Women and Sharia Law in Northern Indonesia

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This book examines the life of women in the Indonesian province of Aceh, where Islamic law was introduced in 1999. It outlines how women have had to face the formalization of conservative understandings of sharia law in regulations and new state institutions over the last decade or so, how they have responded to this, forming non-governmental organizations (NGOs) that have shaped local discourse on women's rights, equality and status in Islam, and how these NGOs have strategized, demanded reform and enabled Acehnese women to take active roles in influencing the processes of democratization and Islamization that are shaping the province. The book shows that although the formal introduction of Islamic law in Aceh has placed restrictions on women's freedom, paradoxically it has not prevented them from engaging in public life. It argues that the democratization of Indonesia, which allowed Islamization to occur, continues to act as an important factor shaping Islamization's current trajectory; that the introduction of Islamic law has motivated women's NGOs and other elements of civil society to become more involved in wider discussions about the future of sharia in Aceh; and that Indonesia's recent decentralization policy and growing local Islamism have enabled the emergence of different religious and local adat practices, which do not necessarily correspond to overall national trends.

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Series Editor's foreword

The contributions of women to the social, political and economic transformations occurring in the Asian region are legion. Women have served as leaders of nations, communities, workplaces, activist groups and families. Asian women have joined with others to participate in fomenting change at micro and macro levels. They have been both agents and targets of national and international interventions in social policy. In the performance of these myriad roles women have forged new and modern gendered identities that are recognisably global and local. Their experiences are rich, diverse and instructive. The books in this series testify to the central role women play in creating the new Asia and re-creating Asian womanhood. Moreover, these books reveal the resilience and inventiveness of women around the Asian region in the face of entrenched and evolving patriarchal social norms.

Scholars publishing in this series demonstrate a commitment to promoting the productive conversation between Gender Studies and Asian Studies. The need to understand the diversity of experiences of femininity and womanhood around the world increases inexorably as globalization proceeds apace. Lessons from the experiences of Asian women present us with fresh opportunities for building new possibilities for women's progress the world over.

The Asian Studies Association of Australia (ASAA) sponsors this publication series as part of its on-going commitment to promoting knowledge about women in Asia. In particular, the ASAA Women's Forum provides the intellectual vigour and enthusiasm that maintains the Women in Asia Series (WIAS). The aim of the series, since its inception in 1990, is to promote knowledge about women in Asia to both academic and general audiences. To this end, WIAS books draw on a wide range of disciplines including anthropology, sociology, political science, cultural studies, media studies, literature and history. The series prides itself on being an outlet for cutting-edge research conducted by recent PhD graduates and postdoctoral fellows from throughout the region.

The series could not function without the generous professional advice provided by many anonymous readers. Moreover, the wise counsel provided by Peter Sowden at Routledge is invaluable. WIAS, its authors and the ASAA are very grateful to these people for their expert work.

Lenore Lyons (The University of Sydney)
Series Editor

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Introduction

Background

A photo that circulated in September 2005 in local and national media of an Acehnese woman giving her non-Acehnese military boyfriend a passionate open-mouthed kiss in front of a battalion of the Indonesian army getting ready to leave the war-torn province following the peace agreement with the Free Aceh Movement (GAM) shocked Acehnese men and women (*Tempo interaktif* 2005). The Acehnese were in disbelief, wondering what could have gone wrong with a fellow Acehnese Muslim woman to violate the strong religious principle of not showing affection or being in close proximity with the opposite sex. To many Acehnese, the incident was a disgrace to Aceh's *adat* and the Islamic tradition that they strongly uphold. The authorities were upset that the woman violated and undermined the sharia law that has been formalized since 2002. For many Indonesians, who live outside Aceh, we wondered how many lashes the couple would get for violating the law. Fortunately, they escaped the rattan cane.

This incident provided an opening for sharia activists to push the local government to implement sharia law more seriously. They also demanded that the government not discriminate between anyone who violates the law. They believe that total implementation of Islamic law would save Acehnese women from any further wrongdoing. This incident legitimizes the spirit of the sharia activists that women should be the central focus in their attempt to Islamize society.

