

Teenage suicide puts spotlight on Indonesia's sexist laws

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A suicide in Indonesia's northernmost province of Aceh by a teenager who was publicly humiliated by the province's abusive sharia police has again put the spotlight on laws that discriminate against women.

The 16-year-old, identified only as Putri or PE, was arrested along with friends during a raid by Wilayatul Hisbah (sharia) police while attending a concert in the eastern Acehnese town of Langsa on September 3. While the circumstances of the arrest are unclear, sharia police harangued her in public for allegedly engaging in prostitution. No charges were laid, and she was released on bail to her family. The following day the story was picked up by local media outlets, some of which identified her by her full name and repeated the sharia police's allegations that she was a prostitute.

Putri's body was found hanged in her home in Langsa on September 6. In a suicide note addressed to her father, she begged forgiveness for the shame she had brought upon him and other family members but swore that she had never "sold herself" as alleged by sharia police.

Women's rights activists have condemned the incident. "It is deplorable that such a tragedy should happen and we demand the state takes responsibility. We have been repeatedly reminding the government to immediately annul discriminatory policies based on religion and morality", National Commission on Violence Against Women (Komnas Perempuan) commissioner Andy Yentriyani told the Jakarta Globe on September 15, adding that Putri is not the first person to fall victim to such laws and take their own life.

In 2007 Lilis Lisdawati was arrested in Tangerang, Banten province, and charged with prostitution for being out alone at night while returning from work. She was denied access to justice and a chance to clear her name and as a result was unable to get her job back. The stigma led to severe depression, and she eventually took her own life.

Uphill battle

According to Komnas Perempuan, the number of discriminatory by-laws is on the rise despite efforts to repeal them. "Removing discriminatory policies against women is a slow process. Let's say we're currently trying to repeal one bylaw. While we're doing that, several other new anti-women bylaws spring up. So it's really an uphill battle", Komnas Perempuan commissioner Andy Yentriyani told the *Jakarta Post* on September 14.

As of August, Komnas Perempuan said it had found 282 local government by-laws and policies across the country that discriminate against women, mostly in the name of religion and morality. In 2009 there were 154 by-laws that negatively affected the constitutional rights of women, which jumped to 189 in 2010 and 207 in 2011. Of these, 96 criminalise women through regulations related to prostitution and pornography, another 60 dictate a woman's mode of dress and religious expression, 38 infringe on women's rights to freedom of movement by imposing a curfew on them unless they are accompanied by a male relative, and seven discriminate against women exercising their right to seek employment overseas.

The laws are spread across hundreds of regencies in 28 provinces. West Java, West Sumatra, South Kalimantan, South Sulawesi, West Nusa Tenggara and East Java have the highest tally of sexist regulations. Komnas Perempuan said this coincides with a six-fold increase in cases of violence against women between 2007 and 2011.

Aceh in particular has become notorious for its use of sharia law, with 15 gender-discriminatory by-laws that are enforced through violent and coercive methods. "They include punching, being bathed with sewage water, public parading, destruction of property, evictions and cases in which couples, regardless of age, were forced into marriage for public displays of affection", Yentriyani told the Post. Komnas Perempuan recorded 46 of these types of punishments in 2011, which Acehese leaders justify on the grounds of regional autonomy.

Yentriyani said that regional autonomy cannot be used as an argument for ignoring citizens' basic rights as enshrined in the 1945 constitution, whose Article 27 guarantees persons equal standing before the law regardless of gender.

Policing morality

Aceh adopted partial sharia law in 2001 as part of a special autonomy package introduced by the government of former President Megawati Sukarnoputri. The move was widely seen as an attempt to garner support from Aceh's religious elite to counter the rising tide of separatism.

