CONTESTING *PERDA* SHARIA AND WOMEN'S SECURITY IN INDONESIA

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Abstract

Isu women'security pertama kali muncul ketika PBB mengangkat isu tentang human security. Di Indonesia, isu women's security menjadi perdebatan ketika banyak daerah di Indonesia menerapkan Perda Syariah (PS). Para pendukung Perda syariah berargumen bahwa Perda Syariah akan meningkatkan keamanan perempuan karena mencerminkan nilai-nilai agama yang memberi penghormatan dan perlindungan bagi perempuan. Sedangkan para penentang perda syariah menganggap bahwa Perda Sya-riah telah mengancam keamanan mereka.

Tulisan ini menjelaskan tentang dinamika sosial, agama dan politik dari pelaksanaan Perda Syariah, dan bagaimana pengaruhnya terhadap hak-hak perempuan dan keamanan perempuan (women's security).Penelitian ini juga membahas definisi keamanan perempuan berdasarkan pengalaman dan pendapat perempuan. Penelitian inimenggunakan metode kualitatif dengan melakukan wawancara mendalam, focus group discussion, dan analisis dokumen, serta pendekatan studi kasus. Studi kasus dilakukan di Cianjur, Jawa Barat, dan Bulukumba, Sulawesi Selatan, namun, beberapa wawancara juga dilakukan di Jakarta dan Makassar.

Wacana tentang keamanan sangat erat kaitannya dengan pelaksanaan peraturan tentang jilbab. Penelitian ini menunjukkan bahwa jilbab menjadi isu inti dalam wacana Perda Syariah, dan kewajiban mengenakan jilbab adalah simbol yang paling menonjol dari penerapan Perda Syariah. Sebagian besar informan perempuan berpendapat bahwa mengenakan jilbab membuat mereka merasa lebih aman. Namun, Perda Syariah yang mewajibkan mengenakan jilbab dianggap oleh beberapa informan dapat mengancam keamanan mereka.

Keywords: *Perda syariah, otonomi daerah, keamanan perempuan (Women's security), Human Security, Hak asasi manusia*

Introduction

Indonesia is the country with the biggest Muslim population in the

world, which is about 160 million Muslims or approximately 84%[1] of the total population of Indonesia, however, the Indonesian government has never been dominated by leaders who sought to identify the state with Islam.[2] Nevertheless, the debate about whether Islam and Sharia should be the basis of the national constitution was started on the eve of Indonesian independence. In 1945, Muslim leaders sought to introduce in the preamble of the 1945 Constitution a phrase that would have had the consequence that Muslim citizens should live according to sharia. The preamble later became known as the Jakarta Charter.[3] However, the endeavour was unsuccessful because of strong resistance from secular nationalists, most of whom were Muslim, as well as non-Muslim nationalists.[4] Therefore, many Muslims expressed disappointment, and since then, the aspiration to have Islamic Sharia included in the constitution remains strong and has been expressed from time to time.[5]

In 1985, President Soeharto succeeded in imposing Pancasila as the sole foundation (asas tunggal) of all political parties and social and religious organizations,[6] hence, any endeavour to restore the Jakarta Charter was seen as an attack on the ideological foundation of the state.[7] However, at the end of the 1980s, the Soeharto government was trying to reach a rapprochement with the Islamic community. The president signed Law No. 7 of 1989 on Islamic courts which allowed the formation of ICMI (Association of Indonesian Muslim Intellectuals), headed by Professor B.J. Habibie, a minister in Suharto's government. Since then, the government officials adopted Islamic attributes, and the government involved itself in Islamic issues in a much more positive way. For example, the government supported the building of new mosques and prayer houses, many ministers attended Friday services/prayers in mosques and celebrated the Ramadan rituals, and Muslim women, to some extent, were allowed to wear *jilbab* (head veil) at school and at government offices.

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[1] This data is different with the data that provided by BPS that the number of Muslim in Indonesia is 88% of Indonesian population (BPS 2010)

[2] Porter, 2002

[3] Salim & Azra, 2003

[4] Boland, 1982

[5] Hosen, 2007: 1

[6] Effendy, 2003

[7] Hosen, 2007: 1

The intensive public discussion and debate about women's rights within Islam has emerged since the government passed two laws on regional autonomy in 1999. The primary objective of regional autonomy was to give the regions more authority and resources to manage their own development and affairs.[8] Through Regional Autonomy Laws No. 22/1999 and 25/1999, which were implemented in 2001, district (*kabupaten*) and municipality (*kota*) governments, have more power to make decisions to manage their region and also allow the people to establish a democratic system with participation of all citizens, including women, to improve social welfare.[9]

Since the implementation of regional autonomy in 2001 there have been 154 regional regulations up to the end of 2009, which refer to Islamic moral teaching that discriminate women's rights.[10] By the end of 2010 the number of discriminatory regulations had increased to 189[11] regulations, and in 2012 National Commission of Women's Protection (*Komnas Perempuan*) noted that there was 282.[12] By the end of 2013 there has been 342 regulations were implemented in 100 districts within 28 provinces which are forcing women to dress in a certain fashion and preventing women from going out at night (*Komnas Perempuan*). These regulations are commonly known as Sharia-influenced Regional Regulation (*Perda Sharia*).

