

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		Since the Indonesian Penal Code criminalizes pornography, there is no need for another law on the same issue	
		A law to prohibit pornography will protect women and children from sexual violence	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.com.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/RUSU/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.