This book is about the lived experiences of Acehnese women in the Indonesian province of Aceh who live under Islamic law. The enforcement of Islamic law has subjected women's sexuality, bodies and religiosity. The Acehnese women respond to it by mobilizing for change, shaping local discourse on women's equality and status, promoting equality, women's civil and political rights and demanding law reform within an Islamic framework. The arrival of international development agencies, foreign and national NGOs has helped Acehnese women to become familiar with Western/international feminist discourse on gender equality, women's civil and political rights and social justice. With Islam and tradition strongly entrenched in the identity of Acehnese women, they insist on the need to reread and reinterpret the sources

of Islamic law in reforming Islamic law. Acehnese women talk about equality and their rights in Islam, learn about women's role in the history of Aceh, discuss, debate and argue, making equality and women's rights in Islam their daily conversation.

Acehnese women are not alone. Along with many other Indonesian women, their behaviour and sexuality have increasingly been targeted by those who want to revive Islamic values. Islamic political parties and other Muslim groups established after the 1998 *Reformasi* are at work with the agenda of returning the society back to Islam. In this project, Muslim politics put women's bodies, status and roles subject to the contestation of what is right and wrong according to Islam. The decentralization policy introduced by the Indonesian government in 1999 provides regional authorities with the power to introduce regulation that is inspired by religion, in particular Islam. A number of provinces and districts around Indonesia have enacted religiously inspired regional regulations or PERDA (Peraturan Daerah) *syari'at*. Up to 2008, about 52 out of 470 districts and municipalities enacted 78 religious regulations or PERDA (Bush 2008, 176). The desire to promote *adat* (local customs) and the idea to return to Islam are the key source of values believed to be behind the formation of social norms implemented into PERDA. This religiously inspired PERDA regulate public morality to diminish social problems, from prostitution, gambling and alcohol consumption to the regulation of women's behaviour and what women can and cannot wear. In some cases, they also regulate sexual mores.[1] Sadly, it is only when Indonesia democratizes that women are being criminalized for not following Islamic dress code.

Indonesian women use various means to challenge this. They use democratic openings to engage in political and social activism to express their political views.[2] Indonesia's cultural and social structure still places constraints on women to participate in formal politics such as being elected to political office. In the last three democratic general elections, in 1999, 2004 and 2009, women's representation in the parliament has remained at around 16–18 per cent, while the number of women voters is counted to be around 51 per cent of the total voters. Women then use various alternatives by organizing into social movements to express their socio-religious and political views. They get involved in various efforts from religious organizations to many other forms of voluntary organizations aimed at transforming society, from the grassroots to those at higher levels of society.

Politicians and male religious authority figures use Islam to justify the attempts to limit women's freedom and status. This has prompted Muslim women take the initiative to promote the need to have more gender-sensitive reinterpretations of Islamic texts. Muslim women's groups and other Muslim organizations at the national level developed connections with international feminist groups, as well as receiving support from Western sources and building alliances with modernist Muslim men scholars since the 1990s. They build alliances with male Muslim reformists to pioneer the discourse on the need to

contextualize Islamic texts and emphasize their egalitarian messages (Bowen 1998, 2003; Feener 2007; Robinson 2007). These male and female Muslim reformists are educated in *pesantren*[3] or traditional Islamic educational institutions and received higher education from the modernized State Institute of Islamic Studies or IAIN system, giving them religious credentials to reform Islamic teachings.[4]

It is thus tempting to see similar developments that have occurred at the local level, which is in Aceh, where Islamic law is formalized into the regional regulation. This book will show how Muslim women and male Muslim reformists at the local level are moved and influenced by the movements at the national level. This book in particular addresses the following specific research question. First, how Acehnese women respond to the implementation of Islamic law. Second, how women activists understand their status in Aceh's culture and how they perceive the gender relations in Aceh's society. Third, it questions how religious Acehnese women activists reconcile their understanding of gender equality and women's rights with those of Western/international values. This book does not aim to examine the attempts by Islamic jurists in Aceh to shape Islamic legal doctrine, as it is not intended to show the development of Islamic jurisprudence. It is, however, an initial attempt to identify how women activists of local women's NGOs in Aceh have responded to the formalization of Islamic law and how they mobilize for change.

Conceptual framework

The lived experience of women living under Islamic law has prompted women to mobilize for change. Women use the available social, religious and political opportunities to promote changes and advance women's interests in society. The implementation of Islamic law that occurs along with the political reform has significantly affected the way women respond to sharia law. Islamic law has negatively affected women's mobility; however, this book will show that women are able to find ways to actively promote change. Discrimination, humiliation and marginalization do not stop women from finding avenues to promote policy changes and transform the religious society by making these subjects part of their conversations.