By definition, Sharia-influenced regional regulations, *perda* sharia, are regulations that are created by district governments and use Islamic moral teachings as a reference point. In general, *perda* sharia seeks to manage three aspects of public life: firstly, to eradicate moral and social problems such as prostitution, drinking alcohol and gambling;[13] secondly, to enforce ritual ob-

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[8] Erb, Sulistiyanto & Faucher, 2005

[9] Mulia, 2007

[10] Khusnaeny et al. 2010

[11] However, this number is not specifically about Perda sharia, but also includes 3 regulations on the Ahmadiyah sect, which are also considered discriminatory.

[12] According to the chief of *Komnas Perempuan,* Yuniyanti Chuzaifah, from 282 regulations, 207 is directly discriminate women, 60 regulations obligate women to wear Muslim Clothes [Long sleeve n skirt with head-veil], 96 regulations crimininalised women through anti-prostitution and pornography regulations, 38 regulations restrict women through limit work hour (*jam malam*) (Tri & Haksoro 2012).

[13] Laws against prostitution, gambling and consumption of alcohol operate in many legal systems and are not particular to Islam. However, the implementation of these *Perda* is different because the regulations are made based on religious motivation and using religious justification to express the religiosity.

servances among Muslims such as reading the Qur'an, attendance at Friday prayers and fasting during Ramadan, and thirdly, to govern the way people dress in the public sphere, especially in relation to head-veiling for the women.[14]

Since the implementation of *perda* sharia, many women were detained by the district police because they were considered to have broken the law. For instance, in Tangerang City which implemented Regional Regulation No 8/2005 about the banning of prostitution, the police apprehended eleven women who were suspected of being prostitutes, because of they stood at a bus stop waiting for a bus at night—after 8 pm; others were drinking tea in small cafes, and one of them was staying at a hotel while her husband went out to buy food.[15] There has been no systematic collection of data of the detentions made under *Perda* Sharia.

During the process of implementation of *Perda* Sharia there has been much debate about whether *Perda* Sharia could enhance women's rights. The supporters of *Perda* Sharia argued that *Perda* Sharia would make people, particularly women, feel more secure[16] and then, hence, enhance women's rights and women's security. Whereas, the contra groups argued that *Perda* Sharia would jeopardize women's rights and women's security. However, there are few studies that focus on women's security, especially in the context of the implementations of *Perda* sharia.

Defining Human Security and Women's Security

The debate on the topic of human security and women's security is relatively new and only became a sensitive issue in Indonesia after many districts implemented *Perda Sharia* that sought to regulate how women behave and dress. During the introduction of *Perda Sharia*, one of the topics debated has been women's attire and security. The discourse about women's security has mainly been debated between the supporters and opponents of *Perda Sharia*. Some supporters argue that the *Perda Sharia* enhances women's security, whereas their opponents argue that Perda Sharia creates discrimination

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[14] Bush, 2008; Candraningrum, D. 2006; Salim & Azra, 2003

[15] Soekirno, 2006

[16] The meaning of secure has become key, both as an issue and as discourse, and will be a focus of discussion throughout this article

against women and restricts their freedom, and thus, threatens women's security.

The global discourse about human security has been developed since 1994, when the UN published its *Human Development Report*. In the report, human security as a concept emerged and began to attract academia and government officials' attention. Since then, its slogan 'freedom from fear and freedom from wants' has become popular. Human security refers to a kind of security that does not focus on traditional security, which is concerned first with the entity of the state. Instead, it focuses on the importance of protecting the well-being of the human race—not just the security of one's own people—cutting across distinctions and boundaries of nationality and ethnicity, class and culture, gender and religion. The UN stated that human security covers seven dimensions of security and well-being that are necessary to ensure these freedoms: economic (threats include unemployment, jobs insecurity, income inequality, poverty and homelessness), food (including inadequacy of food availability and food entitlements), health (such as infectious diseases, new viruses, parasitic diseases and respiratory infections), environmental (degradation of air, water, soil and forest), personal (including discrimination, exploitation, crimes and terrorism), community (ethics and communal conflicts) and political (violation of human rights).[17]

In 1999, the Human Security Network (HSN) was formed. The aim of the HSN is '...to energize political process aimed at preventing or solving conflicts and promoting peace and development'. The shifting paradigm, from protecting the state to protecting the people, continues to invite a hot debate among scholars. By focusing on people, human security does not mean that it completely excludes the state, as many human security issues require state action and, in some cases inaction, as well as a serious commitment of the state to protect its people. However, the implementation of *Perda* Shariamight be an example of where state action endangers women's security through regional government regulations that mostly restrict their freedom.

