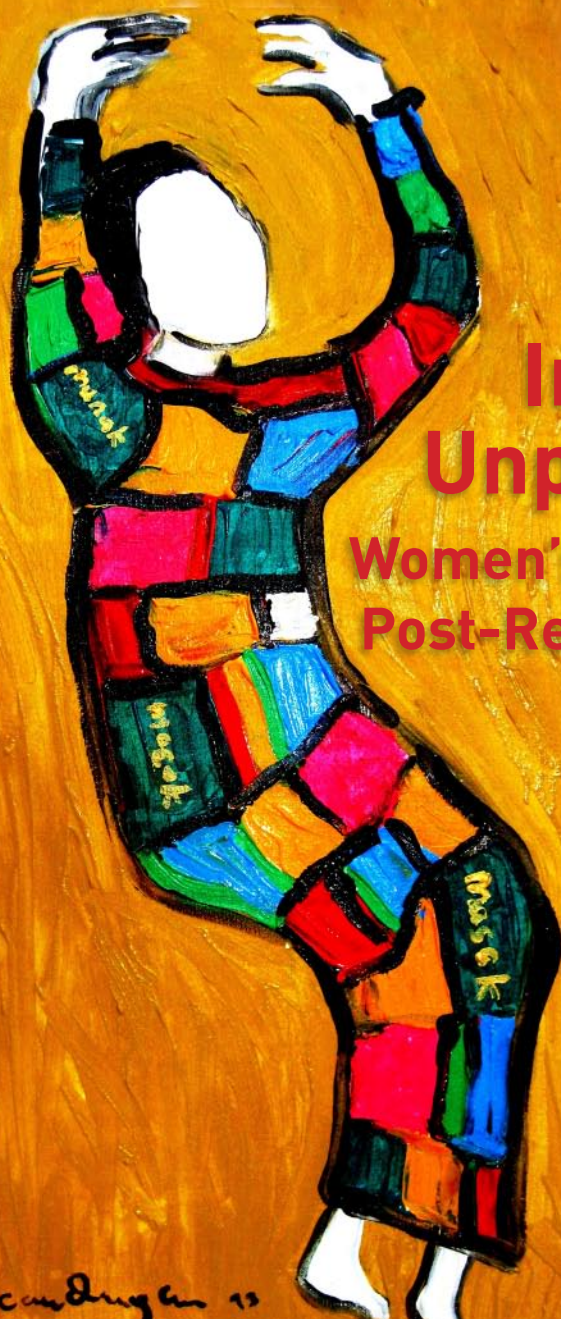


# Indonesian Feminist Journal

Vol. 1 No. 1, August 2013



## Invisible & Unprotected: Women's Livelihood in Post-Reformation Era

Dani Candungan '13

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# Indonesian Feminist *Journal*

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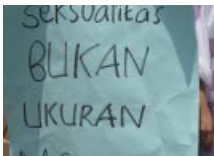
The Indonesian Feminist Journal (IFJ) is an annual publication in English derived from Jurnal Perempuan, which is published quarterly in Bahasa Indonesia. Both publications provide high quality, peer reviewed articles based on original research. All submitted manuscripts are subject to an initial appraisal by the Editor. If found to be suitable for further consideration, submitted articles are peer reviewed by independent, anonymous referees who are selected based on the subject matter of the articles being reviewed. IFJ is an interdisciplinary publication setting new agendas for feminism in Indonesia. IFJ invites critical reflection on the theory and practice of feminism in the social, political, and economic context of contemporary Indonesian society. We are committed to exploring gender in its multiple forms and interrelationships. In addition to academic articles, we publish experimental pieces, visual and textual media, and political writings including interviews, short stories, poems, and photographic essays.

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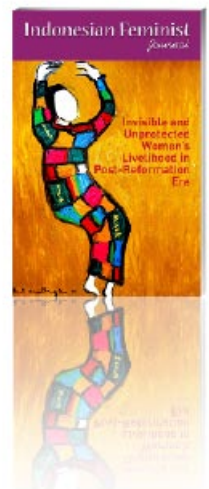
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The Indonesian Feminist Journal (IFJ) is the English summary edition of Jurnal Perempuan (JP), Indonesia's first feminist journal, which began publication in 1996. In this first edition, IFJ presents a wide sampling of the work of several of Indonesia's feminist thinkers. Debate on feminism and the feminist perspective in Indonesian society has flourished during the Reformation Era, intertwined with broader issues of democracy and justice. Over the years of Reformation gender issues have been openly debated in the context of widening and deepening democracy in Indonesia. Several of our authors call for inclusion, which arises from the exclusion that Indonesian women have experienced in many aspects of public life, including but not limited to political rights, economic opportunities, and governance. This edition features a cluster of writings on the topic of gender and corruption, which is a recent focus of feminist scholarship in Indonesia. We explore questions such as whether women are more or less corruptible than men, and whether women in public life can be more effective in executing anti-corruption initiatives. This issue is dealt with in greater detail in an interview with Sri Mulyani, Indonesia's former Minister of Finance and one of Indonesia's most influential women.

Exclusion and discrimination unfortunately remain as significant features in law and family life. A number of





articles discuss Indonesia's biased Law and its failure to protect women's livelihoods. Exclusion leads to violence. Women's groups have increasingly expressed concerns to Indonesian government agencies about the under-reporting of domestic and sexual violence and the lack of support or adequate services for victims of this violence. Fortunately this issue is now more openly discussed and actions are gradually being taken by civil society. In the Indonesian media feminists are increasingly scrutinizing public officials and holding them accountable for making inappropriate sexual remarks and jokes. Indonesia is certainly changing. New voices and expressions are visible. Many of the art works in IFJ has been used to empower and share their creative visions. IFJ incorporates its scholarly articles with short stories and poetry. This edition articulated exclusively the invisible voice of Chinese Indonesian women in poetry written by Soe Tjen Marching entitled *The Maiden's Prayer* which narrated the pray of hundreds of Chinese Indonesian women in streets, buses, work places and homes who were being raped in Jakarta on 13-14 May 1998. IFJ brings out the flavor of many Indonesian poets and writers, many of them increased social awareness and self realization. These are feminists who claimed their place in society and political reality. We consider their expressions as a movement in Indonesian society.



Suwek (Torn)-Ahmad Badawi-  
Chinese Ink on A3 Paper



# If We Are Victims

**Kristi Poerwandari**

Head of Women's and Gender Studies in University of  
Indonesia

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## Abstract

This paper is written based on the writer's experience as a psychologist who assists victims of sexual violence and discussions with the victims' companion. The writer reports that there are three problems. First, law enforcement does not empathize with the survivors, making it ineffective. Second, the psychological impact on victims or survivors is not really understood by the public because the patriarchal culture is so entrenched. Third, psychological intervention is necessary for strengthening the victims and human beings that should be responsible for their actions. In other words, sexual violence should not be the fault of the victims, but the fault and responsibility of the perpetrator. Helping subjects to reduce tension, minimizing the internalized guilt due to socialization of sexuality understanding that tends to marginalize women, and processing anger in a constructive manner is important. Sometimes the companion intends to give sympathy, but accidentally becomes angry and unable to calm down, adding to problems of the people she accompanies. Survivors then become increasingly angry, agitated, or unable to think straight. It is important to provide strength to victims to ensure justice be done on all sides. Reworking the psychological side without ensuring availability and sustainability of fair legal system would cause the situation of women to be vulnerable. Psychological reinforcement should be done under any circumstances, especially if the legal system does not provide justice for the victims.

**Keywords:** Sexual Violence, Rape, Victim, Psychological Intervention, Survivor.

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## **Rape and House Robbery**

Imagine if your house was broken into and you were robbed. You would be very surprised, and perhaps paralyzed and unable to think rationally to take immediate action. But a huge sense of shock does not need to be hidden. It is important to find someone to tell your story, to gain equanimity and calm down from the psychological turmoil that occurred. Imagine if you or your child experienced rape. Would you immediately report what happened? There are many similarities between rape and house burglary. Personal possessions are demolished without permission, and something valuable is taken from you. The person whose house is robbed is almost certainly very shocked. Indeed, not only her house is robbed, but she loses inner calmness, sense of safety, and even identity. She will start to wonder why this happened to her, and how to live life when many goods and securities are no longer hers. Rape is potentially far more damaging to the deepest identity. The rich may have many houses, and only one house may have been robbed. Moreover, houses are physical property, not an extension of our selves. Meanwhile, rape dismantles our bodies without permission, and we only have one body, so closely united with the soul and psyche. When the body is treated disrespectfully, the soul is also wounded. We can always move or buy a new house, but we will always keep the same body. A lifetime of memories will have to take what happens to our bodies and us.

## **Iceberg Phenomenon**

Gender-based violence, including rape, falls into the iceberg phenomenon: Identified and reported cases are far fewer than what actually happens. There are many underlying reasons for not reporting a rape, all of which actually boils down to how women's sexuality is constructed by society. (1) Unlike many other crimes, gender-based violence, such as domestic and sexual violence, is often regarded a disgrace. Many people choose to remain silent rather than actually obtaining incriminating response. (2) If any victim and/or her family have been free of the above stereotypes, she may not report what had happened immediately because law enforcement officials do not take

a real action to prosecute the perpetrators. The victims, rather than getting protection, become increasingly depressed. (3) The legal process can last a very long time, with law enforcement that is not necessarily sensitive to the situation of survivors. Furthermore, victims spend a lot of time finding evidence and witnesses, lowering their motivation to report the incident. (4) Since domestic and sexual violence comes with a stigma, reporting the incident sometimes also raises an uncomfortable feeling about oneself. Victims usually like to avoid publicizing what happened to them, to prevent people from talking, which might remind them of the incident over and over again. (5) Gender-based violence often has special characteristics. Most of the time, sexual violence is done by people who are close to the victims, so there are lots of things to be considered by the victims or their families to report the incident. What are the consequences for the relationship among the big family? What if the perpetrator suppressed the victim to a much weaker position? Often times the victims take pity on the perpetrator for having the potential to put them in jail or acquiring criminal status. Sometimes, she gives him the benefit of the doubt by expecting the perpetrator to understand his mistake and take positive steps to show good faith and responsibility. However, what usually happens, instead of remorse and responsibility, perpetrator sees this as a weakness that can be exploited for his own benefit. As a result, the victim is trapped in fear, compassion, compulsion to forgive, hoping of change that will continue to occur as an illusory hope alone. In short, the victim comes into the trap of violence cycle.

