

A successful campaign to halt *sharia* laws in South Sulawesi

WEMC-Solidaritas Perempuan Anging Mammiri (SPAM), South Sulawesi

Context

Although most Indonesians are Muslims, Indonesia is a secular, multi-cultural state, which claims to uphold human rights, including the rights of the women citizens. However, WEMC research in the district of Bulukumba, Makassar, S. Sulawesi, shows that religion is being politicised with Islamists seeking to subvert the secular state through regulations and legislations, on the basis of their interpretations of Islam. .

Seventeen village and provincial regulations have been passed in S. Sulawesi since 2006, where *Sharia* law based on Islamist interpretations has spread in 7 districts: Bulukumba, Enrekang, Maros, Pangkep, Gowa, Talakar, and Pare Pare. These regulations promote a morality that discriminates against women and minorities (for example, homosexuals). Because the discriminatory regulations are derived from dogmatic and gender biased interpretations of the "holy book", people feel intimidated by the use of religion for legitimisation and hesitate to question such impositions.

Although enacted on the pretext of protecting society, in reality, these regulations and legislations do not protect women's rights but on the contrary, exercise control over women's bodies, minds and their access to public spaces. These mechanisms of control in fact criminalise women, leading to their discrimination and stigmatisation by the government and society.

Such local regulations, based on discriminatory interpretations of the Sharia in various parts of Indonesia contradict the national laws and conventions which have been enacted for the protection of women's rights, thereby posing a challenge to the authority of the state.

Solidaritas Perempuan (SP) has long been concerned with women's struggle to fight injustice and violence perpetuated by local authorities through regulations and legislations in the process of democratisation in Indonesia. SP has been leading a grassroots effort to raise awareness of gender injustice among policymakers. Fundamentalism was identified as one of the greatest challenges to women's lives in Indonesia and SP has been particularly concerned about women's political space in the face of the increasing politicization of Islam at meso and micro levels.

In South Sulawesi, WEMC researchers in Solidaritas Perempuan Anging Mammiri (i.e. SP in S. Sulawesi) conducted research regarding women's access and control of political space in the face of discriminatory regional and village regulations. Grounded research was done on how fundamentalists are promoting *sharia* law in national and local policies and regulations and on the discriminatory impacts on women living under these laws. To understand how women's everyday lives are affected by these laws, the fieldworkers lived in the village, gaining trust from the women, as well as from village government officials. This "live-in" research methodology was very effective in disarming suspicions about the intentions of the researchers.

Bulukumba regency in South Sulawesi was identified as a WEMC field site with a focus on Padang village, because since 2006 it has been one of the pilot sites of the "Muslim Village Project"

implemented by the "Preparation Committee for the Implementation of Sharia Islam" (KPPSI) with the support of the former district government. The village head and other village leaders then used this formalisation of religion as part of local government structure to justify the enactment of a "whipping law" (*hukum cambuk*) in village regulations which already impose certain restrictive standards of "moral behavior" on women's bodies, mobility and space. Under these regulations, women are vulnerable to prosecution without observance of the principle of presumption of innocence in the judicial process. In addition, the women themselves, including the women village officials, though they are the people who will be most affected, were not even informed about the formulation of these regional and village regulations.

The "whipping law" was enacted in Padang village as a form of punishment for women who are found conducting "sexual relations outside of marriage" (*zina*), which include talking to an unrelated male at night. This regulation is a concrete manifestation of the influence of Islamic fundamentalist forces in the region.

A case of whipping

Fatma was 13 years old when she was punished under the "whipping law." Fatma frequently went to her neighbor's house to watch television in the evenings. One night as usual, she visited her neighbour's house; when she went to the bathroom, which was outside the house, the neighbour's nephew followed her and tried to hold her hand. She was so frightened that she ran away from the bathroom and the man ran after her. The chase disturbed some of the village officials. Eventually Fatma and her assailant were caught by the village officials and were brought to the village office for questioning. Without a formal trial, and even though she was a minor, Fatma was punished with a number of lashes, while the man was merely fined for the alleged *zina*.