In 2000, at the UN Millennium Summit, the Commission of Human Security was established. Its aim is to address critical and pervasive threats to human security, among others. In 2003, the Commission of Human Securi-

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[17] UNDP, 1994

ty submitted its report, 'Human Security Now', which emphasized:

> ...protecting people from critical and pervasive threats and situations, building on their strengths and aspirations. It also means creating systems that give people the building blocks of survival, dignity and livelihood. Human security connects different types of freedoms: freedom from want, freedom from fear and freedom to take action on one's own behalf. To do this, it offers two general strategies: protection and empowerment.[18]

However, this definition has been criticised by some scholars[19]—particularly those concerned with women's issues—in relation to whether this definition adequately covers women's security.

Further, the concept of security has different meanings in different places and times, and it will have different implications for different people. Tadjbakhsh and Chenoy[20] explained that the concepts of 'security' and 'insecurity' have relative connotations in different contexts. For some, insecurity comes from a sudden loss of a guarantee of access to jobs, health care, social welfare and education. For others, it stems from a violation of human rights, extremism, domestic violence, spread of conflicts and displacement. Therefore, to be meaningful, security needs to be redefined as a subjective experience at the micro level in terms of people's experiences.

The Commission on Human Security[21] defined human security as: 'the protection of the vital core of all human lives in ways that improve human freedom and human fulfilment'. According to Truong, Wieringa and Chhachhi,[22] discourses on human security have brought together issues of human dignity, rights and well-being in a comprehensive way. Human security connects different types of freedom, such as freedom from want, freedom from fear and freedom to take action on one's own behalf. To do this, it offers two general strategies: protection and empowerment.Protection shields people from dangers, which requires a concerted effort to develop norms, pro-

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[18] CHS, 2003: 10
[19] Bunch, 2004; Caprioli, 2004; Chenoy, 2005; Hoogensen & Rottem, 2004; Hudson, 2005.
[20] 2007
[21] 2003
[22] 2006

cesses and institutions that systematically address insecurities. Empowerment enables people to develop their potential and become full participants in decision-making.[23] However, the discourse about human security is always followed by two questions: 'Does the human security concept show equal concern for women? Is women's security ensured under the human security concept?'.[24]

In many articles on human security, scholars[25] have tried to relate women's security to human security. Generally, human security can enhance gender justices because human security approaches attempt to overcome physical and structural violence, which creates the domination of men over women.[26] Further,different from the concept of traditional security, the concept of human security, according to Bunch,[27] will assist in discovering the multiple dimensions that influence women's lives, in which the most prominent insecurities of women are the threat of violence in their daily lives and the lack of control over reproduction. According to Chenoy,[28] 'women's insecurity can come from within the family, from community conflict or from state or interstate sources. The insecurity is largely invisible in the private sphere and gendered in the public sphere'.[29] Likewise, some researchers found that 'women's security is systematically violated in both the public and private sphere, and that legal equality in the public sphere cannot lead to women's security without equality in the private sphere'.[30]

In addition, Tickner,[31] explained that feminist theory, in which security can only be fully understood by examining gendered structures of inequality, facilitates an analysis of security differences by sex. Further, Caprioli[32] argued that discrimination causes the inequality and structural violence that weakens women's security. Women's inequality results from structural in-

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[23] CHS 2003

[24] Chenoy, 2005: 167

[25] Caprioli 2004; Chenoy 2005; McKay 2004

[26] Hara 2007

[27] 2004

[28] 2005: 168

[29] UNIFEM 2003 in Chenoy 2005: 168

[30] Caprioli, 2004: 412

[31] 1997, in Caprioli 2004

[32] 2004

equality and violence and, as such, is a measure of women's security.[33] Women's security is only assured when all individuals can live free of violence, exploitation and discrimination at home and in public.[34]

Further, based on research into women's security, Dirlik,[35] Mayer[36] and Wali[37] argued that culture can be an obstacle to women's security. In line with this, in Indonesia, which is dominated by patriarchal cultural values, the position of women is subordinated to that of men. This condition is worsened by the fact that Islam, which is adhered to by the majority of the Indonesian population, as well as Islamic teaching, which is practiced by Muslims, is greatly influenced by patriarchal interpretations of Islamic teaching. Thus, in a patriarchal society such as Indonesia, men define security. Many policies have been affected by masculinist-dominant discourses. The discourses create, reinforce and maintain the gendered condition of human insecurity.[38]

Perda Sharia and Women's Security

Among the objectives of *perda sharia* was to enhance the community's morals, which had implications for the perception of women about security. Some women believed that by wearing the *jilbab* means they perform religious teachings better. So they consider that a woman who wears the hijab is a better Muslim than not wearing the *jilbab*. It is not surprising that many women also agree with the argument that by wearing *jilbab* makes them feel more secure and more respected. As they believe that it is obligation in the religion for women. Yayuk explained:

> *If we want to be secure, we have to refer to Islam and respect the local culture...*
> *we are bound by our belief. We have customs, have ethics, a norm, so we are very*
> *grateful living in an Islamic country, unlike others (Yayuk, female Cianjur).*

Women like Yayuk feel secure because they fulfilled community expectations and religious obligations as a form of conformity to gain security.