### **Very Favorable to the Perpetrators**

The different situations above cause only a few survivors to report their case. This creates a favorable circumstance for the perpetrators. By not reporting rape incidents, not only is the perpetrator relatively safe and unpunished, but also because of the myths, stigma and misunderstanding – not just in men but in women too often – are more likely to accept rape consciously or unconsciously, this situation of course becomes more favorable to the perpetrators. (1) Women who go out at night, do not dress according to norms of a particular group, or use public transportation, are blamed. The fact is that many women

have to work hard to provide a living for their family, and not all of them have the money to drive their own car, or access to employment that does not require night shift. In fact, women with closed dress are also at risk of sexual violence, because sexual violence is ultimately dependent on the 'will' of the perpetrator. (2) Sometimes, logic favoring to the perpetrator often takes religious justification. Society is led to blame the victim more and to empathize with the perpetrator (who is unable to resist sexual desire because there is a woman standing alone waiting for public transport in the middle of the night?). (3) Above all, the discourse that is developed does not put the responsibility on the state and public officials as representatives of the state, to earnestly carry out its role to meet the need of the community, to prevent and protect citizens from crime. To blur the responsibility of State and its officials, or simply because of incompetence, indifference or confusion, even public officials make a discourse which increasingly cornered the victims.

A common reasoning often biases and corners the victims, making the law process even more difficult to provide justice for the victims. There are more members of society, including law enforcement officers and psychologists (if not trained to understand the complex issues of sexual violence) who have a thought bias. So the questions at the police station and the court can be very painful: "Do you also derive satisfaction from the sexual relationship?; at that time what were you wearing?; Are you normally having sex or not?; Why didn't you scream or run away?; If it is true that you are raped why do you report it few months later?" These are some examples of questions rape victims get asked. If the women knew the perpetrators, the usual mindset is: "If you know each other, it is not rape. Why were you with a man or get together with many men at night?"

“  
Meanwhile, rape  
dismantles our bodies  
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When the body is treated  
disrespectfully, the soul  
is also wounded. We can  
always move or buy a  
new house, but we will  
always keep the same  
body.”

## Reasoning of Female Survivors

It seems difficult to understand the reasoning of sexual violence of the survivors. Even women tend to blame victims if they had not been through similar experiences. The most powerful tool of psychology to be able to strengthen the survivors is 'empathy'. Empathizing with the survivor means mentally putting ourselves in the position, situation, and background of survivors. In order to do so, we need to break away from our own situation and background. We have to break away from our own personal situation which is probably highly educated and have access to the best jobs, able to communicate assertively and have many subordinates. Women and men, do not have to work overtime or night shifts, have own car and driver, or can stay at home with a lot of money without doing anything. Or maybe get away from the position of women in high position who often go home late at night and work outside the city, but there is always subordinate or other parties to ensure the fulfillment of our needs, even always to prioritize our interests over the interests of others. Or if we are men, we also have to break away from the socialization that invested in ourselves as men who are considered the head of the family, the leader or person in charge at work, or at least, the head of the family who may be accustomed to demand obedience from the members of his family.

First, we put ourselves in the position of different women who may be more vulnerable to become victims (going home at night because the required job, work hard and just being able to ride public transportation because they have to support a family and thinking about food and education for children). Try to imagine yourself as a teenage girl who is either in groups or alone out at night because of problems at home and look for pleasure to forget her anxiety. However we often deplore their behavior that invites vulnerability, still they did not imagine it would be a very painful experience event and victimized. They are not to blame, the ones who wanted to carry out the intent and sexual violence are. We need to realize that the one who get the social stigma 'good-bad' and also have to face the real consequences of sexual intercourse are women. Although women are just like men who biologically have a sexual desire, women are usually better at controlling their sexual desire. Although they potentially do not have a biological problem



and should be able to have sexual desires like everyone else, some women may not know their own sexual desires due to sexual taboos, or perhaps they can control it in order to maintain their reputation. If they do not control sexual desire because of wanting to keep a good name, they may think about the possibility of pregnancy, being a single parent, or having abortions (which is illegal in Indonesia), and so on. A man, on the other hand, does not have to think about this as much as women do. If their sexual partner was pregnant and he did not want to be responsible, he can easily leave the woman, or subsequently develop discourse to justify himself and blame the woman (e.g. the woman is not a virgin, so she is not a good woman and presumably not just having sex with him). There are also some men who, when required to be responsible, kill his sexual partner, as quite often reported in the media. So, compared to men, women will think more and weigh up before deciding—or having free will—for sexual intercourse.

In most cases, women experience sexual violence from people whom they knew, or even the people closest to them. The reasoning that most commonly arises is: if it is done by someone who is known, is it rape? Probably it was consensual but for various reasons the woman later reported it as sexual violence? Questions that can be raised again from the perspective of the female victims are: is it possible that we are in a disadvantaged position and experience of sexual coercion from father or stepfather, the boss at the office or a teacher? Is it easy to be very brave and resolutely face the authority or the person that we perceive much stronger than we are? When as teens we are bombarded with demands of women chastity, and on the other hand we have already ‘done’ or ‘been treated’ by the boyfriend, and then the boyfriend requires us to always satisfy his sexual desires, and threaten to leave or tell what happened to the public, it does not seem that we will easily be able to think rationally and to be assertive. There was also a debate with quite a lot of views that blame the victims, surrounding the rape of a woman on public transportation some time ago. One of the perpetrators knew the victim, and it brought the discourse that ‘this is not rape, but it is consensual, because they knew each other and met late at night’.

Very few women feel comfortable and at ease when they have to come home late at night. When they may choose, the majority of

women would prefer to go home when things are considered more secure controlled. They would prefer a situation where they still have these options: if they cannot ride public transportation, they will ride motorbike taxi (ojek) which is faster; or if the roads are jammed, they will use some alternate public transport if it is still in the afternoon. Imagine we are women who are forced to quite often come home late at night, and because of economic constraints are not able to use a personal vehicle. We are most likely to feel anxious, wary, and perform a variety of steps to ensure our situation safer. For example, we will look for much brighter place for waiting, chat with people we meet to go home together at night, to gain a safer feeling. Likewise that may happened to the woman who had experienced rape in public transportation, the fact that she has known the perpetrator simply cannot be summed up as that she reported the sexual violence that does not happen. When a woman had reported what happened to her many months later, we have to position ourselves to her. If we were her, in her position, to appreciate the difficulties of life, will we immediately report what happened? What are our considerations?

Are all women who report as the victims of a rape definitely the victims? Based on the experience of accompanying the victims, the discussions with the victims and their companion from various studies, I conclude that most of the women who reported as rape victims are indeed victims. Even more women do not report incidents that happened for the reasons that we have discussed in the previous section. Could there be a lying woman claiming to be the victim when she was not a victim? Although very few, the possibility exists, and in fact it can be identified if we have been trained to conduct interviews and observations to identify the facts of sexual violence. It is important to remember, with the allegation that the complainants lie or cover up certain facts, we still need to interview the complainant which is not cornering. There are two reasons, namely: (a) may be she is the victim, so we need to do an interview that is not to blame that even more incriminating, and (b) when she lies about certain facts, it often still can be identified from the consistency of the story, the coherence of the story with the appearance of the psychological reactions that are shown.

In the end, being incriminating does not help provide a comprehensive overview of all existing events.

### Implications of Sexual Violence

Traumatic events can and often do unsettle the security and integrity of our appreciation of self, others and the world. Recovery from an extremely traumatic event would be easier to do when the incident is admitted, accepted as facts by the victims and by other people or

society. Even in the absence of any stigma, recovery from trauma is not easy. When there is a lot of stigma inherent, the event has to be covered. Imagine if you experienced a traumatic event, but the people closest to you state that you did not experience it, or tell us to forget it, ask us assume it does not exist, or do not admit it has happened. Post-traumatic stress can appear in different forms depending on subject characteristics and support patterns. There are some immediate reactions of the clinical symptoms from experienced traumatic incidents: we tremble, feel weak or unable to control ourselves, we may become paralyzed or lose of mind for some time.

At a later stage, depending on

the characteristics of each person, there may be a shock and the pain caused stonewalling, others appeared very tense, anxious and scared. At the time and the following days may be experienced intrusion (re-appreciation of incident) such as through nightmares or the presence of sudden recollection of the details of the incident. Victims may also



"Screaming Inside"  
(Ahmad Badawi: Chinese Ink on A3 Paper)

experience: (a) difficulty in falling asleep; (b) irritability, irritable and angry because they feel uncomfortable, (c) difficulty in concentrating, (d) shows excessive alertness and responsiveness. Sometimes they perform physiological responses such as chest palpitations or cold sweats.

