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

Sri Wiyanti Eddyono, Estu Fanani, Dini Anitasari Sabaniah, Yurra Maurice Haiziah Ghazali, Juni Warlif, Sisillia Velayati and Farha Ciciek

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

Funded by the Ford Foundation

May 2016
Contents

Acronyms ........................................................................................................................ iv
Summary.............................................................................................................................. vii
Research Team ................................................................................................................ ix
Acknowledgements ......................................................................................................... ix
Chapter 1. Background ................................................................................................. 11
  1.1 Introduction .......................................................................................................... 11
  1.2 Research aims ....................................................................................................... 11
  1.3 Research questions ............................................................................................... 12
  1.4 Importance of the research ................................................................................... 13
  1.5 Report structure .................................................................................................... 13
Chapter 2. Research Methodology and Analysis Framework ........................................ 15
  2.1 Research methodology ......................................................................................... 15
  2.2 Analysis framework .............................................................................................. 15
  2.3 Research sites ....................................................................................................... 19
    2.3.1 The province of West Nusa Tenggara and the regency of East Lombok ...... 19
    2.3.2 The province of East Java and the district of Jember .................................... 20
    2.3.3 The province of West Sumatra and the district of West Pasaman ................. 20
  2.4 Research methods ................................................................................................. 21
    In-depth interviews ................................................................................................. 21
    Focus group discussions ......................................................................................... 22
    Observation and participant observation .............................................................. 22
    Review of secondary data ...................................................................................... 22
Chapter 3. Social and Political Context: Democratization, Decentralization and the
Women’s Movement in Indonesia .................................................................................. 23
  3.1 Introduction .......................................................................................................... 23
  3.2 Democratization, decentralization and women’s issues ....................................... 23
  3.3 Religious and cultural politics .............................................................................. 24
  3.4 Women’s movements in the New Democratic Era .............................................. 25
    Women’s movements under the New Order regime .............................................. 25
    Women’s movements mobilizing at national level during the New Democratic Era .......................................................................................................................... 26
    Women’s movements mobilizing at subnational level since 1998 ..................... 31
  3.5 The influence of international organizations ....................................................... 32
  3.6 Conclusions .......................................................................................................... 34
Chapter 4. Advocating Policies to End Violence Against Women ................................ 35
  4.1 Advocacy for the anti-domestic violence law ..................................................... 35
    State response to advocacy for the Domestic Violence Eradication Bill .......... 38
  4.2 Critical moment of success in advocating violence against women: The Anti-
    Pornography Law, 2008 ......................................................................................... 40
    The responses from women’s groups ................................................................... 43
  4.3 Advocacy against sexual violence ....................................................................... 46
    Women’s organizations ......................................................................................... 48
    Academics .............................................................................................................. 49
    Religious organizations ........................................................................................ 49
    The Ministry of Women’s Empowerment and Child Protection ....................... 50
    The National Commission for Women ................................................................. 51
    The Indonesian Commission for Child Protection .............................................. 51
    The different attitudes of the State toward cases of sexual violence ............... 52
  4.4. Mobilization to end violence against women in provinces and districts ........ 52
4.4.1 Advocacy in West Nusa Tenggara (Lombok Island) .................................... 52
4.4.2 Ending violence against women in East Lombok Regency .................. 58
4.4.3 Assisting victims as a responsibility of the state: Advocacy in East Java... 61
4.4.4 The case of the Jember district ................................................................. 63
4.4.5 Advocacy in West Sumatra: Pressure from above ................................. 65
4.4.6 West Pasaman: A new district with strong initiatives ......................... 70
4.5 Concluding remarks ................................................................................. 71

Chapter 5. Advocacy for Women Domestic Workers’ Labour Rights ............... 74
5.1. Introduction ................................................................................................. 74
5.2. Advocacy for a national law on domestic work ........................................ 74
5.2.1 Emergence of advocacy for domestic workers (2004–2009) ................. 75
5.2.2 Advocacy from 2009–2014: New strategies to widen support ............. 78
5.2.3 2014–2015: President Widodo’s term .................................................... 81
5.2.4 The role of the National Commission for Women ................................. 82
5.3 Mobilization in the subnational research sites ......................................... 84
5.3.1 The case of West Nusa Tenggara ............................................................ 84
5.3.2 East Lombok: Including domestic work into informal workers’ mobilization ................................................................. 85
5.3.3 Protection for domestic workers in West Sumatra and West Pasaman: There or not? ................................................................. 86
5.3.4 Violence against domestic workers in East Java .................................... 87
5.3.5 Advocacy for domestic workers in the Jember district ......................... 89
5.4 Conclusions ............................................................................................... 90