Following the earthquake and tsunami that devastated the province in 2004, and the Helsinki peace agreement between the armed separatist Free Aceh Movement and Jakarta in 2005, the movement's leaders initially indicated that they would repeal sharia law. But after they transformed themselves into the Aceh Party and won a landslide victory in the 2009 elections, the new Aceh government quietly dropped the issue and has since supported the spread of such laws. All five candidates in the Aceh gubernatorial elections in March campaigned for wider enforcement of Islamic values through sharia law and a greater role for Islamic clerics in government affairs.

Two sharia laws in particular violate rights and are often enforced abusively: those prohibiting "seclusion" and imposing public dress requirements. The "seclusion" law makes association by unmarried individuals of the opposite sex a criminal offence, and the law on Islamic attire requires Muslim women to cover the entire body, except for hands, feet and face, meaning that they are obligated to wear the *jilbab* (Islamic headscarf).

People accused of violating Aceh's sharia laws are tried in sharia courts, which are authorised to impose judgments and administer sentences that are typically executed after Friday prayers outside mosques. Most of the punishments involve public whippings.

According to Feri Kusuma from the Commission for Missing Persons and Victims of Violence, sharia law in Aceh is prone to abuse and never applied equally to all residents. Kusuma told the *Post* that

regular Aceh police and Indonesian military (TNI) troops often tag along with sharia police on raids to ensure their peers are not arrested. “As a result, not a single police officer or TNI member has ever been whipped”, said Kusuma.

The laws are rarely applied to politically connected individuals or corrupt officials. The wealthy can easily circumvent the seclusion laws in the security of four-star hotels, and the TNI own and run discrete motel-style hotels where, for a price, unmarried couples can “associate” without fear of being disturbed by the sharia police.

Komnas Perempuan has also called on the government to revise or repeal a slew of other national laws and decrees that conflict with the UN Convention on the Elimination of All Forms of Discrimination Against Women, which Indonesia ratified in 1984. These include the law on domestic violence, the law on human trafficking, the law on citizenship, the law on marriage, the controversial 2008 anti-pornography law and a recently issued Health Ministry decree on female circumcision that legitimises genital mutilation on religious grounds.

Religious card

The call is unlikely to get much of a hearing from the government. President Susilo Bambang Yudhoyono and his Democrat Party’s fractious ruling coalition depend on the support of a cabal of Islamic-based parties, including the conservative United Development Party and the Justice and Prosperity Party, both of which have been pushing for an expansion of sharia-based laws. Although they rarely express it openly for fear of alienating broader layers of the public, both seek the establishment of an Islamic caliphate.

With public dissatisfaction against the government consistently polling at around 70-80% and rising voter apathy and abstention in regional elections, almost all the political parties — nationalist and Islamic alike — are pandering to the Islamist and moral-conservative vote to prop up flagging electoral support. Political parties across the spectrum play the religious card by pledging to pass sharia-based by-laws, place restrictions on places of worship or ban “deviant” religious sects in exchange for votes.

In August home affairs minister Gamawan Fauzi said the ministry had recommended that local administrations repeal 824 by-laws considered to be flawed and contrary to national laws. Most of these, however, concern local government levies that have been subject to complaints from business. Although he admitted that religious by-laws were also on the list, Fauzi has argued in the past that such laws are line with the authority granted under regional autonomy and would not be repealed.

The 2004 Regional Autonomy Law, however, clearly states that that religion is the jurisdiction of the central government, with Article 28 of the law forbidding regions from taking decisions that discriminate against any citizen.

The only time the government has raised objections to Aceh’s sharia-based laws was in 2009, when the Aceh Legislative Council proposed the enactment of a by-law that would allow adulterers to be stoned to death, which was seen as potentially damaging in the eyes of overseas investors.

By James Balowski, in Jakarta

P.S.

* Direct Action — September 26, 2012.

http://directaction.org.au/teenage_suicide_puts_spotlight_on_indonesia_s_sexist_laws

* For the latest news and information on Indonesia, visit the Asia Pacific Solidarity Network website at www.asia-pacific-solidarity.net/