For many traumatic incidents, the resulting stress will generally decline over time. For example, immediately after a traffic accident, people may be afraid to drive or even be in a speeding car on the road. When a car is suddenly overtaking and speeding, or they hear a loud noise in the street, they might be very shocked and become limp. But over time, the post-traumatic stress will decrease, and they will slowly be willing to drive again. However, for special cases even less severe, including rape trauma, post-traumatic stress does not decrease over time. For some people the problems caused by stress actually interfere with their daily lives. They may be afraid to leave the house, unable to work because they cannot bear loud surroundings or being in the midst of many people, always easily shocked and limp, not willing to be left alone, suffered a severe sleep disorder and so on. If so, the individual needs to obtain the help of a clinical psychologist or psychiatrist to restore the peace of life. In the long run, trauma from rape might not affect the behavior, but also the life scheme of the victims. Those who were initially carefree and confident may lose the confidence and joy of life, always worried about the little things that they were not worried about before. They may develop a generalization of the opposite sex as being very scary and untrustworthy. Perhaps they also blame themselves strongly, or lose the closeness to God, who they think did not protect them. In summary, the scheme of life can be changed or even damaged: survivors may lose a sense of security, lose confidence in themselves, in others and the world, continue to feel helpless, or lose the ability to establish a genuine intimate relationship with others.

One of the effects that can arise from sexual violence is 'sexual traumatization'. It is pretty easy to imagine that some survivors will experience sexual dysfunction due to a bad experience and sexual intercourse associated with fear, pain and humiliation. Survivors may have a hard time enjoying sex, be afraid of sexual related matters,

or even avoid close contact with the opposite sex. But the opposite can also occur, especially when sexual violence occurred since, or in childhood, and imprinted in the minds of individuals too early in the wrong way. However humans are sexual beings, who have sexual desire, and sex is sometimes the only known individual expression, to communicate the other needs. Perhaps it can explain that in some cases, sexual traumatization appears in the form of 'sexual dis-inhibition'. Individuals, who are in childhood, or since childhood experienced sexual misconduct, have been experiencing premature sexual stimulation incorrectly. They may experience confusion: on the one hand they are mistreated and humiliated, and even abused physically; on the other hand they experienced sexual stimulation too early. They also do not know any other way to present themselves in a manner other than as they learned in sexual relationship with the perpetrator. Eventually they are even impressed to perform sex too early and show excessive sexual interest. Maybe they think about a lot of conflicts, feel guilty and bad, and in fact do not like their own behavior, but it is hard to control themselves. Women who are like this also tend to be prone to be victims of sexual violence or domestic violence in the later period, as they are easily caught up in relationships with the opposite sex that will be easy to exploit or manipulate them.

### **Psychological Intervention Principles to Strengthen Survivors**

The root of the problem of gender-based violence is often related to the system/structure of a patriarchal socio-cultural and discrimination against women. Humans, whether the perpetrators, survivors or neither, tend to internalize the patterns strengthened in such a patriarchal society. Therefore, awareness of the root of the problem needs to be disclosed. When most women are prohibited to be angry, or socialized to keep nice, the anger caused by unfair treatment experienced needs to be recognized and managed constructively. That is, instead of the men showing anger and expecting women not to, anger should be seen as a natural thing, something that should be managed to avoid further harm and disrupt the lives of survivors. If necessary, anger can be a positive energy for the survivors to spend time assisting other



women who have experienced the same thing. Another thing that is important is the principle that man is responsible for his actions. Thus, sexual violence is not a fault of the target of violence, but it is a fault and responsibility of the perpetrator. Indeed, the (adult) victim is also not a passive person who cannot take any action. She can choose to be slumped to the incident experienced, or through the facilitation of support from others and counseling, choose to take active steps to recover and strengthen herself.

Counselor or companion should facilitate self-acceptance as well as dismantling the myths of sexuality cornering and disadvantaging women. Women are facilitated to accept themselves positively, whatever experience they had gone through, and develop an understanding of the new values which are more equitable in gender. Cases of gender

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Questions that can be raised again from the perspective of the female victims are: is it possible that we are in a disadvantaged position and experience of sexual coercion from father or stepfather, the boss at the office or a teacher?

based violence are often effectively treated through a group approach, like support group, where self-acceptance, self-affirmation and settlement alternatives are found in conversations and sharing in a group with people who feel 'kinship' from experiencing similar situations. It often proves more effective than conversation or providing 'guidance' by people who are considered experts, but do not experience the same problems with

the survivors. Companions should be friendly and good listeners, and normalize the response of the survivors by facilitating subject to understand that the response (fear, excessive vigilance, anger, etc.) is a very human response, which would happen to anyone who experienced the same thing. Normalizing the responses is important, so that the subject does not feel "there is something wrong with her", and over time will be able to run the recovery better.

The important thing is that companion needs to help the subject to calm down, or at least be in better psychological appreciation over time. Survivors need to calm down and strengthen themselves, to be

able to make decisions that are considered better than a lot of choices that completely contain limitations. For example: Should I inform the family? Should I report it to the police or not? Should I change my job? And many other things that need to be decided. Helping subjects to reduce tension, minimizing the internalized guilt due to socialization of sexuality understanding that tends to marginalize women, and processing anger in a constructive manner is important. Sometimes the companion intends to give sympathy, but accidentally becomes angry and unable to calm down, adding to problems of the people she accompanies. Survivors then become increasingly angry, agitated, or unable to think straight. It is important to provide strength to victims to ensure justice be done on all sides. Reworking the psychological side without ensuring availability and sustainability of fair legal system would cause the situation of women to be vulnerable. Psychological reinforcement should be done under any circumstances, especially if the legal system does not provide justice for the victims. But the absence of legal justice will cause the perpetrators continue to roam, even if the victims are cornered and blamed. In conclusion, we still have a lot of homework to do, and psychology and law workers must work hand in hand to build the legal paradigm of feminist psychology which is very conceptual as well as can be set out in concrete that can be applied in the field.

Note: In this paper the terms 'victim' and 'survivor' are used interchangeably. The term 'victim' refers to the targeted person, or become victims of sexual violence, while the term 'survivor' refers to the person who is the victim, but in a more positive connotation, she has the strength and power to rise from the situation as the passive victim, to be a person who is actively trying to recover.

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SEKSUALITAS  
BUKAN  
UKURAN  
MORALITAS

# Law Does Not Work for Women

**Sulistiyowati Irianto**

Professor of Legal Anthropology at the Faculty of Law,  
University of Indonesia (UI)

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## Abstract

Broadly speaking, this paper aims to examine how Indonesian law views rape and sexual crimes against women, how victims (women and girls) are projected in the law, and how criminal law affects the female victims seeking justice. Are there any laws adequate in providing protection for victims of sexual crimes? The main law referred to in Indonesian rape cases is the Penal Code (KUHP), created by the Dutch during their occupation of Indonesia. This legal reference has become a “holy book” for law enforcers, particularly policemen and prosecutors. However, because the Penal Code was created during the colonial period, today it is obsolete and does not offer much protection for victims of sexual crime. From a woman’s perspective, the law might be biased because it was formulated from a male point of view. Indeed, despite efforts by legal development programs to improve management of the judiciary, serious problems remain. The law relating to rape along with the procedural law shows how sex crimes are projected to justice. When the interpretation of law is removed from the context of human victims and perpetuated by institutions, access to justice for victims of sexual assault is difficult to obtain. The law which essentially has multiple interpretations is standardized into a single meaning and freezes. When the law freezes, few interpreters will be sensitive, principled, and courageous enough to exercise the necessary discretion to bring justice to victims.

**Keywords:** Rape, Sexual Crime, Victim, Criminal Law, Justice.

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## Isolated Law

The main law referred to in Indonesian rape cases is the Penal Code (KUHP), created by the Dutch during their occupation of Indonesia. This legal reference has become a “holy book” for law enforcers, particularly policemen and prosecutors. However, because the Penal Code was created during the colonial period, today it is obsolete and does not offer much protection for victims of sexual crime. From a woman’s perspective, the law might be biased because it was formulated from a male point of view. While new laws continuously emerge both inside and outside the Indonesian legal system to guarantee justice for women, they seem to be overlooked by law enforcers. Laws related to rape, sexual violence and offenses created after the Penal Code, such as the Law on Elimination of Domestic Violence no. 23/2004, the Child Protection Act No. 23/2002, and the Law on Combating the Crime of Trafficking in Persons No. 21/2007, do not automatically take priority over the Penal Code. The criminal offenses set out in the Penal Code are so complex, there may be fear that adding statements on the removal of the Penal Code to every new law will lead to a legal vacuum with no guidelines. Thus, the Penal Code remains a superior law.

There are a number of international legal instruments, including conventions, declarations, and treaties, that are important in relation to the issue of justice for women (Merry, 2006). However, Indonesian law enforcers do not seem to prioritize following the global discussion. Generally, they believe that international law has no clear sanctions and is not easily operated in the concrete practice of law when, in fact, ratifying any given legal instrument makes it binding for both the state and its citizens. When carefully studied and understood by the law enforcers, international law could be an asset in legal interpretation, particularly of the Penal Code and its procedure code: Criminal Procedure Code (KUHP). For the international legal instruments are made in international forums, based on experience of various countries, the legal instrument has been tested in various cases of sexual crimes against women in many countries, and the formulation has been a long debate in the hearing world forums (Merry, 2006 ). Another difficulty faced by victims of sexual crime is the paradigmatic problem of determining on what basis legal scholars should interpret the law. This

problem is influenced by the way the origins of this problem lie in how law is taught by law schools. For example, in many law schools in ex-colonial countries, such as those in the southern and eastern regions of Africa, legal scholars find it difficult to abandon methods of teaching law passed down from their colonizers. Western laws, such as the Roman-Dutch law, or British common law, dominate the teaching and research on the law (Hellum & Stewart, 1998: 23). Although law schools were founded to oppose colonialism, many current curricula are based on colonial paradigms. Native customary law is covered minimally in the curriculum, and is sometimes even an optional subject. Customary law is often taught from the perspective of legal centralism based on court decisions and interpretations of legislation. Such an approach indicates acceptance of the assumption that Western law is highly integrated in the life experience and embodied in the interests of white people and the Western middle class that is widely representative of the male population (Hallum & Stewart, 1998:24).

