ride a motorcycle, striking down the government’s argument that this prohibition was also aimed at protecting women. Despite the controversy, the regulation entered into force for residents of Lhokseumawe on 7 January 2013. Although the central government, through the Home Ministry, has promised to review the straddle ban prohibition and other local regulations discriminatory towards women, the Ministry does not have any record in repealing such regulations in the past.

Summary of Circular No. 002/2013 signed *inter alia* by the Mayor and Head of Local Legislators of Lhoksemauwe:

1. Women who are given lift on a motorcycle by a men or women should not be sit in straddling position unless in emergency situation;
2. It is not permitted for anybody to act inappropriately such as hugging, touching each other and/or doing other things that are not in accordance with Sharia law as well as the culture and tradition of Aceh on any type of vehicle, whether it is a motorcycle, car or anything else;
3. Men and women should not be seen wearing clothes that do not cover their *aurat*, tight clothes and others that are violating Sharia law and dressing ethics.

The straddle ban prohibition is not the only regulation discriminatory towards women, and Aceh is not the only province in Indonesia which issues such regulations. The National Commission on Violence against Women (*Komnas Perempuan*) noted there are at least 282 discriminatory local regulations issued in various parts of Indonesia since 2008. These include those regulating the way women should dress, imposing a curfew on women, or obligating women to be accompanied each time they are travelling. These were all issued on the grounds of protecting women. West Java is recorded as the province that produces the most such discriminatory regulations, followed by West Sumatra with its 33 discriminatory regulations spread across the province.

Indonesia’s central government has been taking several measures to achieve gender equality within the country. The parliament and government, for instance, have been consistently requiring a 30 percent quota for women parliamentarians since 2008. The old law on nationality which automatically granted mixed-nationality couples’ children the citizenship of their father was amended in 2006. The Constitutional Court recently declared that children born outside marriage have a legal relationship with both parents, not only with their mother as stipulated in the Marriage Law, which made it possible for the fathers to walk away from their obligation to raise their child.

Starting last year, the Indonesian parliament has been discussing a draft bill on gender mainstreaming. One of the ends the bill would like to reach is the elimination of stereotypes, customs or any other practices which are based on the perceived inferiority or superiority of one sex over another. Predictably, the bill is supported by human rights and women activists in the country, but rejected by Islamic groups. The latest version of the bill obliges government institutions as well as private entities to ensure all their policies are gender sensitive. Furthermore, the bill requires central and local governments to report any measures taken in achieving gender equality to the Minister of Women Empowerment.

This new bill as well as most of the measures taken by the Indonesian government, however, are mere legal steps that cannot address the substantive problem of gender inequality within society. Substantive equality can only be reached when negative stereotypes against women are eliminated from society.

Eliminating negative stereotypes against women in Indonesia however, given its religious society and patriarchal character, is a considerable challenge. This is aggravated by sexist remarks made by different high ranking officials of the country, reaffirming the negative stereotypes of women. Last year, the then governor of Jakarta told the media that women should not wear skirts in public transportation to avoid rapes, while Marzuki Alie, the Chairman of the Parliament was promoting an internal regulation prohibiting women from wearing skirts above their knees. In the selection process for Supreme Court judges this year, candidate Daming Sanusi, who is also the Head of Banjarmasin High Court, made a disgraceful joke before the members of parliament, saying victims of rapes enjoyed the rape as much as the rapists did. Equally embarrassing was the response of the parliamentarians, who laughed at the joke instead of criticising it. Only after heavy public criticism did Sanusi finally give a public apology. Meanwhile, the Regent of Garut in West Java, Aceng Fikri, divorced his 17-year-old second wife via SMS early this year, after learning that she is no longer a virgin. His action sparked outrage from the public, particularly those concerned on women and children issues. Upon request of the local parliament of Garut, the Supreme Court later examined the case and delivered a judgement ordering the removal of Aceng from his office.

While a dynamic and critical civil society in Indonesia raises hope for the improvement of gender inequality within the country, those working towards this however, are often negatively labelled and their characters assassinated by groups who do not share their idea of equality. In a public discussion concerning religion based local regulations discriminatory towards women, an activist based in Nusa Tenggara Barat province shared her story of how she was called a 'whore' by the local newspapers. Other stories reveal that women activists are also called 'disbelievers'. According to one human rights activist from Banda Aceh, the biggest challenge of working on women issues and gender equality in Aceh is that the Islamic leaders and government always tell the public that human rights and gender equality are not on the same side as religion and the teachings of god.

As clichéd as it may sound, education is essential in achieving substantive gender equality, as ideas can only be challenged with ideas. Laws and regulations have a limited capacity to address problems, but one function those written rules serve well is to send out the government's message to the public, regarding their perspective on a particular matter. The plan to enact a gender mainstreaming law is therefore certainly a step to embrace, but more concrete measures to raise public awareness on the necessity of gender equality are still

needed. Sexist remarks should no longer be tolerated, and those delivering them should be publicly shamed, particularly if they hold a public office. Regulations in all branches and at all levels of government should be sensitized and discriminatory provisions against women should be immediately repealed.