One of the aims of this book is to show that women's participation in public cannot be seen just from their participation in formal politics, such as involvement in political parties or in the bureaucracy. In studying women and politics, as Waylen suggests (1996a, 7–8), we should consider three things. First, 'politics does not have the same impact on women as it does on men', because women are considered to belong to domestic sphere and therefore out of way of state interference. Second, the political process often affects gender relations. Third, women often participate as political subjects in political activity in different ways to men.

Many of us who are not Acehnese may quickly take pity on the Acehnese women's lived experience. We hear stories of women being humiliated in

public for not wearing proper Muslim dress or for being in close proximity with the opposite sex on a regular basis, which may lead some of us to think how powerless Acehnese women are. The question we should ask then is how Acehnese women react to these practices and what avenues women use to stop the practices. Indonesians have long believed in the bravery of Acehnese women, with national heroines such as Tjut Nyak Dien who fought against Dutch colonial occupation.

The Acehnese have not just been silent victims of sharia law. Siapno's (2002, x) ethnographic work during the military conflict, which focused on rural Acehnese women, provides evidence that rural Acehnese women, despite the depiction of being powerless and victimized, have, in fact, formulated 'their agency in a complex interplay of indigenous matrifocality, Islamic beliefs, practices and state violence'. This demonstrates that Acehnese rural and poor women were able to show 'women's political subjectivity by creating spaces beyond conventional and institutional practices of doing politics' even when spaces for them were limited. The Acehnese are widely perceived as pious and strong believers of Islam. The question is how, as Muslim believers, Acehnese women deal with and challenge the restrictions and limitations imposed on them, which are said to be derived from Islamic teachings.

Scholars working on women and politics in the Third World have reminded us of the need to acknowledge that women should not be seen as homogeneous and unitary or that they experience a common oppression thus seeing them as passive victims (Waylen 1996b). Likewise, seeing Third World women as different to women in the First World, mainly because they are non-Western, will result in ignoring the agency of Third World women. This is in line with what Mohanty (1991, 56) has suggested, namely that Third World women do not tend to be seen as agents of their own destiny, but as victims.

I reflect on Saba Mahmood's work (2005) in looking at women's piety movements in Egypt. She offers a different way to understand women's agency in a society that imposes oppressive regulations derived from Islam against women. Mahmood does not see the absence of resistance to oppressive norms as an absence of agency. Looking at women in the mosque movement in Egypt, women's activities have in fact a profoundly transformative effect in the social and political field. The activities of the Acehnese, as this book shows, reveal how women engage with the state and the religious authority in making their attempt to create change while maintaining their religiosity.

Gender and politics

The study of women and their political participation has not received enough attention, especially within political science literature (Waylen 1996; Afshar 1996; Beckwith 2000; Jacquette 2001). This is because women's political participation is considered 'marginal or non-existent', partly due

to the minimal role that women have played in political leadership or in the established political institutions, and also because political parties, legislatures and executives are dominated by men, which pushed women to confine themselves to the private or domestic spheres (Afshar 1996, 1; Waylen 1996, 7).[5] However, political decentralization has paved the way for more activism and participation of women, as politics becomes more diffuse, allowing new forms of participation. From Latin America to the Middle East, women mobilize to promote social and political changes (Alvarez 1990; Basu 2010).

Women's increased mobilization and activism have shifted the focus within the study of women and politics from focusing only on women's political behavior in conventional politics such as women's voting behavior and their participation in formal politics, to women's engagement in community actions, social movements and other forms of mobilized struggles (Beckwith 2000, 431). This shift happens, according to Beckwith, because women are increasingly more active in public spaces. Studies of women and politics have begun to give more emphasis to women's movements, women's activism in NGOs and women's mobilization. Studies of political democratization in Latin America, for example, demonstrate how women's movements play significant roles during the initial breakdown of authoritarian regimes, through to the process of democratic consolidation (Alvarez 1990). Likewise, Waylen (1994, 328) discussed how popular movements including women's movements play an important role in the transition to democracy.