It was explained to the researchers by the village head, who had ordered the punishment, that the application of the whipping in this case was merely symbolic, and not physically painful, because the girl was only whipped 4 times on the sole of her feet using a piece of wood measuring 30 centimeters long and 2 centimeters in diameter. However, the psychological consequences suffered by Fatma became a prolonged trauma. Fatma's family was excluded and isolated from the village and Fatma herself did not dare to join any public activity as she always received cynical treatment from the neighbors.

Further research and analysis

Further investigations of the formulation and implementation of these local laws and regulations revealed the problem to be multi-levelled.

Firstly, the women, including women village officials, expressed in the focus group discussions that they had known nothing about the existence of the whipping regulation until the researchers showed them the actual regulation. A strong patriarchal culture prevents women from speaking for themselves in the village decision-making process. In the focus group discussions, women said that they are often excluded from forums and meetings that discuss village policies as women are regarded as "stupid" and "incapable of participating in public affairs."

Besides, inadequate knowledge at district and village levels about the national Constitution and legislative procedures also aggravated the problems of implementing national policies aimed at protecting women at the community level. Since decentralization was prescribed in a national policy in 1998, regional and village governments have the right to govern local affairs of their constituencies, subject to national and provincial legislation, as provided for in the Constitution. However, WEMC research indicated that village leaders in Padang village had inadequate knowledge about state policies and the Constitution. They attempt to govern according to certain values that they think are right for their community without knowing that these regulations are actually in violation of the national Constitution. On the other hand, village authorities are often loosely monitored or even neglected by the regional as well as the national government. In this regard, local governance is very vulnerable to the penetration of political Islamists who often legitimize women's disempowerment in the name of religion.

The research findings in Padang village strengthened WEMC-SPAM's initiative to advocate against local laws and regulations that violate human rights and criminalize women and children. The contention is that the regional policy in Bulukumba, South Sulawesi contradicts the national law 10/2004, which set out the following hierarchy of rules and regulations:

1. 1945 Constitution
2. Laws/governmental regulation in lieu of law
3. Governmental regulation
4. Presidential regulation
5. Regional regulation (provincial/municipal/village level)

What this means is that a village regulation cannot contravene the rules and regulations enacted at higher levels. Therefore, the regional regulation in Bulukumba to exclude women and to hinder them from asserting their rights is in contravention of national laws and regulations that promote women's rights and empowerment. Armed with this knowledge, WEMC-SPAM started to work together with the village women, as well as women village officials, and to build alliances with women activists to formulate strategies for advocating change.

While building up advocacy initiatives at the local level, SP also communicated their research findings to WEMC Partners working in Indonesia – SEARC and SCN. SP also learnt that another WEMC partner, Women Living Under Muslim Laws (WLUML), had launched a global campaign "Stop Killing and Stoning Women" that resonated with concerns in Indonesia. This inspired SP to organize a sister campaign in Indonesia, under the title: "Stop Regional Policies that Discriminate Against and Criminalise Women."

Campaign launch

The campaign "Stop Regional Policies that Discriminate Against and Criminalise Women" was launched on 28 April 2008, at Hotel Sahid, Jakarta. This campaign advocates for women's access to and exercise of social and political rights, and against the following:

1. Regional policies that discriminate against women, including those that dictate the *jilbab* (headscarf) for Muslim women, obstruct women from exercising their civil and citizenship rights. For example, once the *jilbab* is imposed as compulsory, then only Muslim women wearing the *jilbab* is permitted to enter government offices regarding matters related to their civil rights

(such as applying for an identity card, etc.)]. Muslim women who are not wearing the *jilbab* will not be attended to.

2. Women are generally not involved in or do not participate in the processes of policy making at the regional level. This is a very important issue since the content of policies as well as their implementation impact greatly on women's lives. The campaign is working for the participation of grassroots women in regional and local policy making mechanisms and processes.

Campaign activities are undertaken at meso and micro level in Bulukumba, South Sulawesi. There are two clusters based on the objectives.

I. To encourage grassroots women to assert their rights and to build up their capacity for organizing and political participation

In our research, the grassroots women identified "low education" as the strongest hindrance for their empowerment. Education is necessary for them to combat poverty; to eliminate the community's stigmatisation of grassroots women as "stupid", and to redefine the patriarchal culture that regards women as "incapable of participating in the public domain."