Chapter 6. Unpaid Care Work: Contesting Values ...................................... 92
6.1 Introduction .................................................................................................. 92
6.2 Women’s organizations’ initiatives at national level ................................ 92
6.2.1 Supporting women workers ................................................................. 92
6.2.2 Mobilization for policy change on intra-household gender roles .......... 93
6.3 The state’s initiatives .................................................................................. 94
6.3.1 The state’s support to women workers ............................................... 94
6.3.2 Response to demands to eliminate discriminatory gender roles .......... 96
6.4 Mobilization around unpaid care work at the provincial and district levels 96
6.4.1 “New Men” for unpaid care work: The case of East Lombok .............. 96
6.4.2 Province of West Nusa Tenggara: Care as a new issue ....................... 97
6.4.3 Caring for parents and children in West Sumatra province and in West Pasaman district ................................................................. 98
6.5 Conclusions ............................................................................................... 99

Chapter 7. A Comparative Analysis of Women’s Mobilization .................. 101
7.1 Introduction .................................................................................................. 101
7.2 Ending violence against women: A comparison across national and subnational mobilizations ................................................................. 101
7.2.1 Who mobilizes for policy change to end violence against women? ...... 101
7.2.2 Mobilizing strategies used by women’s organizations ....................... 106
7.2.3 Opponents, claims and strategies ...................................................... 110
7.2.4 Response of the state ................................................................. 111
7.3 Comparison of national and subnational advocacy processes for the protection of domestic workers ................................................................. 111
7.3.1 Leading actors, claims and strategies ............................................... 112
7.3.2 Resistance to recognition of domestic workers’ labour rights ............ 114
7.3.3 The response of the state ................................................................. 114
7.3.4 Explaining the lack of mobilization at subnational level ................. 117
<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADBMI</td>
<td>Advokasi Buruh Migran Indonesia (Indonesian Migrant Workers Advocacy)</td>
</tr>
<tr>
<td>ALB</td>
<td>Aliansi Laki-Laki Baru (New Men’s Alliance)</td>
</tr>
<tr>
<td>AMAN</td>
<td>Aliansi Masyarakat Adat Nusantara (Indigenous People of the Nation’s Alliance)</td>
</tr>
<tr>
<td>APWLD</td>
<td>Asia Pacific Forum on Women, Law and Development</td>
</tr>
<tr>
<td>ASPPUK</td>
<td>Pendamping Perempuan Usaha Kecil (Women’s Small Business Owner Association)</td>
</tr>
<tr>
<td>ATKI</td>
<td>Asosiasi Tenaga Kerja Indonesia (Association of Indonesian Workers)</td>
</tr>
<tr>
<td>AusAID</td>
<td>Australian Agency for International Development</td>
</tr>
<tr>
<td>BALEG</td>
<td>Badan Legislasi (Legislative Agency)</td>
</tr>
<tr>
<td>BAPPEDA</td>
<td>Badan Perencanaan dan Pembangunan Daerah (Agency for Subnational Planning and Development)</td>
</tr>
<tr>
<td>BEK SP</td>
<td>Badan Eksekutif Komunitas Solidaritas Perempuan Mataram (Executive Board of the Mataram Women’s Solidarity Community)</td>
</tr>
<tr>
<td>BPIA</td>
<td>Beijing Platform for Action</td>
</tr>
<tr>
<td>BPM&amp;KB</td>
<td>Badan Pemberdayaan Masyarakat dan Keluarga Berencana (Agency for Community Empowerment and Family Planning)</td>
</tr>
<tr>
<td>BPPKB</td>
<td>Badan Pemberdayaan Perempuan dan Keluarga Berencana (Agency for Women’s Empowerment and Family Planning)</td>
</tr>
<tr>
<td>BPS</td>
<td>Badan Pusat Statistik (Central Bureau of Statistics)</td>
</tr>
<tr>
<td>BP3AKB</td>
<td>Badan Pemberdayaan Perempuan dan Perlindungan Anak dan Keluarga Berencana (Agency for Women’s Empowerment, Child Protection and Family Planning)</td>
</tr>
<tr>
<td>CEDAW</td>
<td>Convention on the Elimination of All Forms of Discrimination against Women</td>
</tr>
<tr>
<td>CESCR</td>
<td>Committee on Economic, Social and Cultural Rights</td>
</tr>
<tr>
<td>CiDA</td>
<td>Canadian International Development Agency</td>
</tr>
<tr>
<td>CSSP</td>
<td>Civil Society Support Programme</td>
</tr>
<tr>
<td>CWGI</td>
<td>CEDAW Indonesian Working Group</td>
</tr>
<tr>
<td>DPR RI</td>
<td>Dewan Perwakilan Rakyat Republik Indonesia (People’s Representative Council of the Republic of Indonesia)</td>
</tr>
<tr>
<td>ELSAM</td>
<td>Lembaga Studi Advokasi dan HAM (Human Rights Study and Advocacy Organization)</td>
</tr>
<tr>
<td>EXCEED</td>
<td>Eliminate Exploitive Child Labor through Education and Economic Development</td>
</tr>
<tr>
<td>FKP</td>
<td>Forum Keadilan Perempuan (Women’s Justice Forum)</td>
</tr>
<tr>
<td>FP3BPTA</td>
<td>Forum Pemerhati dan Penggagas Penghapusan Bentuk-Bentuk Pekerjaan Terburuk Pada Anak (Forum to Observe and Discuss the Elimination of the Worst Forms of Child Labour)</td>
</tr>
<tr>
<td>FSPSI Reformasi</td>
<td>Federasi Serikat Pekerja Seluruh Indonesia Reformasi (Indonesian Workers’ Union of Reform)</td>
</tr>
<tr>
<td>GEMA ALAM</td>
<td>Gerakan Masyarakat Cinta Alam (People’s Movement of Nature Lovers)</td>
</tr>
<tr>
<td>GPP</td>
<td>Gerakan Peduli Perempuan (Women’s Care Movement)</td>
</tr>
<tr>
<td>HTI</td>
<td>Hizbut Tahrir Indonesia</td>
</tr>
<tr>
<td>HWDI</td>
<td>Himpunan Wanita Disabilitas Indonesia (Indonesian Association for Women with Disabilities)</td>
</tr>
<tr>
<td>IAIN</td>
<td>Institut Agama Islam Negeri (State Institute of Islamic Studies)</td>
</tr>
<tr>
<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
</tr>
<tr>
<td>IDWF</td>
<td>International Domestic Workers Federation</td>
</tr>
<tr>
<td>IDWN</td>
<td>International Domestic Workers Network</td>
</tr>
<tr>
<td>IKIP</td>
<td>Institut Keguruan Ilmu Pendidikan (Institute of Teacher Training and Pedagogy)</td>
</tr>
<tr>
<td>ILO</td>
<td>International Labour Organization</td>
</tr>
<tr>
<td>INPRES</td>
<td>Instruksi Presiden (Presidential Instruction)</td>
</tr>
<tr>
<td>ISC</td>
<td>Integrated Service Centres</td>
</tr>
<tr>
<td>IWRAW-AP</td>
<td>International Women’s Rights Action Watch—Asia Pacific</td>
</tr>
<tr>
<td>JAKERLA</td>
<td>Jaringan Kerja Layak (Decent Work Network)</td>
</tr>
<tr>
<td>JAKERLA PRT</td>
<td>Jaringan Kerja Layak Pekerja Rumah Tangga (Domestic Workers’ Decent Work Network)</td>
</tr>
</tbody>
</table>
JALA PRT  Jaringan Advokasi Nasional Perlindungan Pekerja Rumah Tangga (National Advocacy Network for the Protection of Domestic Workers)