Women can act either on an individual basis or by joining a movement or organization to exercise their political participation. Women's movements and the vitality of women's NGOs are important components in the process of democratization (Jacquette 2001). The presence of women's movements and women's organizations is one indicator of how democratic transition has progressed. The trajectory of women's movements and women's organizations are important indicators of how well the institutions are working on the ground so that women's political participation affects democracy and gender analysis can contribute to a deeper understanding of democratic transitions (Jacquette 2001, 111).

Based on this conceptual understanding, I frame my book as a study of women and political participation by looking at women's activism within women's movements and women's organizations or NGOs. The implementation of Islamic law in Aceh is the product of political process, and the way it is implemented will therefore relate to local and national politics. This, in turn, also affects women and gender relations. What makes the implementation of Islamic law in Aceh unique is that the implementation occurs within the wider framework of Indonesia's democratization. This is not found in other places where the implementation of Islamic law is often applied by authoritarian administrations or where no democratic mechanisms are available. Acehnese women mobilize into women's movements and work with women's NGOs to exercise their agency in the public sphere.

Women's movements and women's NGOs

Literature on women's movements has acknowledged the difficulty of strictly defining what should be considered to be 'women's movements'. Ferree and Mueller (2004, 577), for example, define women's movements as a process of women's mobilization based on appeals to women both as a constituency and as an organization. Women's movements bring women's political activities to empower women to challenge limitations to their roles, and create networks among women that enhance women's ability to recognize existing gender relations as oppressive and in need of change. Women's movements are far-reaching expressions of women's agency and activisms and they are defined by their constituencies, that is women, and address a variety of goals (Basu 2010, 4). Women's movements are in many ways inspired by feminist movements whose goals are to challenge gender equality, but different in a way that the constituents of the movements can also include men (Krook 2012, 4)

Women's movements in the late twentieth century are categorized as 'fluid, diverse, fragmented, sporadic, issue-oriented and autonomous, employing different ideological thought and strategies' (Gandhi and Shah cited in Bystydzienski and Sekhon 1999, 11). Women's movements encompass a great variety of organizations from women's NGOs to other groups or actions, many of which 'emerge in response to the needs of and are firmly anchored in local communities'. Likewise, Margolis (1993, 379) argued that every women's movement follows a distinctive course, developing its unique agenda in response to local circumstances.

There has been academic discussion on the difference of women's movements and women's organizations or NGOs. Based on her observations in Latin American countries, Alvarez (1999, 185–186) differentiates NGOs from women's movements. According to her, NGOs are run by specialized, paid and professional staff, with only a small number of volunteers. In terms of funding, NGOs obtain the support of international or national donors. They engage in pragmatic and strategic planning which aims to influence public policy. Unlike NGOs, women's movements are largely made up of volunteers, who are sporadic participants rather than 'staff'. They also have more informal organizational structures and operate on smaller budgets. Women's movements and their actions are guided by 'more loosely defined, conjectural goals or objectives'. Based on this discussion, I categorize women's movements in Aceh as encompassing all kinds of women's activism, including activities of women's Muslim organizations, women's NGOs and women members of religious groups, whose work and interests centre on promoting human rights and women's rights.

There have been a number of scholarly works that have discussed the roles of NGOs in the process of democratization in Indonesia (Eldridge 1989, 1995, 2005; Hadiwinata 2002; Aspinall 2009). This literature, however, lacks information on the role of Muslim women's organizations in particular. Women scholars such as Susan Blackburn, Saskia Wierenga, Kathryn Robinson, Rachel Rinaldo, Suzanne Brenner and Elizabeth Martyn, have, however, sought to fill this gap. Blackburn (2004, 2) mentioned a tendency to

overlook the role of women's NGOs in the literature of political democratization, which may be because women's organizations are seen as unrepresentative. That is, it is not clear which women are being represented by women's NGOs, and whose interests women's movements represent. This view derives from understanding that women have different gender interests due to differences in ethnicity, class and religion (Cooke 2000). Despite being perceived as unrepresentative, and despite their limitations, women's NGOs should be considered important because they provide insights into the perceptions and feelings of certain groups of people (Blackburn 2004, 2).