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[33] Caprioli, 2004
[34] Broadbent 1993, in Caprioli 2004
[35] 1987
[36] 1995
[37] All of these reference are quoted by Caprioli, 2004.
[38] Hara, 2007

However, they did not agree if the regulation force women to wear *jilbab*, because, according to them, the woman is the one who should decide whether they want to wear *jilbab* or not, and in this respect, women have authority and autonomy to make decision, thus, in this stage, they feel secure and achieve a security.

Surprisingly, the majority female informants accepted the implementation of *Perda sharia*, although the regulation obligates them to wear *jilbab*, and to some extent restrict them. They believe that wearing *jilbab* is a religious obligation, and the government regulation on veiling (*Perda Sharia*) is in accordance with the religious teaching. The people support the regulation because they understand that it is the government's authority and government's right to regulate their people to encourage them to become better Muslims. In addition, in Cianjur, women's acceptance also influenced by the fact that the *Gerbang Marhamah* regulation only obligates the government staff to wear *jilbab* during work hours, which means it is like a uniform, while for the women in general, the regulation is merely a recommendation. Whereas in Bulukumba where *Perda Keagamaan* not only requires the government staff but also all of the women residents in Bulukumba, thus, some female informants who did not customize wearing *jilbab*, conform to the regulation by bringing a scarf in case there was a raid and wore it only in public spaces.

Nevertheless, these female informants in general accepted the regulation because they thought that it is government duty to encourage their people to become better Muslims or in other words, they accepted the state's role in supporting Islamic values. During the interviews, most of the female informants said that they felt more secure since the implementation of *Perda sharia* for three reasons. First because there were more women who conformed with the regulation and wore a *jilbab* and felt more religious. Feeling of more religious helped make women feel more comfort and secure. Second, there was no sanction attached to the *jilbab* regulation. Third, when I did the research, the regulation had been implemented for more than three years, but the enforcement of the regulation has been loose which gave women the flexibility to comply or not. Suryani related:

> *The regulation was fully enforced immediately after it was implemented, but now it is not anymore. Thus I feel more secure (Suryani, Bulukumba, interview 29-*

07-2008).

The feeling of being more secure was related to the less rigid implementation of *Perda* sharia. There were fewer raids, social pressure and embarrassment at being caught not wearing a *jilbab*.

Women's Security and The Minority

Perda Sharia has been enacted in Muslim majority areas where Christians and other minorities also reside. However, the rights and freedom of the minority groups to practice their religions and their beliefs were guaranteed and respected. The community members were very tolerant of the existing differences. Even though, not many informants mentioned the issue of freedom to practice religions, some non-Muslim informants stated that the implementation of *Perda Sharia* did not affect their freedom to practise their religion.However, the implementation of *Perda* Sharia has increased the number of women wearing a *jilbab* and this made their appearance as non-Muslims more distinct.

Although, the majority of the informants, agreed that *perda sharia* would provide women with greater security. However there were some activists who argued that *Perda Sharia* jeopardized their security and their freedom. These activists had been involved in the human rights advocacy. Beside the small number of human rights activists, there were other informants who shared their concerns. These women, including non-Muslims and others, who had not worn a *jilbab*. After the implementation of *Perda* Sharia, they conformed to the regulation by wearing a *jilbab* in their office as well as to enhance their feeling of security.

The non-Muslim groups such as Christians accepted the implementation of *Perda Sharia*because according to them the regulation only applies to Muslims. However, there were some complaints and objections regarding the implementation of *Perda Sharia* because the regulations were not effective and ambiguous as the consumption of alcohol was still common. Others thought the obligation of wearing *jilbab* went beyond what they had expected, as Lewis, a Christian in Bulukumba related:

> *During the celebration of Indonesian Independence there were marches and the women who marched had to wear a jilbab, no matter whether they were Chinese or Christian, including my daughter, she had to wear a jilbab, although she is*

Christian...for Torajans, veiling (covering their head) is a sign for condolence...it was a bit silly as the marching is not religious activity but rather a sport (Lewis, Christian Bulukumba, interview 16-06-2008).

Although, during the interview, the Christian informants were reluctant to say that they felt discriminated against however, from the interviews I got impression that they experienced intimidation, harassment and discrimination. Lewis, a Christian government official in Bulukumba, related:

We have never experienced intimidation…[however] many people did not know what was expected of non-Muslims. Thus, Christian and Chinese government staff, including my daughter, had been reprimanded for not wearing a jilbab. However, after they know that she is my daughter, she has never been reprimanded anymore (Lewis, Christian, government staff, Bulukumba, interview 19-06-2008).

