

**WOMEN'S REPRESENTATION IN LOCAL POLITICS AND PUBLIC POLICIES  
IN LOCAL REGULATIONS (PERATURAN DAERAH)**

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## **WOMEN'S REPRESENTATION IN LOCAL POLITICS AND PUBLIC POLICIES IN LOCAL REGULATIONS (PERATURAN DAERAH)**

The Law on Regional Autonomy made in 1999 has enabled local governments at regency and city level to independently decide on its political policies and financial administration. Considering the need of mainstreaming gender issues in local policies, the government of Indonesia has issued laws and regulations, as well as included the urgency of gender mainstreaming in the 1999 State Guideline (GBHN). A Presidential Decree was also issued in 2000 requiring gender mainstreaming to be included in policy-making processes, to increase women's access to and benefit from state services.

Implementation of the decentralization policy effectively started in January 2001, only two years after Indonesia was ruled by the first democratically elected president following more than thirty years of authoritarian and centralized political system of Suharto regime. Suharto's New Order regime was designed to repress potentials of regional insurgence, which was quite frequent in late 1940s-1950s, ensuring political stability that was a condition for the regime's economic development commitments. Regions were not allowed to make autonomous decisions concerning their resources. Implementation of Regional Autonomy which coincided with the requirements of including promotion of gender equality was applied in various ways by different local government.

This research\* is an initial attempt to evaluate the implementation of gender mainstreaming policies in laws and regulations made by local governance. The research on laws and regulations made in 10 cities or regency in Java, Sumatera, Bali and Nusa Tenggara, is to be conducted in two phases: the first phase is the qualitative reading of local regulations using feminist research methodology and the second phase is the evaluation of the impact of local regulations on the society through in-depth interviews. The first phase is completed and the second phase is being conducted according to the findings from the first phase.

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\* The research result is published *Representasi Perempuan dalam Kebijakan Publik di Era Otonomi Daerah* (Jakarta: WRI, 2004), which is the main source of data used in this paper.

### **Starting and Sharing Feminist Research: The Experience of First-Phase Research**

The first phase of WRI's research is a textual reading of local regulations (Perda) collected from ten different regions. This is an initial step to see how women's public space and political roles are being perceived, represented and regulated within the context of regional autonomy. It is necessary to see whether local regulations have also changed after the adoption of Convention on the Elimination of All Forms of Discriminations against Women (CEDAW) with the enactment of Law No. 7/1984 and Presidential Decree No. 9/ 2000 in national level. A textual reading is necessary to understand the underlying political assumptions of law making at local level.

WRI has chosen nine *kabupaten* (regency) and *kota* (municipality) as well as one province as research location with the following criteria: (1) the locations reflect the difference of Java and non-Java regions to acknowledge their different developments and cultural context in an uneven economic development between both regions; (2) locations that tend to revitalize Islamic values such as Jawa Barat (Sukabumi and Tasikmalaya), Sumatra Barat (Solok), Nusa Tenggara Barat (Mataram) and Nanggroe Aceh Darussalam, and also non-muslim regions such as Bali (Gianyar) and Nusa Tenggara Timur (Kupang); (3) conflict regions such as Nanggroe Aceh Darussalam (Banda Aceh), and Kalimantan (Samarinda and West Kutai).

The significance of this research is firstly to enrich research findings on the position of women in local regulations in various regions using feminist methodologies. Secondly, the research result is applicable for mapping practical and strategic needs in encouraging women's participation in local politics to further contribute to a gender-sensitive democratization process.

This research uses a qualitative approach with feminist perspective in text analysis. Local regulations gathered during the research period is read and analyzed from feminist perspective to examine the gender-neutrality assumption in the regulations. As Waylen (1996) have argued, general policies that seem gender neutral have different impact on men and women. Textual reading in critical theory approaches provide the necessary

tools for analyzing the use of language by a governance to identify the power-play of its structure, namely the inclusion and exclusion of interests and issues of the less-powerful groups by dominant groups therein. Within the feminist paradigm, the focus lies in the inclusion and exclusion of feminine interests by masculine governance.

The first phase of WRI's research was done through a close cooperation with local researchers in each region. Beginning with training in feminist research, local researchers were engaged in research design, analysis and reporting process. The series of activities with local researchers were an attempt to share the knowledge in feminist research and facilitate the interest of local researchers in developing this method in their respective regions.

### **Representation of Women in Local Regulations**

The result of first phase research shows that several regions such as Nanggroe Aceh Darussalam (NAD) and Gianyar have identified the presence of gender-based discrimination in respective region. A further study on how each region is reacting to gender-based discrimination through local regulation became the focus in this first phase. The textual reading of local regulations was done to elicit: (1) how regions regulate women's involvement in local decision making through political institutions and, (2) how women are represented in local regulations which determines the sort of regulations are made based on the assumption of their representation.