JANGKA PKTP  Jaringan Advokasi Kebijakan Penghapusan Kekerasan Terhadap Perempuan (National Advocacy Network for the Elimination of Violence against Women)

JANGKAR  Jaringan kerja untuk advokasi penghapusan kekerasan dalam rumah tangga (Advocacy Network to Eradicate Domestic Violence)

JARAK  Jaringan Penghapusan Pekerja Anak (Network to Eliminate Child Labour)

JARI PPTKILN  Jaringan Advokasi Revisi UU No.39 tahun 2004 tentang Penempatan dan Perlindungan Tenaga Kerja Indonesia di Luar Negeri (Indonesian Advocacy Network for the Revision of the Protection and Placement of Indonesian Workers Abroad Bill)

JBM  Jaringan Buruh Migran (Migrant Workers’ Network)

JKAPRT  Jaringan Komite Aksi Pekerja Rumah Tangga (Action Network Committee on Domestic Workers)

JKP3  Jaringan Kerja Prolegnas Pro Perempuan (Pro-Women National Legislative Programme Network)

KAPRTBM  Komite Aksi Pekerja Rumah Tangga dan Buruh Migran (Action Committee on Domestic and Migrant Workers)

KOHATI  Korps HMIwati (Indonesian Student Association Women’s Corps)