The Christian minority in Bulukumba, consists of about 50 households or about 200 people, so, although Christians have been subjected to unpleasant treatment, they have chosen to conform and maintain harmonious relations with the majority community. Their acceptance of *Perda Sharia* appears to be an endeavour to gain security as a minority group.

Whereas, some Muslim female government official staff, who do not normally wear a *jilbab* comply with the regulation wearing a *jilbab* only during the working hours. They accept the *perda* sharia because they simply wanted to secure their job as government staff.

Defining Women's security: the Indonesian Context

The implementation of Perda sharia is good. It regulates how women should behave and to be a good woman...thus women feel more secure and respected (Yayuk, a homemaker,[39] Bulukumba, interview 21-07-2008).

There is no improvement (since the implementation of Perda Sharia) for women's security...in fact, it could jeopardize women's security, especially for women who are not wearing jilbab (Diana, female government staff, Cianjur, interview 08-04-2008).

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[39] I intentionally use term homemaker, the gender-neutral term of housewife

These two quotes express something of the broad spectrum of women's opinion regarding the women's security. Among the women themselves, there were differing opinions regarding the implication of *Perda Sharia* to their security, from supporting to rejecting, This section will examine the impact of *PerdaSharia* on women's security in Cianjur and Bulukumba by analysing the interviews on the basis of the definition of human security devised by the Commission of Human Security. This paper also explores the understandings of informants about human/women's security during the implementation of *perda* sharia and how the women conceptualize their own security.

The difference of women's experience affects the women's perception about security. In the districts where I did the research, most of the informants did not know what the human security means. Since the districts were not conflict areas, the informants were not familiar with the notion of human security. Their understanding on the human security mainly was traditional security, which is free from conflict and violence, and 'peace means the absence of war' and 'security means absence of threats or communal conflict'. Such as what one member of a women's organisation and a political party said about the implications of *Perda Sharia* on human security:

> *So far, safe, not much of a problem here, no conflict, not that much criminal activity, and no war, ...so I think there is no problem with [women's] security"* *(Yani, Political Party activist, Cianjur, interview, 12-03- 2008).*

I needed to explain to the informants in greater detail about what the human and women's security means according to the definition of human security devised by the Commission of Human Security (CHS) which is 'freedom from fear and freedom from wants'.[40] However, the term of 'freedom' (kebebasan) and free (bebas) have negative connotation in these two regions. Thus, most of the informants argued that freedom would not guarantee women's security, instead, as a woman they have to limit their freedom and restrain their desires, and instead obey the community's norms by following the religious and community norms and respect local culture. As one female informant from Cianjur explained:

> *...We cannot refer to the Western culture that has freedom, a freedom to do every-*

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[40] Commission on Human Security, 2003

thing... So they are free to express but too far, so, I think it is not even safe...[we live in] this Islamic country with its rules, well we feel protected, that our community as it is...although other people [from other counties] said that it is monotonous, but in terms of security, I think we are secure(Yani, 14 March 2008).

Women feel secure as long as they conform to community expectations of behaviour and attire. In Cianjur and Bulukumba, the term 'freedom' has a negative connotation, which according to some informants, is associated with western culture, which is incompatible with local cultural values. In addition, in Indonesian usage the terms 'free' and 'freedom' (bebas/ kebebasan) are associated negatively with *sex bebas* (free sex), *budaya bebas* (free culture) and *pergaulan bebas* (promiscuity) according to local cultural norms. During the interviews, some informants used terms like independence, self-determination and autonomy, which have more positive connotations than 'freedom'. These terms imply greater agency for women. Every time informants used 'freedom', they always added the term 'limited' (kebebasan yang terbatas). It seems that when women think of freedom, it implies that they are being abandoned (di biarkan, tidak dipedulikan).

In addition, questioning security was considered a bit awkward in the non-conflict area such as Cianjur and Bulukumba, so then, during interviews I used terms that were more familiar to the informants and have a close association with security, "rasa aman" or "keamanan". The terms including safe, protect, peace, comfort and secure, and I used these terms alternately to ask the informants about human/women's security.

The definition of human security by the CHS, which emphasizes freedom, is not fully applicable in the two districts, which prefer 'restraint', 'self-control' and 'conformity' to gain security. This might reflect the fact that the discourse on human security is not common in Indonesia and even the government has not promoted it yet and does not itself have a good understanding of human security. Thus, many regulations that compromise human security and jeopardize women's security are implemented and are endorsed by the community. Moreover, the cultural assumptions underlying the Commission Human Security's definition,[41] are at odds with the local

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[41] Commission on Human Security, 2003

cultural values, as experienced by women in Cianjur and Bulukumba. So, it is not surprising if most of the informants did not agree with the concept of human and women's security developed by the CHS. An understanding of local wisdom and local culture are an important basis on which to conceptualise the women informants' experience of human and women's security.