Studies on Indonesia's women's movements and women's NGOs mostly look at the activities of women's organizations based in Java or in Jakarta (Martyn 2005; Rinaldo 2002). Martyn (2005, 13) fears that the tendency to focus only on national-based women's organizations can create 'an elite and Java/Jakarta bias' in understanding women's movements in Indonesia. She is concerned that these studies are then used as a model to characterize women's NGOs' experiences across the country, while women's voices and experiences in other regions of Indonesia are silenced or neglected. It is for this reason that this book seeks to examine the emergence and development of women's movements and activities of women's NGOs in Aceh. Given Aceh's history, and its position within the history of Indonesia's nation-building, the development of Aceh NGOs should be scrutinized.

Local women's NGOs are not only present in Aceh, but also in places like Jakarta, Tangerang regency in Banten province, Cianjur and Tasikmalaya in West Java and in Sulawesi, Kalimantan and Sumatra, where norms derived from Islamic law have been introduced as local regulations or PERDA. However, Aceh has been the only place where local women's NGOs have received such extensive support from both national and international networks, allowing massive interaction between the local and international NGOs.

Islam, militarism, economic exploitation, violence and the recent natural disasters have all had significant impacts on women's lives in Aceh. This has generated a sympathetic response from both national and international communities to local women's NGOs. The failure of the state's structure following the massive loss of its officials because of the tsunami on 26 December 2004 is another factor that has prompted donors and international organizations to work with local NGOs to deliver services and humanitarian assistance. Zuckerman and Greenberg (2004, 76) observe that in post-conflict areas there is a need to guarantee that:

Within the process of transition women are given the right to participate in policy making and resource allocation, to benefit equally from public and private resources and services and to build gender-equitable society for lasting peace and prosperity.

Post-conflict rehabilitation, post-tsunami reconstruction and the implementation of Islamic law created a favourable environment for the proliferation of NGOs in Aceh, which then led to the establishment of women's movements.

The Media Center Aceh (Aliansi Jurnalis Aceh) reports that around 225 national/local organizations or NGOs have been established since April 2005. Other than these local NGOs, about 326 international NGOs came and worked in post-tsunami Aceh. This proliferation of NGOs has led many Acehnese to believe that Aceh is experiencing an 'NGO-ization' of society alongside '*syari'ah*-ization'. Almost 70 per cent of these NGOs are reported to work on issues related to women.

This book contributes to the debate within the literature assessing the work of NGOs. Edwards and Hulme (1996) describe NGOs as a 'magic bullet' within the development process. However, recent literature on NGOs has begun to question whether NGOs really represent the interests of the grassroots when they act as lobby groups to influence public policy. This debate emerges from NGOs' failures to address the needs of the people in various places. Critics believe that NGOs have increasingly moved towards extending the agenda of capitalism, through Western donors and international organizations (DeMars 2005). Hamami (2000, 27) for example, explains that NGOs in the Gaza Strip have failed to play a role as catalysts of social change since they failed to challenge the continued 'Arafatization' of Palestinian political life and have been unable to mount a single sustained campaign against expanding Israeli control over Palestinian land. As a result, Hamami argues that these NGOs are merely seen as 'fat-cats' that exploit donor funds for their own enrichment, at the cost of an increasingly destitute population. In another region, Helms (2003) demonstrates that the work of local women's NGOs in post-conflict Bosnia have been controlled by their donors' interests. Women's NGOs in Bosnia have been unable to carry out programmes based on their own assessments of the needs of the Bosnian people. According to Helms, although donors claim to be promoting a diverse and healthy civil society for Bosnia, they actually introduce local women's NGOs to new values that do not always resonate with local needs. This hampers the work of local women's NGOs to fulfil the needs and expectation of the local people. This is because in Bosnia, Helms further argues, international donors force their own formula on gender discourse by excluding the indigenous, religious and ethnic identities of the local women. Similar cases have been seen in other post-conflict crises. In Afghanistan, for example, local women's NGOs that partner with international NGOs are forced to practise 'template' solutions that fail to take into account the local social and cultural contexts (Barakat and Wardell 2002, 910).

These discussions reinforce the argument that in many places local women's NGOs are confined by the interests of their donors, leading to a failure of NGOs to address the interests and problems of their societies. This can be understood, as local NGOs are challenged by the need to maintain non-profit status but, on the other hand, have to gain financial support in order to run their offices. They cannot rely on keeping their work voluntary, since they are also increasingly forced to be professional and accountable.

Given the matters discussed above, this book also consider how the study of local women's NGOs' responses to the implementation of Islamic law can