Such circumstances are also common in Indonesia. In general, law scholars make a discourse on the law by only focusing on the notion of law as rules, norms and principles. They seem to isolate laws from social reality. They assume that there is no difference between what is formulated in law and the behavior of institutions and people in dealing with rules, even though there is usually a gap between the written law (law as it should be) and the reality and practice of law in society. Law enforcers assume that legal justice is identical with social justice, when in reality they often collide (Shaplan, 2006). The gap between the law as a text and the law in practice is very apparent. Law as text is open to multiple interpretations. Anyone can interpret the law based on views and beliefs related to their individual interests. When the law is still a text, then, it does not mean anything, and in this interpretation, the law can be “rung.” The law is not in a vacuum, but is in the constellation of interests of those who interpret the law: judges, prosecutors, police, advocates, governments, and citizens of the wider community.

In interpreting laws, the humanity of rape victims (primarily women and children) are often abandoned and neglected. Law enforcers argue at length about the legal procedures and the sort order of legal logic, but not the humanity of the victims. They choose to argue about whether

the evidence of rape is met by procedural law, such as the discovery of sperm, wound in a position of “umpteenth hours,” the availability of witnesses, and so on. Rape is interpreted narrowly in limited legal terms. However, it is very difficult for many victims to meet these criteria, considering the impact to the future of rape victims will be socially and culturally affected. Many victims cover up the evidence of rape out of fear of sanctions from the perpetrator that actually make them cornered, which is why many cases of rape are reported or discovered too late. In these cases, criteria set by the procedural law become impossible to meet. To elaborate, in many rape cases, there are no available witness statements, making it difficult to support the victim’s claims. Furthermore, many victims choose to clean themselves immediately following the rape incident, causing the *Visum et repertum* to not show any evidence of rape. When there is limited evidence present at trial, the victim most likely loses the formal legal procedure. Another important factor that often harms the victim is the lack of gender sensitivity on the part of law enforcement agencies. Not many judges (or other law enforcers) take the initiative to make a breakthrough by overriding the formal legal requirements in the trial, except for those who truly understand the issues of gender equality and have the perspective of the victim. In this case, we may see that ‘legal justice’ is very difficult to be bridged in order to be close to social justice. Although it is important to fulfill evidence requirements and have material truth, we should not overlook justice for the victims. We should practice law for the sake of humanity, and not law for the sake of law.

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### **Law Shield against Sexual Abuse**

Rape is a crime because it is sexual violence, and now we will examine how the substance of our criminal law deals with this. The rules in the

Indonesian Penal Code are not familiar with the term “violence against women.” In the 1993 version of the Penal Code, the term “violence” is not used. However, there are articles in the Penal Code that at least allow women who are victims of violence, including sexual violence, to report their cases to the police. These articles, “crimes against decency” (Chapter XIV, Section 281-297), “misdemeanors relating to morals” (Chapter VI book III, Section 532-535), “maltreatment” (Chapter XX, Section 351-356), “crimes against life” (Chapter XIX Section 338-340), “crimes against personal liberty” (Chapter XVIII, Section 328, 330 and 332), and “extortion and blackmail” (Chapter XXIII, Section 368). However, in this article the discussion will be limited to “crimes against decency,” because this is the most relevant to be discussed relating to rape experienced by women.

### **Penal Code Relating to Rape (Crimes Against Decency)**

Including rape in articles on crimes against decency signifies that rape is considered a crime against ethics, while in reality rape is also a life-threatening crime against people. There are many examples of victims being harmed during rape. In addition to the individual cases, there are also mass rapes, such as the Tragedy of May in Jakarta (Divisi Data Tim Relawan, 1998), Aceh incident (Kamaruzzaman, 1998: 1) and Timor Leste (Fokupers, 1998: 1) when the area was used as a military operating area in the past. It is evident that the incident resulted in the death of many victims. Conceivably, if achieving justice is constrained by the evidence requirement of what has been experienced by female victims of rape individually, the victims of mass rape in armed conflict or social riots might find it more difficult to achieve. Although in theory, if we could point out that the state should be responsible for the incident (since it can be regarded as state violence) in practice there is no guarantee that the victim will get justice. The following are sample articles defining “rape” in our Penal Code: Article 285: “Any person who by using force or threat of force forces a woman to have sexual intercourse with him out of marriage, shall, being guilty of rape, be punished by a maximum imprisonment of twelve years.”

This article poses a few problems. First, the punishment of perpetrators is very light compared to the pain experienced by victims. Rape victims

are often interpreted by many victims as the death or destruction of the future. In practice in rape trials, the maximum penalty is rarely applied. Second, the definition of rape in this article excludes rape that occurs inside marriage (marital rape). However, the fact of the matter is, many forms of violence experienced by women are prevalent in the home and conducted by members of the family, especially the husband. Third, this article implies that a wife cannot sue her husband if he forces her to have sex. This reinforces unequal power relations between husband and wife. Article 286: "Any person who out of marriage has carnal knowledge of a woman of whom he knows that she is unconscious or helpless, shall be punished by a maximum imprisonment of nine years." Article 287: "Any person who out of marriage has carnal knowledge of a woman whom he knows or reasonably should presume that she has not yet reached the age of fifteen years or, if it is not obvious from her age, that she is not yet marriageable, shall be punished by a maximum imprisonment of nine years." Article 288 (1): "Any person who in marriage has carnal knowledge of a woman of whom he knows or reasonable should presume that she is not yet marriageable, shall, if the set results in bodily harm, be punished by a maximum imprisonment of four years."

Articles 286 and 287 assign the same punishment (nine years) to rape perpetrators who target women who are unconscious, helpless or underage. Underage girls are considered equal to unconscious or helpless women. However, Article 288 (1) gives a lighter punishment (four years) to rape perpetrators against underage girls that cause injuries. Contrast that with the rape of adult women (not unconscious and injured), which carries a maximum punishment of 12 years (Article 285). The difference is actually peculiar, because the articles can be interpreted as asserting: "the younger the underage female victims who have suffered injuries from rape, the lighter the punishment for perpetrators." This article obviously does not protect younger girls from rape. Article 294: "Any person who commits any obscene act with his underage child, step-child or foster-child, his pupil, a minor entrusted to his care, education or vigilance or his underage servant or subordinate, shall be punished by a maximum imprisonment of seven years." Article 294 above, compared to Article 285, also shows

peculiarities. Rape committed against adult women is threatened with a lighter punishment than fornication committed against girls under age. In fact, the consequences of fornication with minors are not lesser than those of rape.

Based on the experience of female victims of rape and obscenity, the definition of fornication and rape is problematic because of the two are difficult to distinguish in practice. In cases of rape, many people dismiss what women experience as “not rape”, while, others call it rape. In terms of law, the definition of rape is sexual violence accompanied by the penetration of the penis into the vagina. Based on research, however, 27% of perpetrators have erectile dysfunction and 5% suffer from premature ejaculation, meaning the penetration of the penis may not occur. According to the law then, even if a victim was subjected to similar consequences and felt as if she was raped, as long as there was no penetration, she would not be considered a rape victim (Pangkahila in Tresnaningtyas Gulardi, 1998:1). The contrast between Article 294 and Article 285 suggests: if you want to commit obscenity, choose victims who are underage girls, related to you or under your responsibility, because the punishment is lighter than when performed on adult women. Again, these articles show that criminal law does not protect women, especially girls, from acts of rape.

### **Child Protection Act**

In the case of rape victims who are children, we have a Child Protection Act No. 23/2002. This Act gives better protection to children from sexual crimes. Article 13 of the Act stipulates that every child is entitled to protection from sexual exploitation, cruelty, violence, and persecution. (1) Every child, while under the care of parents, guardians, or any other party responsible for the care, is entitled to protection from: (a). discrimination; (b). exploitation, both economic and sexual; (c). neglect; (d). cruelty, violence, and abuse; (e). injustice, and (f). other abuses. (2) If any parent, guardian or caregiver, carries out any act referred to in paragraph (1), the perpetrator is sentenced to a heavy penalty. Meanwhile, Article 17 of the Act stipulates that any children who are victims or perpetrators of sexual violence or who are dealing with the legal have right to anonymity. In this Act, the perpetrators of



sexual violence or rape receive a sentence of imprisonment of 15 years and a minimum of three years. The difference with the Penal Code is that in this Act there is a higher penalty of 15 years or a fine of three hundred million rupiah and the minimum penalty is three years or a fine of sixty million rupiah. This provision applies to cases of rape by deception.