Apart from that, the different perceptions regarding the definition of security obviously depend upon who has political resources and power to control their circumstances. In a patriarchal society such as Indonesia's, men have much stronger position and power than women. In addition, the men, who have the authority to define security, very often ignore the women's concerns. In a patriarchal society, security is defined by men, as Hara[42] stated that many policies have been made based on "masculinist-dominant" discourses.The discourses produce, strengthen and uphold gendered conditions of human insecurity. In the districts, where the majority members of the district parliament are men, regional regulations are made based on male perceptions about women. For example, the definition of the threat to the society: security is defined as secure from immoral activities, which is defined as being caused and initiated by women's behaviours and fashions.[43] Following the male assumption, there should be moral regulations to control how women should behave and should dress in order to be a "good woman" (*sholehah*). Accordingly, male-dominated parliaments in some districts produce regulations such as the obligation for women to wear *jilbab* and not to be in a public place at night. There is also an implied threat. Women who do not conform to the regulation will not be secure and will be thought of as not having a good moral standing. These male assumptions mainly refer to the Hadith or a section in Alquran, which were interpreted under the strong influence of patriarchal values. As one Islamic Scholar and the head of MUI[44] in Cianjur, Kyai Halim, states:

> *In the Hadith, it is clearly stated," The most devout people are the people who respect the women". And the regulation about jilbab is aimed to respect women...a veiled woman is good sign and it means a good woman [sholehah]* (Kyai

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[42] 2007

[43] Hara, 2007

[44] MUI is acronym of *Majelis Ulama Indonesia* (Indonesian Council of Ulama)

Halim, the chief of MUI Cianjur, interview 02-02-2008).

The majority of the informants, including the women, thought that by having good morals, they would be respected, would not be a risk of being assaulted or harassed and this would make them more secure. What was meant by "good morals" was based on "masculinist-dominant" discourses. This understanding of "good morals" reflected local culture and religious teaching and was interpreted from a patriarchal perspective. *Kyai* Choirul, one of the Islamic leaders in Cianjur expressed this patriarchal construction of "good morals" in these terms:

> *Do not blame men if women were insulted or harassed, yeah...it is because women who invite these acts by not covering their whole body (pakaiannya buka-bukaan)...it attracts the sexual arousal of men (Kyai Choirul, 13 February 2008).*

As a consequence of this type of patriarchal moral constructions, the women were victimised. They were not seen as a victim but rather were blamed for inciting immoral and criminal acts. Moreover, these patriarchal moral attitudes are not only merely expressed by men, but are also accepted by women. Yayuk, a member of the Democratic Party (Partai Demokrat-PD) in Cianjur related:

> *Being secure is when we can protect ourselves by dressing modestly; cover our body properly, so it will not invite other people to act impolitely to us (Yayuk, Cianjur, interview 09-05-2008)*

The assumption, commonly accepted by men and women in Cianjur and Bulukumba, that women will experience sexual harassment or even rape if they show certain parts of their bodies. Regulations defining women's bodies and their sexuality as dangerous and have to be covered are then enacted. This patriarchal construction of "good morals" is very much at odds with the views of some women's organisations that contend women's bodies belong to the women themselves and they should have rights to their own bodies.[45]

In this respect, the morals of women become linked to the core value of security in which the security of community and the state depend on

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[45] Women Research Institute, 2007

women's moral attitudes. Women have the responsibility to maintain the moral order by controlling their behaviour and dress, because a woman's attitude reflects the identity and morality of the community and state. As *Kyai* Tjamiruddin, the head of the MUI in Bulukumba explaines:

> *…the pillar of state are women who have good morals (perempuan sholehah) who are able to teach their kids in a good way. If the kids have good morals, it means the next generation of our community will be good, hence, our country and state will be good, strong and secure…* (Kyai Tjamiruddin, interview 07-06-2008).

A woman who has good morals is a woman who wears a *jilbab* and *Muslimah* clothes, stays longer at home to serve her husband and children and is able to educate the children and manage the household. Some female informants, reflecting this view, contended that a good woman should not abandon her responsibilities at home even though she has a good career outside the house (Yayuk, a homemaker, Bulukumba, interview 21-07-2008; Diana, female government staff, Cianjur, interview 08-04-2008; Yani, Political Party activist, Cianjur, interview, 12-03-2008).These views of morality were widely held and practiced in both Cianjur and Bulukumba.