KOMNAS PEREMPUAN  Komisi Nasional Anti Kekerasan Terhadap Perempuan (National Commission for Violence Against Women)

KOPRI  Korps PMIIwati (Indonesian Movement of Islamic Students Women’s Corps)

KOSLATA  Kelompok Studi Lingkungan dan Pariwisata (Environment and Tourism Study Group)

KOWANI  Kongres Wanita Indonesia (Indonesian Women’s Congress)

KPI  Koalisi Perempuan Indonesia (for Keadilan dan Demokrasi) (Indonesian Women’s Coalition for Justice and Democracy)

KPP&PA  Kementerian Pemberdayaan Perempuan dan Perlindungan Anak (Ministry of Women’s Empowerment and Child Protection)

KPPD  Komite Perempuan Pro Demokrasi (Women’s Pro-Democracy Committee)

KSBSI  Konfederasi Serikat Buruh Seluruh Indonesia (Confederation of Labour Unions Across Indonesia)

KSPI  Konfederasi Serikat Pekerja Indonesia (Confederation of Indonesian Trade Unions)

KSPSI  Konfederasi Serikat Pekerja Seluruh Indonesia (Confederation of Trade Unions Across Indonesia)

LARD  Lembaga Advokasi Rakyat untuk Demokrasi (The People’s Advocacy Institute for Democracy)

LBH  Lembaga Bantuan Kukum (Legal Aid Service Jakarta)

LBH APIK  Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia untuk Keadilan (Women’s Association for Justice and Legal Aid)

LBHI  Yayasan Lembaga Bantuan Hukum Indonesia (Indonesian Legal Aid Foundation)

LGBTI  Lesbian, Gay, Bisexual and Transgender and Interseks (Lesbian, Gay, Bisexual, Transgender and Intersex)

LKAAM  Lembaga Karapatan Adat Alam Minangkabau (Minangkabau Traditional Customs Organization)

LLB  Laki-Laki Baru (New Men)

LPA  Lembaga Perlindungan Anak (Children’s Crisis Centre)

LP2M  Lembaga Pemberdayaan Perempuan dan Masyarakat (Institute for Women’s and Community Empowerment)

LPSDM  Lembaga Pegembangan Sumber Daya Mitra (Partners’ Resource Development Organization)

LPKP  Lembaga Pengkajian Kemasarakanat dan Pembangunan (Research Institute for Communities and Development)

MoU  Memorandum of Understanding

MUI  Majelis Ulama Indonesia (Indonesian Council of Ulama)

MWSC  Muhammadiyah Women’s Study Centre

NGO  Non-governmental organization

NTB  Nusa Tenggara Barat (West Nusa Tenggara)

NU  Nahdatul Ulama

NW  Nahdlatul Wathan
Summary

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

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

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

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

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

The key findings include the following.

• The process for policy change is political and comprises negotiations among state actors, women’s organizations and other civil society organizations, including religious and customary ones.

• Women’s organizations are crucial in order to initiate gender equality policy change processes. The presence of the women’s movements and the strength of their mobilization lead to successful outcomes, as in case of the mobilizations to end violence against women.
The state is not a single entity. State actors are very diverse in terms of interests and priorities, which differ across political parties, within political parties and across governance levels.

The nature of the policy issue matters as it affects the degree of (i) solidarity among women’s organizations and (ii) of the support/resistance from civil society and the state.

The authors work at Consultancy, Research and Education for Social Transformation (SCN-CREST), Indonesia. Sri Wiyanti Eddyono is Research Fellow, Estu Fanani is Associate (Women's Rights, Research), Dini Anitasari Sabaniah is Associate (Training, Research), Yurra Maurice is Secretary, Haiziah Ghazali, a collaborative researcher (Environmental and gender) Juni Warlif is Associate (Research Advocacy), Sisillia Velayati, a collaborative researcher (children rights) and Farha Ciciek is Associate (Gender, Religion, Research).
Research Team
The Semarak Cerlang Nusa, Consultancy, Research and Social Transformation (SCN-CREST) conducted the country study in Indonesia in collaboration with UNRISD.

Research Coordinator: Sri Wiyanti Eddyono
Research team in Jakarta: Sri Wiyanti Eddyono, Yurra Maurice, Estu Fanani
Research team in the Province of West Nusa Tenggara and the District of East Lombok: Dini Anitasari Sabaniah, Haiziah Ghazali
Research team in the Province of West Sumatra and the District of West Pasaman: Estu Fanani, Juni Warlif
Research team in the Province of East Java and the District of Jember: Farha Ciciek, Sisillia Velayati

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

SCN-CREST Research Team
7 December 2015