Article 81: (1) Any person who intentionally commits violence or threatens violence to force a child to do sexual intercourse with him or with another person, shall be punished with imprisonment of 15 (fifteen) years and a minimum of 3 (three) years and a fine of not more than Rp 300,000,000.00 (three hundred million rupiahs) and a minimum fine of Rp 60,000,000.00 (sixty million rupiahs). (2) The penal provision referred to in paragraph (1) shall also apply to any person who intentionally commit deception, a series of lies, or persuade the child to do sexual intercourse with him or with anyone else. Similarly, Article 82 of the Act assigns criminal threats of obscene acts against children that involve violence or deception a maximum of 15 years or a fine of three hundred million rupiah, and a minimum of three years with a fine of sixty million. Article 82: Any person who intentionally commit violence or threat of violence, force, deception, a series of lies, or persuading a child to commit or tolerate obscene acts, shall be punished with imprisonment of 15 (fifteen) years and a minimum of 3 (three) years and a maximum fine of Rp 300,000,000.00 (three hundred million rupiahs) and a minimum fine of Rp 60,000,000.00 (sixty million rupiahs). The Child Protection Act provides stiffer penalties acts of sexual violence against children. The criminal threat against the perpetrators is higher, and there is minimum sentence compared with that in the Penal Code. But the question is how the law is implemented in practice, given that the procedural law of the Act implementation is from the Criminal Procedure Code (KUHAP), which lays out a number of conditions of rape that are usually not easily met. A further question to ask, in the issuance of this Act: do child victims of sexual violence have access to justice or, in general, can the sexual violence against children be reduced?

## Conclusion: Interpreting the Penal Code

The Penal Code has roots in the historical French Revolution, where the people managed to free themselves from tyrants who punished anyone who dared to fight them. The French people then formulated laws so that they could be protected from arbitrary decisions. Therefore, the spirit of the criminal law in France is to protect the “perpetrator” so that can be no false arrest, as stipulated in the adage: “It is better to release 10 criminals than punish one wrong person.” In historical context, this adage is appropriate because if there is a mistake in punishing, especially the death penalty, the life of victims cannot be restored. These types of laws were brought from Europe, from France to Holland, to Indonesia, and to East Timor when it became part of

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When the Penal Code and Criminal Procedure Code are interpreted then there is the problem. When breakthroughs in law are not taken, including making jurisprudence an alternative source of law, victims lose access to justice.

Indonesia. There are three main factors that explain why the Penal Code and Criminal Procedure Code in Indonesia are understood as “fossilized” like a holy book by law enforcers in the field. The first is related to the legal paradigm developed in the practice of law. The law enforcers are doctrine and principles in Dutch criminal law. My experience over decades of teaching at the School of Police and several years in the training of prosecutors indicated that the rigidity on understanding the meaning of criminal law is a paradigmatic problem. They say that the criminal law is the only reference in the black letter interpretation because it refers to the continental legal system (the Netherlands). Formal procedural law is much overlooked. Furthermore, when asked about the position of jurisprudence, is it regarded as an important source of law as well? In general, they found that jurisprudence should be noted, and also should not. This is astonishing because in the practice of law in the Netherlands itself, from which the criminal law originated, jurisprudence is regarded as an important source of law.

When the Penal Code and Criminal Procedure Code are interpreted then there is the problem. When breakthroughs in law are not taken,

including making jurisprudence an alternative source of law, victims lose access to justice. Second, the reluctance of law enforcers in the field to give another interpretation and breaks through the legal texts and more concerned with the victims, due to the need to maintain the status quo in the form of rank or even sanctions imposed by a superior because they do not comprehend the criminal law. In general, that is the view of my students as law enforcers. Bureaucratic stagnation and fear of change also contribute to a sterile interpretation of the law. Yet it is expected to be a shield against sexual violence by those seeking justice. Third, law enforcers who need to update their knowledge of new legal instruments are constrained by excessive workloads, lack of facilitation for performance in trials, and a poor case management system. This results in a trial schedule that is not clear and can be canceled at any time when, for example, prosecutors forget to bring a prisoner, or the judge is called for a sudden meeting by his superior, etc. (Irianto & Nurcahyo, 2004). Indeed, despite efforts by legal development programs to improve management of the judiciary, serious problems remain. The law relating to rape along with the procedural law shows how sex crimes are projected to justice. When the interpretation of law is removed from the context of human victims and perpetuated by institutions, access to justice for victims of sexual assault is difficult to obtain. The law which essentially has multiple interpretations is standardized into a single meaning and freezes. When the law freezes, few interpreters will be sensitive, principled, and courageous enough to exercise the necessary discretion to bring justice to victims.

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# Women and Family Welfare in Indonesia: A Critique of the Family Model “Man as the Breadwinner”

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## Abstract

The emergence of the welfare state form in the West positions women in the traditional role in the domestic sphere. In the context of Indonesia, the critique presented by the feminist in the West to the concept of state and family welfare cannot directly be used to analyze how the country put the women in the family welfare policies. By using some concepts of the state welfare, this paper will explain the bias in formulating the position of women in social policy in the field of family welfare in Indonesia. Social policy for women within the family unit is still discriminatory against women. This is a consequence of the model family with a male breadwinner. The guarantee of women's and children's rights is determined by the legitimacy and their relationship with the husband as head of the family. For poor women the economy and domestic job work is not an option but a requirement. Woman as the head of household is a unique picture of the viability of women from the poverty of the families. These symptoms should be seen as the practice criticizing the assumption of the family model with a male breadwinner. These examples may be early clues to search defamilization concept in Indonesia.

**Keywords:** Women, Family Welfare, Family Model, Breadwinner.

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## Introduction



A report of the National Commission on Violence against Women (Komisi Nasional Perempuan—shortly abbreviated as Komnas Perempuan) published in 2008 noted that 60% of household expenditure structure managers are women. Thus women are responsible not only for the role of caregiving, but also the household economics (family). Various methods are undertaken by women to maintain family welfare, ranging from marriage, being a mistress, settling debt, spirituality, and becoming migrant workers (Komnas Perempuan, 2008). Furthermore, women hold more decision-making power with national strategic issues such as household energy conversion from kerosene to gas (LPG). In 2010, the National Commission for Women noted that in the kerosene conversion program, the State Ministry for Women's Empowerment was defined to organize the socialization program. This means that women will be the major target of the socialization of household fuel conversion at the national level.

The previous examples confirm that the position of women in the management of the family is very important as well as vulnerable. This paper specifically discusses the vulnerability to economic pressures that threatens family welfare. This description tries to see how far the position of women has been considered by the government as an important factor for the welfare of the family. This paper also tries to analyze whether the position of women in the state policy in the field of family welfare has put women in an unfair position. The main criticism of feminism in relation to welfare state is due to biased thinking and policies of European countries after World War II to explain the position of women in the political economic structures that encourage the emergence of the welfare state in that period. However, due to the unique economic, social and cultural in Indonesia, the critique presented by the feminist of the West to the concept of the state and the family welfare cannot be directly applied to analyze how the country puts women in the family welfare policy in Indonesia.

### **Feminist Criticism**

The typical mindset of welfare states in Europe after World War II is a family with a male breadwinner as a target of social security, while the women as wives are dependent to the husband (Meulders

& O'Dorchai, 2007). This outdated analysis of welfare state does not account for gender analysis (gender neutral). Esping Andersen (1990) was criticized for his model of the welfare state typology which only emphasizes aspects of de-commodification, i.e. the extent to which countries provide social security to individuals outside of their participation in the labor market (Meulders & O'Dorchai, 2007). The model and analysis developed by Andersen tend to place women in the role of parenting in the household (care giver). Sainsbury criticized the idea of a welfare state with a male breadwinner model of this kind (Sainsbury, 1996). With this kind of model, women are seen as objects of social policy beneficiary (recipient). Furthermore, social policy tends to divide the sexual type of work (gender-based work) between the work of women in the household who cannot be remunerated and work in the market mechanism, where the social security gained from working on household tends to be lower.

The criticism shows social policy in welfare states still use the gender division of labor, in which the woman's role as caregiver in the home and the man is the breadwinner for the family. It then makes Andersen noticed that the role of the welfare state should not only be measured by the extent to which it is able to protect or replace aspects of individual commodities (de-commodification), but furthermore also measure how far the state can provide a space for women (and other individuals) to escape from their domestic roles in the family through a concept called de-familization (Andersen, 1999). Knijn and Kremer further argue that the state must recognize the right of citizens for care as the state protects the right of citizens such as the right to work, the right to get social security and other rights in general (Meulders & O'Dorchai, 2007). In further developments, the welfare state in the West began to adopt aspects of gender in social policy schemes, ranging from minimal recognition such as allowances for children and allowances for the mother during child care, to a form of dual parental (Ferranini, 2006). The traditional family model of men (husbands) as the main breadwinner still survives, but has changed over time, a change driven by the fact that more and more women are entering the work force.

### **Limited Role of the State**

What about the position of women in family policy in Indonesia? To clarify the position of women in the family welfare policy in Indonesia, there are some contexts that should be noted. First, in Indonesia, although the country has policies in areas related to social welfare, its scope is limited to civil servants, the military, the police, as well as formal workers (Ramesh and Asher, 2000). Second, the difficult economic conditions make women undergo both economic and domestic roles. The development and criticisms of the welfare state in Europe are different from post-colonial developing countries such as Indonesia. In developing countries the individual's welfare cannot rely on the services of state and labor markets, according to Andersen (1990). Gough and Wood (2004) explain that in such countries the state is not able to work perfectly while market mechanisms are only partially available (the capitalist economy mixed with the traditional economics). As a result, the public, particularly those with a weak economy, have to rely on informal social relations in the community to obtain welfare benefits (Gough & Wood, 2004). Gough and Wood named countries with such characteristics in terms of Informal Security Regime.