Bulukumba and Cianjur sought to promote their community's Islamic cultural identity. This cultural identity is important to provide a good image to the district. Some critics argued the local government implemented *Perda Sharia* as a distraction from the district's problems and that the regulations were merely a symbol to represent the district's religious values and good moral health. Hence, it is only the government strategy to sweep under the carpet the issues like corruption and poverty that should be addressed more urgently. As Yudi, the Head of LBH (*Lembaga Bantuan Hukum-* Legal aid institute) in Cianjur states:

> *There is no improvement [in community prosperity] since Perda Sharia was implemented…the aim of the government to implement Perda Sharia was to hide their scandals and failures to develop this district, besides shifting [aside] the issues such as corruption and poverty as actual problems that government faces* (Yudi, interview 02-04-2008).

Since the regulations were of only symbolic value, they did not bring any improvement to the lives of the people. Moreover, only the regulations

that targeted women, mandating a *jilbab* and *Muslimah* clothes, were effectively enforced. These regulations made women the symbol of identity. For instance, the Bulukumba district government sought to strengthen its identity, by obliging all its female civil servants to wear a veil (*Jilbab*). The regulations was applied to female students and teachers in schools, and all female citizens who sought services from the district government. Whereas, regulations on zakat and reading the Quran were not fully enforced. As Mulia (2001) has explained, historically every country that implements *Sharia* law began its political program by controlling women's rights. She argues these measures were a political strategy to strengthen legitimacy by making a symbol of Islam. Women have been easy targets because they were unorganized and still subservient to patriarchal values.[46]

Research conducted by the Women Research Institute[47] found that the parliament in Banda Aceh municipality, proposed regulations to elect village leaders based on selected religious teachings which closed opportunity for women to become leaders. One article in the regulation states that leaders should be able to lead Islamic prayers, which in the Islamic teaching generally means only an adult man can do it.[48] The above interpretations come back to (Islamic) culture proving that local patriarchal values have been reinforced and consequently, public space for women is closed.[49] The patriarchal structure in society, therefore, has been strengthened by sacrificing women's rights and freedom. According to Hassan[50] and Shaheed,[51] in most Muslim societies, the cultural articulation of patriarchy through structures, social mores, laws, and political powers has been justified by reference to Islam and Islamic doctrine.

Wagener[52] observed the implementation of the *Qonun* in Aceh and found that the debates on the implementation of Shariaregulation(*Qonun)* in

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[46] Mulia, 2001

[47] WRI, 2007

[48] The Islamic teaching that mentions it is only man who can lead the prayer, was debated by Muslim activist. Especially, since Amina Wadud led the Jumat praying in America and UK (BBC News 2005, 2008)

[49] Women Research Institute, 2007

[50] 1990

[51] 1994

[52] 2006

Acehdirectly affect women's rights and the campaign to secure greater gender equality. She argued that the application of Sharia to women's rights is condemned as a one-sided interpretation of Sharia; for example, the compulsory wearing of a veil (*jilbab*) by women when it is enforced by the state. This happens because the formal interpretation of Sharia has shown that in a society characterised by patriarchal structures, Islamic Law is used to regulate and control the behavior and outward symbols of women. Wagener[53] argued that experience with decentralisation in Aceh has shown that women have been marginalised through exclusion from the decision-making processes in political, social and economic spheres. This discrimination occurs because patriarchal influences dominate the interpretation of Islamic Law sources, the Qur'an and Hadith.[54]

In contrast, Widiastuti,[55] the leader of the Muslimah Brotherhood, argued that *Perda* Sharia, such as banning prostitution in Tangerang, will improve women's dignity and prestige. In addition, Nurwahid,[56] the Head of the MPR, stated that the implementation of regulations banning prostitution, gambling and immoral behaviour will not disrupt social life, but rather make it more secure and peaceful. Further, Juwaeni,[57] the member of the *Dewan Perwakilan Rakyat* (DPR: People's Representatives Council), argued that because of the implementation of *Perda* Sharia, the people will be happy and secure, and their social lives will be better.

From the above discussion, it seems that woman's issues have been used by supporters and opponents of *Perda*Sharia to support their arguments by using the term 'security'. However, none of them have defined what is meant by women's security. According to Bunch,[58] defining the concept of human security will assist in discovering the multiple dimensions that influence women's lives. She added that in women's daily lives, the threat of violence and the lack of control over reproduction are perhaps

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[53] 2006

[54]*Hadith* is the prophet's sayings, collected traditions, teachings and stories of the prophet Muhammad, which are accepted as a second source of Islamic doctrine and law after the Qur'an (Wagener 2006)..

[55] 2006

[56] 2006

[57] 2006

[58] Bunch, 2004

their most prominent insecurities. However, there are no studies on women and the state that focus on women's security, especially in the context of the implementation of *Perda* Sharia in some districts in Indonesia.

Conclusion

Security became a central debate between the proponents and the opponents of *Perda* Sharia. Their debate was motivated by the pursuit of a similar objective, but conducted from different perspectives: they both purported to make women more secure and to protect women's rights'. The proponents argue that implementing *Perda* sharia means abiding by religious rules, which will increase women's dignity and protect women from harassment, thus enhance women's security. Whereas the opponents argue that *Perda* Sharia restrict women's freedom, thus endanger women's security and violate women's rights.