SP researchers assisted the grassroots women in Padang Village to actualize their initiative to establish a women's school, called "Sekolah Perempuan Si Pakalebbi" in early 2009. In this school, they learn not only reading and writing, but also about public speaking, concepts of gender equality and justice, as well as other skills. The school has also become a space for women to discuss shared concerns as the basis of collective actions. In Padang village, the grassroots women have a strong aspiration to participate in the village decision-making process and they want their opinions to be taken seriously. Through regular discussions in the women's school, women gain confidence to participate in public decision-making, become active in the campaign, for example, by discussing with WEMC researchers how to present their arguments and concerns in radio talkshows as well as in public dialogues with various policy makers and government officials.

II. To advocate for women gaining access to and control in policy-making processes

WEMC-SPAM spread information, based on their research findings, to the wider community in South Sulawesi about the situation of women living under *sharia* regional regulations. The information is disseminated through radio talk shows, workshops and dialogues with various stakeholders. Publications are also planned. Networking with local NGOs is developed to build strength in advocacy against the criminalization and inhuman punishment of women. The network involving other NGOs in the local district of Bulukumba and at the provincial level of South Sulawesi includes:

Local organizations in Bulukumba:

1. Koalisi Perempuan Indonesia Cabang Bulukumba (KPI) (Coalition of Indonesian Women – Bulukumba Branch)
2. Yayasan Pendidikan Rakyat (Foundation for People's Education)

Organizations at the provincial level:

1. Forum Pemerhati Masalah Perempuan Sulawesi Selatan (FPMP-SS) (Forum of the Concerned for Women's Problems in South Sulawesi)
2. Lembaga Perlindungan Anak (LPA) (Organization for Children's Protection)
3. Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia untuk Keadilan (LBH APIK Makassar) (Legal Aid Association of Indonesian Women for Justice)
4. Lembaga Advokasi dan Pendidikan Anak Rakyat (LAPAR) (Organization for the Advocacy and Education of the People's Children)
5. Lembaga Bantuan Hukum Makassar (Makassar Legal Aid Organization)
6. Yayasan Lembaga Bantuan Hukum Makassar (Makassar Legal Aid Organization Foundation)
7. Yayasan Mitra Bersama (Yasmib) (Joint Partners' Foundation)
8. Koalisi Aktivistis Perempuan Sulawesi Selatan (Coalition of Women Activists in South Sulawesi)

Regular communications was established with policy makers at provincial, district and village levels:

1. Biro Kesejahteraan Anak dan Pemberdayaan Perempuan (KAPP) (Bureau of Children's Welfare and Women's Empowerment)
2. The Governor of South Sulawesi, Mr. Syahrul Yasin Limpo
3. Bureau of Law
4. Badan Perwakilan Desa (BPD) (Village Representative Body)

Campaign activities

In May 2008, WEMC-SPAM, together with Koalisi Aktivistis Perempuan Sulawesi Selatan (Coalition of Women Activists in South Sulawesi), were invited for an audience with the Governor of the South Sulawesi Province, Mr. Syahrul Yasin Limpo. This invitation was extended after they had written a letter to him expressing their concerns about women's exclusion from public spaces as a result of fundamentalism and regional regulations that discriminate against women.

During the audience, WEMC-SPAM communicated their research findings to the Governor. They referred to National Act number 10/2004, which states that processes of policy-making in the regions should involve all stakeholders, including women and that these processes should be monitored by the Department of Internal Affairs.

As a result of the meeting, the Governor agreed that religion should not be used as a tool to discriminate against women. He promised to take follow-up action by issuing a Governor's Regulation (Peraturan Gubernur [PERGUB]) to instruct all 23 Bupati (Regents – i.e. district heads) in the Province that policies should not discriminate against women. He also asked the WEMC-SPAM coalition to give inputs to the proposed Governor's Regulation.

One of the greatest challenges was the dubious connection between the local authorities of Padang village and a group of radical fundamentalists called KPPSI (Committee for the Preparation of the Implementation of Sharia Islam), who intend to insert their Islamist interpretations into village and regional regulations.