Social policy in developing countries is generally limited and residual – limited in the sense of the social policy of inadequate numbers (incremental) and residual in the sense that social assistance aims primarily for the poorest communities (Midgley, 1982). In the Informal Protection Regime (IPR) state institutions provide social security to a limited extent. Before Act No. 40 of 2004 on National Social Security System (*Sistem Jaminan Sosial Nasional-SJSN*) was passed, social security in Indonesia was very limited for people who had formal jobs both in the government and private sectors. The social security was typically in the form of social security of employment (occupational schemes) managed by TASPEN for civil servants, ASABRI for the military, and JAMSOSTEK or other private insurance for workers from the private sector. Social security schemes provided by the state are minimal in terms of both nominal and population covered by the social security. Although it has not yet been judged successfully as SJSN program which is not already running, efforts to develop SJSN will expand the coverage of state social security services. Formal models of social security in Indonesia above were generally modeled on the "male

breadwinner" stereotype.

Those living in poverty, which represents a large part of the population, are not included in the formal social policies of this kind. Beyond the social security scheme, the state provides social assistance for the poor. For example, cash transfer assistance (*Bantuan Langsung Tunai*-BLT) or conditional cash transfer (means tested based). The total of social assistance is limited in scope and not sustainable. This kind of help is developed by Indonesian government to compensate for fuel price increases occurred in 2005. The problem of male breadwinner model in Indonesia has different challenges to feminist analysis of the welfare states in Europe. Obviously, with this model, women are regarded as the receiver of a social policy. For example, article 20 paragraph (2) Act of SJSN states that a family member is defined as: ... *legitimate wife/husband, biological children, step children of are legitimate marriage, legitimate and adopted children, as many as 5 (five) people.*

The Act of SJSN requires a good and clear administration of marriage. Act of marriage No. 1 of 1974 has not been able to guarantee the rights of the wife and the children born from a legitimate marriage (see: *Pendapat Hukum Komnas Perempuan dalam Pengujian Undang-Undang No. 1 Tahun 1974 tentang Perkawinan*, 2007). It is surely more difficult for SJSN to protect the wife and children in polygamous marital relationships or underhand marriage. Meanwhile, the marriage can be used by women to get informal social security both economically and culturally that considered unmarried woman as a failed social product. Social security system with the male breadwinner model requires that a strict governance of administration and law in governing the relationship of rights and obligations of each party in it, whether husband, wife, and even relationships outside of marriage (cohabitation). For the context of Indonesia, the male breadwinner model will not be able to provide assurance of protection for the family if the existing policy including acts such as marriage act does not provide legal guarantees and equity for women and children.

**Table 1: Some Forms of Social Security in Indonesia (excluding SJSN scheme):**

Forms of Social Security Employment Insurance (including pension)	Social Security Provider		
	State Social Security	Private Social Security	Informal Social Security
	Employment Insurance managed by state-owned enterprises (SOEs) that are paid by the companies, workers, and state subsidies.  For examples: TASPEN, ASABRI, JAMSOSTEK, ASKES.	Employment Insurance run by private (paid by companies and workers).  For example: insurance provided by private companies with the payment of premiums by the company and the workers.	x
Social Assistance	Ideal Family Program Women as beneficiaries.	x	Helping families experiencing distress or misfortune,
	Cash transfer assistance (BLT)	x	<i>zakat, infaq</i> , charity, donations (donations), feast gift.

Compiled from various sources.

**Woman as Head of Family**

Women Empowerment as Head of Family (*Pemberdayaan Perempuan sebagai Kepala Keluarga-PEKKA*) noted that many households are actually headed by women, and in general this group comes from the poor. According Susenas Indonesia in 2007, the number of households headed by women reached 13.60% or about 6 million households in Indonesia ([http://www.pekka.or.id/8/index.php?option=com\\_content&view=article&id=19&Itemid=27&lang=in](http://www.pekka.or.id/8/index.php?option=com_content&view=article&id=19&Itemid=27&lang=in)). Women as heads of household who are described by PEKKA includes women who are left/

divorced, left/the husband died, unmarried, married but the husband cannot perform his duty as head of household, and married but the husband was gone for over a year. Despite poor economic conditions, the presence of women as heads of household shows that women are able to become leader of the family to look after the welfare and to do upbringing in the family. The status of the woman as the head of the family has not yet received official recognition and protection of the government. But strangely the government is increasingly taking into account the role of women in the management of the household. So some social policy also begins to consider women as important actors for the implementation of the policy.

**Table 2: Assistance Scenario of PKH (Ideal Family Program):**

Assistance Scenario	Assistance per RTSM/ year
Fixed assistance	Rp. 200,000 (US 20,-)
Assistance for RTSM with: Children under 6 years old, pregnant/lactating women	Rp. 800,000 (US 80,-)
Children at primary school	Rp. 400,000 (US 40,-)
Children at junior high school	Rp. 800,000 (US 80,-)
Average assistance per RTSM	Rp. 1,390,000 (US 139,-)
Minimum assistance per RTSM	Rp. 600,000 (US 60,-)
Maximum assistance per RTSM	Rp. 2,200,000 (US 220,-)

Source:([http://pkh.depsos.go.id/index.php?option=com\\_content&view=category&layout=blog&id=20&Itemid=60](http://pkh.depsos.go.id/index.php?option=com_content&view=category&layout=blog&id=20&Itemid=60)). RSTM (*Rumah Tangga Sangat Miskin* means Very Poor Households).

One such policy is the Ideal Family Program (*Program Keluarga Harapan*-PKH). PKH is a program of social assistance for Very Poor Households (*Rumah Tangga Sangat Miskin*-RTSM). Assistance is given on conditions (means tested) that families bring their family members (mother and/or toddlers) regularly to health facilities, send their children



JP Documentation



to school and ensure the attendance of children in the schools. The beneficiaries are mothers (women as the housekeepers). PKH Program at a glance appears to put women in important positions in achieving family welfare. However, if traced further, the nature of 'requirement' in this assistance, if not carefully done, ends up being more of a burden for women, especially in a society where gender division of labor is as strong as it is in Indonesia. Women who received help from the PKH are not necessarily the only women working as housewives. Keep in mind, this assistance does not provide full reimbursement of wages for domestic work as women in the welfare states of Europe. PKH only provides a maximum assistance of Rp.2.200.000 per annum as additional income for each RTSM, assuming that the family has other sources of income. Such programs should not only aim at targeting women, they should seek to break the veil of gender division of labor in society. With that veil, it would be difficult for the program to achieve its goal of improving the welfare of poor families with women as the main target of the policy without taking into account the double burden experienced by women. Social policy in Indonesia has not touched de-familization concept. This concept becomes unfamiliar because Indonesian women do not have the privilege to choose the economic or domestic role. Both of these roles must be endured by women in particular from the poor level of economy.

## Conclusion

It can be concluded that the position of women in government policy in the field of family welfare is recipient of policy. The number and scope is too limited. Women and the majority of poor people living on the informal economy are generally not included in the social security schemes of this kind. Social policy for women within the family unit is still discriminatory against women. This is a consequence of the model family with a male breadwinner. The guarantee of women's (and even children's) rights is determined by the legitimacy and their relationship with the husband as head of the family. On the other hand, the role of the domestic economy that many women carry out is not appreciated because it has no economic value. For poor women, the economy and domestic job work is not an option but a requirement. Woman as the head of household is a unique picture of the viability of women from the poverty of the families. These symptoms should be seen as the practice criticizing the assumption of the family model with a male breadwinner. These examples may be early clues to search de-familization concept in Indonesia. With some of the previous findings, further research can be done to determine what models of de-familization and de-commodification are appropriate to the conditions and needs of the people of Indonesia. Two things need to be studied: the omission in the European countries in incorporating gender analysis in the early emergence of the welfare state and the mapping of the position and role of women in social policy in Indonesia. In the analysis, a model of social policy will be able to answer the needs of the public justice and the family welfare by introducing the gender dimension.

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# Women Alienation from Job: Husband-Wife Partnerships in Household Financial Management

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## Abstract

Household culture in Indonesia determines that men are the breadwinners and women take care of the family and home. Increasingly many women are helping to meet the economic needs of the family. However, their involvement in the fulfillment of family income is not met with reduced household duties. This paper is the result of a qualitative study of female civil servants (PNS) in the Ketapang District, West Kalimantan. Sixteen informants were interviewed in depth. The results show that the civil servants, whose husbands have a steady income, managing and using their earnings for their families, do not benefit from the situation. It is obvious from the results that household work is left more to the women and less to the men, even if both spouses maintain a full time job. This study recommends efforts to change the mindset and worldview of women and men towards income and responsibilities concerning the role and position of husband and wife in the family. In addition, there should be efforts to sensitize the general public about the importance of the division of labor, power relations and bargaining power of women to create a gender-just society.

**Keywords:** Household Economy, Women, Power Relations, Financial Management.

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## **Start from Work Environment**

My interest in doing this research started from my own personal observations of my work environment as a Civil Servant (PNS). My co-workers, most of whom were married women, calculated their economic contributions to their household without considering their personal needs. They believed that to meet the monetary needs of family members, especially the cost of their children's educations was to meet the needs of them. Some of the women even used their one-hour lunch break to go home to make lunch and pick up children from school. In my opinion, there was no balance in marital duties because it turns out that as women became involved in economic contributions, men did not reciprocate by contributing to household chores. While women used their incomes for household spending needs, the men's' income would go towards permanent goods such as houses, land, motorcycles, cars and more. Sometimes, the husbands directly used their income without compromising with his wife. In one specific case, one of my co-workers was going through a divorce. She was a very selfless wife, placing her husband as a top priority in the family at the expense of herself. She sacrificed chances of achieving a higher education and more established career in order to keep her husband superior. She eventually got out of the house as a divorcee with two children, but had nothing to take from it, because all the property they shared was legally owned by her husband.