Implementation of Regional Autonomy enables different characters of political structures to emerge in different regions. Various ideas of revitalizing inspirations of democracy based on local customs and religions continue to be searched and practised. The question is whether these attempts will generate a synthesis between local knowledge and universal human rights principle or whether it is reinstating traditional structures which limits the accommodation of the need of the unprivileged ones.

### The Silent Regulations: Women in Local Politics

Although regions such as Nanggroe Aceh Darussalam and Gianyar has acknowledged the problem of gender inequality and discrimination, and responded with a formulation of policies to act upon, no specific law was made to encourage women's participation in local decision-making. The percentage of women in legislative body in research location ranges from 0 – 12 percent, a long way to reach the 30 percent requirement as suggested by Election Law 1999.

The interpretation of Islam also plays a significant role in limiting women's access to participate in local decision-making. One illustration to this matter is shown in the inconsistency in Nanggroe Aceh Darussalam. Local regulation (Qanun No. 3/ 2002) states that one of the directions for local policies is "socialization gender equality and justice in various aspect of politics, administration, economy, social and culture, family and the society". The same document also states that one of the policy-making guidance is "to disseminate and practice in everyday life, the principles of equality between men and women and against discrimination in the life of nation-state." Yet another regulation (Qanun Kota Banda Aceh No. 7/2002) is requiring that a local leader (*geuchik*) is able to act as *imam* during prayers. The interpretation of Islam that is commonly applied in Aceh prevents women from being *imam*, except for other women. Thus women's chances are very limited to become a local leader because of the supposedly gender-neutral regulation has the potential of discriminating women in practice. Identification of a problem in gender inequality is not matched by a change in policy-making assumption on women's roles.

This case illustrates that an explicit statement on encouraging women's participation in politics is crucial to emphasize the local government's position on the matter of gender-based discrimination. A gender-neutral regulation prolongs the silence among the enunciation of public rules of conduct and leaves an opportunity for discriminative practices based on stereotypical representation of women to re-emerge. It is necessary to correct the regulation on representativeness of women in order to produce legal products to put an end to discrimination against women. It does not mean that this regulation will automatically result in a discriminative practice, although it does show the

ideological and institutional mechanisms underlying the production of this regulation (Smart quoted in Vogel, 1988: 136). Awareness about its discriminative potential will be very useful in putting existing ideological as well as institutional mechanism to a test of whether the newly produced regulations is consistent with the aim of promoting gender equality.

#### What Role?: Representation of Women in Perda

Women's role has been traditionally defined as domestic role, therefore confined to the practice of motherhood and household caretaker. Researchers such as Suryakusuma (1996) have argued about how Indonesian women have been (mis)represented as 'mothers' or caretakers during New Order regime. Policies directed at women as well as budget allocation remain confined in the assumption of women in their domestic roles or as caregivers. Even though women have also been active in local economy, the present local regulation fails to acknowledge their activity and provide proper services and protection. Such problem shows that the interpretation and definition of women's role is at a critical state, having the possibility to be reinterpreted, but always at risk of sliding into conservative interpretation which give women less opportunities to actively involve in public activities, especially participation in public policy making.

The dichotomy between the public and the private is the basic assumption of different representation between men and women in legal documents and generating different state services to both genders. The new local policies concerning women created under regional autonomy have focused around providing trainings and supporting equipments to train women in household activities such as cooking, sewing and family welfare. This is not to say that knowledge in household activities is less important compared to public activities, there are crucial issues in motherhood and households such as reproductive health and prevention of domestic violence. But we would argue for a broader choice of women's role, including regulations to encourage women to take part in public activities to ensure that local regulations accommodate various dimensions of women's role in life and provide required services and protections. We summarize our research findings on the representation of women in Perda below:

a. Jilbab and Women's Public Space

The obligation to wear *jilbab* for women or the gendered division of public space is applied as a distinct characteristic in the application of Islamic vision or Syariah Law, such as the inclination in regions Tasikmalaya and NAD. Women's public appearance is regulated with a new standard that was considered as justified by Syariah Law. New laws were made especially on how women should dress and how decency of a woman's clothing is redefined, and thus becoming the ground of violent attacks against women who are considered as not complying to the new norm. Women's fashion and public appearance is used as superficial indicators of the new Islamic identity of the region.

Women are also denied the right to appear in public space after curfew in Raperda (Local Regulation Plan) of Solok on the assumption that women who are outside their houses at nights are considered immoral. The plan triggered protests from women activists in Solok.