On 16 December, 2009, WEMC-SPAM had an audience with the Regent of Bulukumba, Mr H. A. Muhammad Sukri A.S. together with officials from the Division of Law, the Women's Empowerment Division, and the Information and Communication Division of Bulukumba Regency. The WEMC research team delivered the following materials to officials:

- Provisional research findings by the Solidaritas Perempuan and WEMC
- Policy analysis of Regional Regulation no. 5 that regulates the attire of Muslim men and women, and Village Regulation No. 5 2006 on the implementation of whipping as a form of punishment in Padang village
- A proposal for a regional regulation that grants a quota of at least 30 percent representation by women in public decision making at village, district and regency levels

Following with the meetings, SP Anging Mammiri, together with grassroots women representatives, held a series of public actions for the campaign.

1. On 18 December 2008, results of the audience with the Regent of Bulukumba were disseminated to the local media (Harian Fajar, Tribun Timur, Media Perempuan), including a press release about the audience and the women's analysis of the regional and village regulations
2. On 7 March 2009, a mass demonstration, "Refuse discriminatory regional and village regulations by electing a legislator who has concern for women's welfare", was held near the S. Sulawesi Office of the People's District Representative Council. A press conference was also held.
3. On 7 March 2009, WEMC-SPAM conducted a radio talk show on SPFM Radio about the mass demonstration and a public dialogue in Makassar on the theme of women in a battle against discriminatory regional regulations that impose inhuman punishments.
4. On 8 March 2009, a public dialogue with diverse stakeholders was organised. These included grassroots women from Bulukumba, NGO activists, lawyers, lecturers, civil society activists, women officials from the Legal Bureau of Bulukumba District, representatives of the Regency Government of Bulukumba and the Legal Bureau of South Sulawesi. This public dialogue was held to address the statement of the Governor of South Sulawesi regarding the revoking and annulment of the village and regional regulations that discriminate against women. Based on the research findings and the results of the public dialogue, WEMC- SPAM, along with the local organization, 'Care for Women in South Sulawesi', presented a draft of the Governor's Regulation on the Prohibition of Discriminative Regulations, which they had been invited to draft, to the Governor of South Sulawesi, Sahrul Yasin Limpo.

In these events, WEMC-SPAM and their allies delivered three main messages:

- 1) A demand to the People's District Representative Council and the South Sulawesi Governor to recommend to the Minister of Internal Affairs and the Minister of Law and Human Rights to revoke all regional and village regulations which are based on religion and have the potential of causing discrimination against women
- 2) A demand to the South Sulawesi Governor to immediately publicise the Governor's Regulation urging the Heads of District, Regency/City and the Village to refrain from making any discriminative regulations

- 3) A call to all women to keep monitoring regional and village regulations and policies that discriminate against women and criminalise them.

Significance of this initiative: lessons learnt

1. **The active participation of grassroots women is the key to the success of the campaign.**

The grassroots women had the opportunity to share their first-person experience of living under these discriminatory village regulations. They told of how these laws had taken away their basic human rights to participate in the public domain and had demeaned them as the object of discipline and control. The women spoke for themselves directly to the regional government officials and received serious attention, because women's voices about their experiences and aspirations had rarely been heard in public settings. This experience has enlightened the policy makers to analyze laws and regulations and their applications from the perspectives of women.

2. **WEMC-SPAM's efforts attracted serious attention from policy makers at regional and national level.**

The Regent's statement became a weapon to compel the Head of Padang village to abolish the village regulation that had installed whipping as a form of punishment. This was a happy result from the audience with the Regent. The Regent even asked the government officers to consult Solidaritas Perempuan about matters related to women. The Governor's positive response was a turning point for the success of advocacy against the discriminatory village regulation in Padang village.

Not long after the public dialogues and the mass demonstration, the Head of the Legal Bureau, Department of Internal Affairs of the Republic of Indonesia, Mr Perwira, and the Head of the Sub-Division of Analysis of Regional Legal Products and General Secretary of the Department of Internal Affairs, Mr Djaniruddin, conducted an inspection to Bulukumba Regency, South Sulawesi, seeking confirmation of the "whipping law" and the existence of the four Regional Regulations that are contradictory to the Constitution and their impact on women. During the inspection, Mr. Perwira and Mr. Djaniruddin invited WEMC-SPAM to discuss the development of WEMC research, as well as asking for interim field results and related information in Padang. Information about the results of this meeting and the research findings will be disseminated to the local media shortly.