I am interested in the lives of female civil servants in managing the family's economic life for several reasons. First, while the standardization of roles in the family by Indonesian society and state places the husband as the breadwinner of the family, female civil servants also play a role in contributing to the family economy. Sometimes, they are even the backbone of the economy of the family. Second, according to the BPS (Central Bureau of Statistics, 2005), nearly 25% of educated women in Indonesia, especially in rural areas, take the profession as a civil servant, as it provides fixed income, security and retirement. Proof of career development of female civil servants in Indonesia is seen in the fact that 2/3 of the total number of civil servants in Indonesia. At the end of 2007, the Ministry of Women Empowerment and the State Personnel Board recorded that the number of female civil servants was 1,727,797

out of the 3,728,868 total numbers of civil servants in Indonesia. Based on these observations, I conducted a study of in-depth interviews on 16 female civil servants in Ketapang District, West Kalimantan.

### **Conceptual Study: Husband-Wife Power Relations**

Power is closely related to decision-making. Weber (in Lukes, 1986) connects power with dominance, i.e. a situation in which the person in charge manifests desire in the form of an order; or making regulations to influence the behavior of the people controlled. Sometimes they order as if it comes from their own hearts. Looking at the process of the exercise of power, Dowding (1996) defines power as the power to and power over. Power to is analyzing and measuring our own ability to do something. It focuses more on collaboration to generate power. A person who is the object of the power to is someone who is autonomous and has the right to determine and maintain his desire. Power over is the ability to transform other actors to produce something. In this process, people who are affected do things according to the will of the people affecting have no option to express their opinion. In feminist theory, power is a partnership in achieving objectives. According to Cantor and Bernay (1992), power from the feminist point of view is the setting of social values in society that do not conflict with masculinity and femininity. Power in this case values empowering others, with the aim of creating better social conditions.

Power is understood that in material life there is always the structuralization of social-material relations in which all parties are forced to participate. In his discussion of power and material resources, Rosaldo (1974) noted the power and value in women's domestic and public roles. Women's opportunity to obtain authority or power can be done by entering the men's world, accepting the legitimacy of domestic functions or creating a world of their own, through the allocation of women's earnings to the household economy, wealth accumulation, through the control of food, and to form a particular group or association in the family and society. In line with the Rosaldo's opinion, from the Blood and Wolfe study cited by Sajogjo (1985), the distribution of power between men and women is closely linked to the cultural and personal resources that each donated in their marriage. Personal

resources can be in the form of cash, labor, land, skills, knowledge and religious rituals. According Sajogjo (1985), power in the family is the ability to make decisions that affect the lives of family members, and is not equal between husband and wife. The division of labor refers to the pattern of existing roles within the family, especially between a husband and wife, to do a particular job. The combination of these two aspects (power and division of labor) according to Blood and Wolfe (1960), is a basis in the family and is influenced by the position of the family in the neighborhood or community. Therefore, the magnitude of the role of women in domestic work and work for a living does not always coincide with increased autonomy or power of women within the family.

The concept of power in income allocation and household roles in this paper is used to look at women's situations. In this regard, I would like to see if the power of men or women increases or decreases its bargaining position in making decisions regarding the management of the money in the family: to see how women allocate their income and situation of the husband-wife relationships or vice versa, the situation of the husband-wife relationship when allocating their income. Eichler (1981) and Haryono (2000), studied the relationship between women and men or husband-wife power relations and assume that the power relations are formed due to the interdependence of the need for survival, economic wealth, status and prestige, procreation, sex and affection. Eichler developed the idea that economic interdependence between women and men will set up four types of husband-wife dependency relationships, namely: (1) The husband does not rely on the wife and the wife relies fully on the husband (dominant); (2) The wife does not rely on the husband and the husband depends fully on the wife (dominant); (3) Husband and wife are interdependent (equivalent); (4) Husband and wife are not interdependent (equivalent). Scanzoni (in Suleeman, 1999) says that the husband-wife relationship can be distinguished by the pattern of the existing marriage. According to their research, there are 4 kinds of marriage patterns demonstrated in the following chart.

Table of Marriage Relationship Pattern

No.	Marriage Relationship Pattern	Explanation	Exchange position
1.	Owner Property	<p>Wife is part of husband's belongings, just like cash and other valuables. The breadwinner is the husband and the wife's duty is to provide food for her husband and children.</p> <p>Wife also has to complete her duties with household work because the husband has been working to feed her and the children.</p> <p>Wife is not a person but rather an extension of her husband.</p> <p>Wife is just the interests, needs, ambitions and aspirations of husband. If there is disagreement, the wife should submit to her husband's decision.</p>	<p>Wife gets recognition from the needs supplied by husband, relatives and peer group based on the husband, gets social status following her husband, and receives recognition support from others.</p> <p>Obliged to provide sexual satisfaction to the husband, it is the husband's right to obtain sexual services anytime even if the wife did not want it.</p> <p>Husband could divorce his wife if she cannot give sexual satisfaction.</p>
2.	Head-complement	<p>Husband and wife are complementary. Husband is expected to meet the needs of the wife for affection, sexual satisfaction, emotional support, friends, understanding and open communication.</p> <p>Husband and wife live life together. Husband makes a living for the family. The wife remains in charge of the household and educating children.</p>	<p>The final decision remains in the hands of the husband.</p> <p>Wife has complementary attributes to husband that must reflect the social behavior and physical appearance.</p> <p>Wife supports her husband in the form of paying attention to his appearance, inviting relatives, teaching children about the values and engaging in the politics of status maintenance.</p>

3.	Senior-junior partner	<p>Wife's position remains complementary and additional to her husband as a friend.</p> <p>Wife works and contributes economically so she is not entirely dependent on her husband.</p>	<p>Wife has more power than her husband in household decision making, but in status, the husband has more power because he is the main breadwinner.</p> <p>Wife's income must not be greater than the husband's.</p> <p>Wife can continue her studies and education but husband's career should take precedence.</p> <p>Husband determines the status of wife, and if the wife comes from a higher social status, her will go down to match her husband's.</p>
4.	Equal partner	<p>There is no higher or lower status between husband and wife.</p> <p>Wife gets the same obligation as her husband to develop her education and career and perform household chores.</p> <p>Wife may have higher income and serve as the main breadwinner.</p> <p>All decisions are made with consideration of the needs and satisfaction of each partner.</p> <p>Wife gets the support and recognition from others for her own abilities without regards to the husband.</p>	<p>Love as a place to develop themselves. Allows husbands to express their needs and feelings, with control.</p>

## Economic Position and Women Decision in Family

Marx (in Tong, 1998) looks at production work as an exploitative system, because it uses work force, energy expenditure, and intelligence. Workers sell their force, energy and intelligence to the production owner in the form of a wage. They then sell the commodities produced by workers for profit or 'surplus'. This means they have a monopoly on capital and materials used in production work. The system conditions laborers to work for a wage in exchange system which Marx called 'commodity fetishism'. Exploitation also occurs when women and men form a family. To maintain the stability and continuity of family, women and men must carry out two kinds of work: production work that generates wages to meet the economic demands of the family and reproduction work to preserve descendants and family. The social construction of gender roles places women as housewives who carry out the reproduction work, and men as heads of family who do

“Exploitation also occurs when women and men form a family. To maintain the stability and continuity of family, women and men must carry out two kinds of work: production work that generates wages to meet the economic demands of the family and reproduction work to preserve descendants and family.

production work. Because production work is rated by wages, reproduction work is not considered “real” work. Men who work outside the home have an economic value of wages needed to fund the process of reproduction. As a result, men are considered owners of capital in the reproduction process, because they transform their income to women to finance the process of reproduction. Therefore, men assume the position of head of family.

As the owners of family and the owners of capital, men take the surplus from women in the form of sexual service, heredity, and increasing their status in society. Men also claim their surplus when they are married to a woman who also works. According to law and social construction, women must assume household roles to free men from reproductive work. However, when a woman keeps a job that garners income, her husband's duty is not reduced, even though she is contributing to production work. According to Karl Marx

(in Suseno, 1999), work is a means of human self-realization and should provide pleasure or satisfaction. With work, man can make himself real, because work makes a person exist for himself, for the environment and for others. On the other hand, work can resort to 'alienation', because men feel they are separated from humanity, being a mechanistic part of a social class. Women, on the other hand, focus primarily on their roles as housewives, and only work outside the home to meet family demands and not to fulfill their desire to work. They work outside the home and in the home. Women then feel they exist not for themselves but only for others. As a result, women experience alienation from themselves for the loss in investment in themselves.

Women are alienated from their work because they do not see results for themselves, and the more they work to make money for their family, the more they feel that they are missing out. They also feel that they are increasingly alienated from their work in the household as well. As a result, their work is no longer an implementation of free will, but being force to work. According to Marx, someone who is forced to work exists for herself when she is no longer working. This also applies to women who carry out their work in the household; they perform household chores with the demands that they have to work for the survival of their families but also have a place in the community as a good mother. When women work in the home solely to fulfill social obligations as housewives, the purpose of their job is to meet the needs of others. She loses essence as an individual human being, because she loses her nature of human development. In this case, the woman is under pressure and loses her sense of self. When a human is alienated from his nature as a human being, then he will be alienated from other human beings. As Marx put it (in Suseno, 1999): "Alienation of man from the work, from the events of his life and of nature as a human being is the estrangement of man from man." "Alienation from fellow states conflicting interests in the form of conflict and damages the relationship of each individual. A sign of alienation is the power of money in human beings against other human beings. So the action of work is no longer to get the value as a human being, but to earn money as a form of power."

