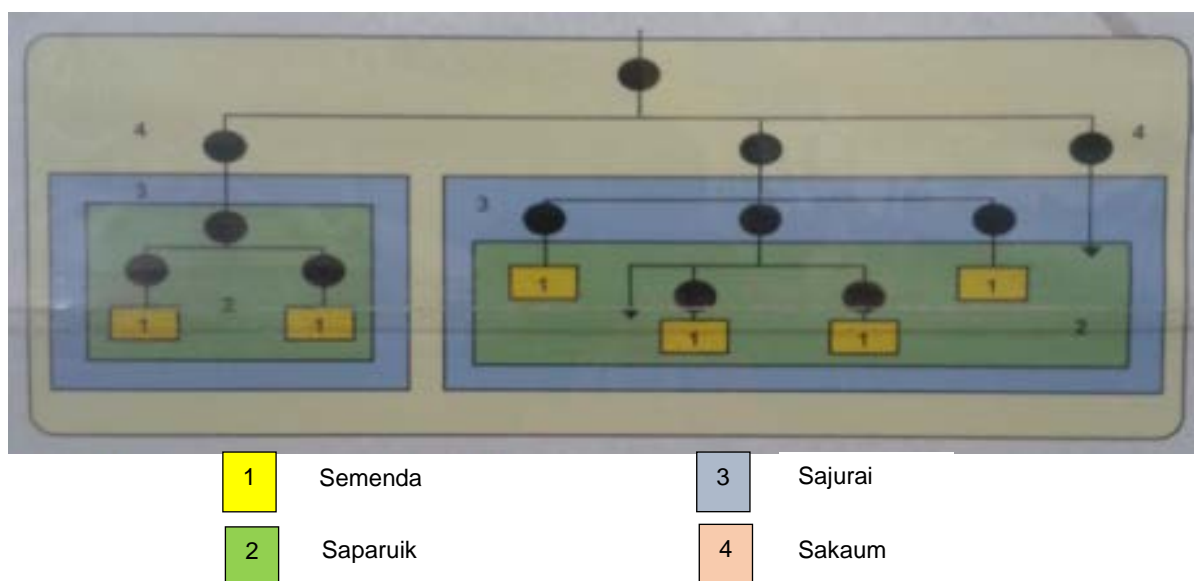


Appendix 1

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

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

Figure 1 - Structure of a Minangkabau Clan



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

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

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

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

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

Sexual Violence

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

Domestic Violence

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

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

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

Limitations in applying the customary law

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

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

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

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

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

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

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

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

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

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

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

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

Appendix II

List of respondents and organizations

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

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

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

West Nusa Tenggara Province

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

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

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

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

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