Although the implementation of *perda* sharia has been widespread, its impact on women's security has been subject to little discussion. There has been some discussion on human security among academic,[59] but the concept of women's security has not become popular in Indonesia. The informants in this research were not familiar with the concept of security, particularly in the non-conflict areas. Security, which is in Indonesian is translated as: *aman or keamanan.* The informants experienced difficulty to relate *perda* Sharia with security. By borrowing the concept from Commission of Human Security (CHS), this research tried to understand the women informants' views and experience of human and women's security. Surprisingly, the informants did not agree with the concept that CHS offered: "Human security means protecting fundamental freedoms— freedoms that are the essence of life…it connects several kinds of freedom—such as freedom from want and freedom from fear, as well as freedom to take action on one's own behalf".[60]

Most of the informants argue that freedom is a western concept, which is contrary to local wisdom and Indonesian culture. Being free or freedom or *bebas/kebebasan* in Indonesian, have negative connotations, such as 'sex bebas' (free sex), 'pergaulan bebas' (promiscuity), thus, the women infor-

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[59] Hara, 2007
[60] CHS, 2003

mants tended not to want to be "free", rather they sought to restrain their wants. The informants prefer to define human security as an 'autonomy' rather than a 'freedom'. The women defined women's security based on their daily experiences. They defined security as the fulfilment of basic material needs, have autonomy to make decisions, have a harmonious family, be respected and be safe from criminal activity. Reflecting the women informants' experience of security, it is not sufficient to accept a rights-based concept of human security, such as that of the Commission for Human Security, but also recognise the importance of custom, eastern culture, social and religious norms which are reflected in "local wisdom".[61]

Although women's security and the status of women were part of the debate surrounding *Perda* Sharia, however, women's participation in the decision making processes in both districts was negligible. Besides the number of women members of district parliaments was very few, – only 8 out of 45 members in Cianjur in 2004-2009 and only one out of 35 members in Bulukumba in 2004-2009.[62] Senior women officials in the two district governments were also not involved in the decision making process. One of the male officials involved in the formulation of *perda* conceded that there were many women who held senior positions in government who could have been involved in the development of *Perda*, however he simply forgot to invite them (Sudradjat, the Head of Information and Communication Department, Cianjur, interviewed 08-03-2008). The regulations were not in favour of women and rendered the women as the objects of the regulation, rather than participants in their formulation.

In relation to the implementation of *Perda* Sharia, women's experience of security was very complex. Some women tended to agree with the proponents' argument about women's security in relation with the implementation of Perda Sharia. These women informants argued that the implementation of *Perda* Sharia would advance their security, given that *Perda* Sharia re-

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[61] 'Local Wisdom', ' *Kearifan Lokal'* in Indonesian, has become part of contemporary discourse. It refers to the ideals and values embodied in the philosophy of wisdom and customs embedded in and practiced by local societies (Sartini 2004). In other words, 'local wisdom' reflects the norms, rules, values and religious teachings embedded in local communities.

[62] The number of female member of parliamen increase in 2009-2004: 9 out of 50 members in Cianjur and 4 out of 40 members (Badan Pusat Statistik 2012a, 2012b)

flected religious values, to respect and protect women. Nevertheless, other women informants did not feel any influence of *Perda* Sharia on their security although it was apparent that their activities were more restricted. However, there were a few female informants who considered that *Perda* Sharia had threatened their security. For example, one woman was banned from nominating as a candidate in the *Bupati* election by the MUI on the pretext that her candidature would contravene *Perda* Sharia.

The discourse on security was strongly associated with the implementation of regulation on *jilbab*. Most of female informants argued that wearing *jilbab* by choice make them feel more secure. However, *perda* sharia that mandated the wearing of *jilbab* was considered by some to threaten their security. The mandated wearing of *Jilbab* is the most visible symbol of the implementation of *Perda* Sharia. This analysis indicates that the regulation on *jilbab* is an indicator of how strongly *Perda* Sharia has been enforced. Although a district implements regulations about prostitution and gambling, as long as it has not implemented regulations on *jilbab*, the district will not be considered to have implemented *perda* sharia. However, as long as a district implements *perda* on *jilbab*, although it does not have regulations on gambling and prostitution, the district will be considered to have implemented *perda* sharia.

The research indicates that *Jilbab* become the core issue in the discourses of *Perda* Sharia. Although non-Muslim people stated that the *Perda* Sharia is only applied to Muslims, however there is an impact for non-Muslims. Since the implementation of *Perda* Sharia particularly the obligation to wear a *jilbab,* the minority has become more visible and they become more easily identifiable, thus can be easily as a target of harassment and discrimination.

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