Regions applying Islamic values such as Tasikmalaya and NAD also advocate gendered separation of public space. For spaces such as public swimming pools, where women's appearance is considered indecent, women and men should be separated. The rule shows a tendency towards further gendered separation in public life, thus drifting further from the intention to integrate women's issues in local politics and public policies.

b. Budget Allocation

Local government acquires fiscal authority after the implementation of Regional Autonomy. Regions with minimum fund resources attempt to collect various taxes to meet the regional income target requirements. Taxes imposed on services or trades mostly with women consumer or women workers such as market vendors (Tasikmalaya) or beauty parlor, hotels and restaurant (Sukabumi). In Kupang, the municipality decided to establish a legal *localization* complex for sex workers in order to increase the city's income.

The attempt to regulate fiscal sector in the long run contribute to the welfare of the region, although a prudent planning for budget allocation is also necessary to make sure that the citizen get back what they have contributed through local government services. The first phase research has shown that

budget allocation on programs for women are generally very low, ranging from less than 1 percent to almost 3 percent of regional development budget. The allocation is also integrated with programs for children and adolescent, as well as for health and social welfare, thus strengthening the stereotypical representation of women as caretaker in the family and society. Other budget allocations for women's activities are directed to programs for trainings on family welfare, cooking or sewing class. Although regions have identified the problem of discrimination against women in public life, there are no particular budget allocation for programs to eliminate discrimination against women such as special scholarship for women to enter public schools or trainings on community leadership or small businesses to accommodate other dimensions of women's role in public besides their domestic roles.

c. Reproductive Rights

Urgent needs of women for the improvement of reproductive health has also received minimum attention despite the fact that almost every region have high maternity mortality rates. Women are seen more as consumers of contraceptives marketed through family planning programs without sufficient consideration on the quality of women's reproductive health.

The rehabilitation programs of NAD local government for survivors of armed conflict, the larger part of them being women and children, have also failed to address the specific issue of gender-based violence. The cases of torture against women and rape were not considered as needing special type of treatment concerning women's reproductive health.

d. Women Workers

The city of Mataram, for example, imposes service tax on migrant worker agencies and tax for workplace safety permit. Mataram is one of the main source of migrant worker in Indonesia, and the region has obtained significant income from migrant worker. Yet there are scarcely budget allocations or laws to protect the rights of migrant workers from Mataram.

As we have stated above, women's roles in public sphere besides their roles as mother and caretaker of the family and society are not being acknowledged. The exclusion of women in making decisions on exploring natural



resources in West Kutai has resulted in the loss of women's source of income and forced women to work as miners. A woman was killed in West Kutai because she was trying to protect her self-managed farm from fire.

Women are excluded from decision making process and put in the position of executors rather than decision makers because of their stereotypical role in the domestic sphere. Women almost always occupy positions such as secretary (dealing with archiving and correspondence), cashier or logistic (mainly food and beverage) affairs.

The reality of women as breadwinners are far from being acknowledged and therefore women are denied the rights to benefits and support as received by male employees. In Gianyar, a spouse of woman employee is not entitled to receive benefits and support if the employee is ill or deceased.

## **Conclusion**

Despite the statements of aspiration to promote gender equality, local regulations have many inconsistencies which will obstruct the achievement of their aims. The discourse of local administrative institution is still directed towards placing women in domestic sphere. The small number of women involved in decision-making process also contributes to misrepresentation of women in local regulations due to their lack of influence. I conclude that there are two dominant roles of women being represented in the texts of local regulations:

1. As the value indicator of a community. Obligation to wear *jilbab* or gendered division of public space is treated as an indicator of Muslim values or Syariah as happened in Tasikmalaya and NAD. The regulation of public appearance applies exclusively to women.
2. As mother and caregiver. Women's representation as mothers who cares and performs house chores is the dominant representation shown in local regulation texts. If women are involved in an organization of work or organizing committee, the position for women are mostly as note-taker or correspondence-related tasks, hospitality or social welfare sectors. Activities stated as 'women empowerment' are trainings on family welfare or cooking and sewing class. Despite the

representation of women as mothers, attention to women's reproductive health care and education remain low.

Upon the completion of this first phase research, we identified that the minimum involvement of women in decision-making process contributes to the fact that local policies and regulations has been unresponsive to gender issues. An affirmative action is necessary to give space to women's discourse in policy making, although we do acknowledge that affirmative action is not only about the number of women involved but also how to reflect the plurality of women's role in each region. It is also important to note that the implementation of Presidential Decree on Gender Mainstreaming was done without adequate resources in gender experts among local policy makers. Further capacity building for local decision makers (both women and men) is also required to make gender issues visible to the eyes of policy makers and to emphasize the importance of their inclusion in local regulations and policies.

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