3. **This campaign highlights the importance of focused research to advocacy.**

WEMC research on the lives of women in Bulukumba and the policy analysis of the laws and regulations became strong and convincing bases for the advocacy. WEMC researchers and the grassroots women discussed and analyzed their understandings of power, empowerment and disempowerment, identifying the actors and factors that hinder and that support their empowerment. Through mapping out the power structures collectively, the village women were able to formulate strategies for empowerment on their own, with the researchers as facilitators who help the women to articulate and analyse their experiences, and to document their experiences systematically.

4. **This shows that empowerment has to be taken on by the grassroots women themselves.**

In the process of analyzing their own situation, they are able to identify the methods and strategies to oppose obstructive forces. In this success story, grassroots women identified limited access to education resources as the key factor obstructing their empowerment. From this identification, women developed an initiative to create a safe space for women's education, a "women's school" where women can study together and learn from each other to increase their capacity to read and write, gradually enabling them to document their lived experiences, and to communicate their aspirations to policy makers in writing so that the latter will pay more attention to grassroots women as members of the community who have equal rights as that of men.

What is particularly encouraging is that the women learnt a valuable lesson about carrying out advocacy and gained experience in establishing a dialogue with the regional government. After the audience with the Regent, the women said: "We have heard the Regent's promise directly, and we will monitor if the punishment by whipping in Padang village is truly abolished. We will report to the Regent if the whipping happens again."

5. A channel for sustained communication was thus established between grassroots women, the WEMC-SPAM team, and supportive policy makers at macro, meso and micro levels.

The supportive actors were the Governor of South Sulawesi, the newly elected Regent of Bulukumba, women members of the local unit of the Department of Women's Empowerment (especially Ms. Nurlela), the staff of the regional offices of Law Bureau, local women activists, NGO members, and the local media.

6. In the long run, WEMC research will strengthen the women's movement at regional and local levels.

The research and advocacy have raised awareness of gender issues among activists, NGO workers, regional policy makers and, most importantly, grassroots women. In the process of research, the researchers have developed good relations with grassroots women as well as with local authorities, while learning about the lived realities of women. These are valuable assets gained from the research and advocacy.

Follow-up activities and the sustainability potential of this initiative

Creating space for women proved to be of particular importance for women's empowerment. The research found that physical and social mobility have particular significance in terms of opening up or limiting women's educational, political, social and economic participation in both public and private arenas. Women's potential for mobility very much defines their possibilities for self-expression and personal fulfillment. What the "women's school" means for village women is that it is not only a place for learning but also a space where they feel comfortable to articulate and develop themselves. Through focused interactions with other women, they learn that their experiences of disempowerment are not individual misfortunes but are structural, shared and changeable. Creating spaces for women to build up their capacities for political participation will continue to be a key strategy for empowerment. SP will continue assisting women at the grassroots to develop "women's schools" and along the way, build their capacity to engage in advocacy on their own.

SP will also continue its communication with policy makers, especially those at the local level, such as members of the people's district assembly, relevant government officials, as well as governors, to call for the immediate abolition of all other regional regulation and village regulations that are not in

accordance with the national constitution and that have proven to be discriminatory against women. To strengthen this effort, research results and the achievements of the campaign are being disseminated through the local media and public dialogues.

Intensive communications with the policy makers must be maintained. These good relations are important support for the advocacy. If there are good relations with the policy makers, they tend to accept the research findings, recommendations and opinions more positively.

Grassroots women's desires to access educational resources inspired the setting up of a "women's school". The process proved to have positive effects on the empowerment of grassroots women in Padang village. The grassroots women respond positively to the "women's school". Through discussions in the "school", women can map the power structure that they are situated in and formulate strategies for empowerment appropriate to their situations. In the process, women feel empowered, they are more willing to take actions against the power relations that are unfavorable to them and at the same time, their capacity for advocacy and political participation has increased significantly.

The Governor's open statement that called for the abolition of all discriminatory regional and village regulations against women in the province, declared in a national public dialogue on March 8 2009, was one of the greatest successes of the campaign. SP will follow-up and monitor whether the Governor's statement will be implemented and lead to the abolition of such regulations.