Alienation of women from their jobs, from themselves, from the



environment, and from human beings is a form of alienation of women because women lose their existence or awareness of self. The relation between capitalism, men and women depicted in a state of alienation of the individual gives an overview of the oppression of women because men free their alienation from capitalism through women. Arivia (2003) describes this concept quoting from Ann Foreman: "Men really exist in the social world, business, industry, and also in the family so that they can express themselves in these four areas. As for women, their place is often in the home. Objectivity of men through the industry and taking their work products indeed provides alienation. But the alienation effect on the lives and awareness of women has a greater impact that is oppression. Men seeking freedom from alienation through their relationship with women, while for women there is no way to be free as their relationship with men is the main structure of oppression." Women's alienation to themselves, the environment, other people and their work becomes an operation as the women are complement to the alienation freedom of men. Women lose their identity when they are in the structure of families and the environment. A woman interprets herself to be 'owned' by her parents as a child, and then 'owned' by her husband when her father hands her over during her wedding. So all done by women are concepted for "the one who owns her", including the purpose of doing household chores or working to earn wages needed for the family economy. In society, the workplace is a source of pressure that alienates women and men and the house is a place of refuge. In the house, men dominate their relationship with women to free themselves from the alienating pressures of work. Meanwhile, the woman in job stress and her relationship with husband put her alienated in the family and in the workplace, making it difficult to let herself go.

### **Women in Household Economy in Ketapang District**

The above conceptual study helped me analyze female civil servants in Ketapang, who work and use their income and how it relates to their husband and family household economic decisions. This paper gains its data from 16 participants given pseudonyms to maintain confidentiality and research ethics. The interview began with a general overview of the

informant, including age, marriage age, rank/group of work, tenure, education level when she became a civil servant, current education level, number of children, number of dependents, and husband-wife income including, office benefits, project benefits, and other income. Data were obtained through interviews with informants. The results contributed to the following analysis.

### **Relations of Power and Husband's Understanding about Income**

The husband's dominance in income management can be seen in the delivery of financial management responsibilities and the fact that consequences of shortage must be faced by the women alone. For example, the following informant was positioned as an extension of her husband to manage household finances. "Since courtship, my husband gives his income to me to be managed. My husband provides flexibility to me to manage the income, but I have to face the risk of shortage by myself... as if my husband trusts me and I feel bad if something goes wrong when I do it ... so it seems that my husband gives me his income and I have to be nice, to meet my duty to manage the family finances, and make it adequate if it is less" (interview with Susi/240607). In some examples, the husband decided to unilaterally use the income he left his wife to manage for his own benefits. "... At that time my husband wanted to continue his study... he said he had to continue his study, so I agreed it, as I think it should be, especially as my husband still works in the sub-district, who knows after he finishes his post-graduate he can work to the district. Then, my husband asked for the savings which is actually the saving of our salary, he said that is for the cost for the first six months before receiving the scholarship fund." (Interview with Susi/220607). The above interviews show that there is a tendency for the husband to make decisions on the management of his income for his own benefit, such as financing his education. Husbands can maintain and manage their own income, but they choose to hand over all financial responsibility, and then want to be served after handing over all his salary to his wife. Rosa, one of the informants who experienced this situation decided not to manage her husband's salary, because she felt that her husband showed his power by giving income. "Since I took all salary, my husband does not ever want to know what the family needs,

he seems arbitrary, wants to be served in everything, so I handed over the salary, I asked him to manage it by himself, I told him to pay for a lot of needs, not because a month salary he got such power, whereas I have to pay for all" (Interview with Rosa/300607).

### **Husband Denies a Traditional Role as Breadwinner**

Another finding from the studies is that husbands are unwilling to accept the role as breadwinner and financing the household, by handing over the responsibility to his wife. "... I was ever managing my husband's income for a few months, but it did not last long because my husband tends to turn over all the financial affairs of the family and would not care if his salary is up for some basic needs of family and child allowance. I've continued to ask for additional money whenever he came home moonlight, but every time I asked for the money, the answer is always just asking me in turn, for example: "where is your money, is your money not enough, what do you want to buy anyway" ... Come to think of the money I spent on this family. Finally I return my husband's salary, insisting his obligation to pay for family needs, I asked him to pay for the costly education of children, grocery shopping each month, and if the kids need money I just told them to ask to his father ... since then I never asked for money again to my husband. Although I have to try to meet the needs of families of side dishes every day ... but it is still lighter than I had to accept indifference from my husband when I managed his salary." (Interview with Rosa/221207).

"... Before the other needs are met, the living cost of my child who goes to college is sent first. I lower costs by reducing snack or buying a cheap menu. Otherwise, it is difficult for savings and allocating for semester tuition of my child. I also have to take into account the child's allowance each month. I can only pray that I die when the children have finished college. If I count, actually my husband's salary given to me is just enough for us to eat, so for a monthly cost of children and child semester tuition are all from my income." (Interview with Nana/230607). In a subsequent interview, when talking about her husband's duty as a breadwinner, Nana expressed objections to the process of financial management in her family which is more chargeable to her income, especially the attitude of a husband who is not involved in the management of household activities. Nana protested the

assumption that the child's success is always considered the result of the husband's efforts, because husbands rarely shows gratitude to his wife. As she states in her interview, "I don't mind anyway, but well, it's marriage, right? Both of us want it, so we should live it together. If husband and wife have deficiency, we cover each other. But, I feel we have a duty as a wife, husband, too. If the husband is respected in the family and in the eyes of the people because he is the leader, because he supports his family. Yeah ... so well in fact that a wife had been forced for always doing this, to bear family living. Maybe it seems I like touted as if counting our services to the family, but it is the reality, if the husband is respected for our merit, for our help, so the husband should be grateful to his wife, it can be by helping the household chores or maybe by moonlighting. Please listen, if a child is successful he is mentioned as the father's child, not the mother's child" (interview with Nana/301107).

Nana's ability to meet family needs with her income, even though her husband does not provide full income, is also experienced by Kurnia, whose economic contribution has been well established since marriage. The desire to be married by a certain age urged Kurnia to maintain a relationship and get married at a young age. Although she had to pay for the family economy at the beginning of their marriage, her husband still paid for college. But after college completion and Kurnia had asked to manage his full income, her husband refused to give the rest of his salary because Kurnia made more than he. "... what else do you want to buy that you beg for money again, is your great salary not sufficient! That's what my husband replied if I told him the rest of his salary. Once my husband also told me, ... you know my salary is low, why should you ask yourself again while your salary still enough for daily needs! ..." (Interview with Kurnia/251207). The unwillingness of men to hand over all his income to be managed by his wife is due to men being unprepared to lose control of his income. This feeling is strongly influenced by men's wishes to use their income towards status symbols, such vehicles and luxurious goods.

### **Husband Utilizing the Contribution of Wife's Income**

Fina, another informant, did not want to differentiate and quantify whose salary is widely used for the needs of the family, because she

wanted to avoid conflict. She said that the use of income each month is the responsibility of the husband and wife together. However, when asked about her husband's personal expenses, Fina admits that much of her money is used for the family and saved for family needs. Overall, she feels economically exploited by her husband, as shown the following interview. "... from the beginning ... for our meal I use the money outside of my salary ... and almost all of my salary is saved... and we use that saving money to buy land and build a house, so if I count it, my money is used more." "I even ever thought that I was economically exploited by my husband to support his career and my husband's family life." (Interview with Fina/240607). Not having full access to her husband's income, and the absence of husband-wife communication regarding family finances show a lack of her husband's responsibility to his family's needs. It causes an economic burden and puts pressure on women, even raising questions about the responsibility of the family breadwinner. Fifit and Marni agree with this opinion: "If I think that building home is an obligation of both of us and discussing family finance is supposed to do together as well, perhaps I have revealed a long ago who work full to support this family, to raise the children, to make the monthly budget enough until the end of the month and the money is still remaining... everything has been used all, but my husband feels that it is enough to give a month's salary ... even we give all out to the family, my husband is just relaxed and doesn't think that the next month we have to pay the college semester tuition of our child. Listen ... there is not the child of mother who becomes scholars, it is the child of father. Although I feel to be exploited by my husband, I was trying to be willing to what I did" (interview with Fifit/150607). Based on the informant interviews, the following are the factors that influence the use of husband-wife income. (1) Maintaining family image: the wife is willing to work to support the family, and let the husbands not carrying out their responsibilities. She does not want a divorce so that children are raised by intact-parent. (2) Wife's ability to negotiate with the husband: the process of a wife's negotiation with her husband occurs when she starts running household activities that cost money. The problem is, husbands are unwilling to give up money unless the wife asks for it, or they choose not to give money altogether. In these

situations, if the husband does not accept her negotiations, she figures it out by working outside of the house to earn the living.

### Husband's Status Quo

The conditions of husband-wife relationship in the use of husband-wife income for a family that requires women to make adjustments, implies many things. One implication is the status quo of male gender establishment that results violence against women, and the exploitation of women's work. Imaging of men as a leader or head of the family

is still anesthetized by underlying root of paternalistic-masculinity culture that puts women in an unequal position. Unpublished empirical data says a lot of men are not ready to marry women who earn more, because he is not prepared to face the changing gender establishment constructed by culture over the years. Mens' unpreparedness to share his roles equally with his working wife can be seen from the attitudes and behaviors exhibited by Kurnia's husband to his spouse. Kurnia's husband has a tendency to limit the movement of his wife with unilateral rules that he made as a form of manifestation of power to his wife. He uses demeaning words and makes threats while out in public if the wife dared to commit a violation of the rules that made the husband.



JP Documentation

“... I do not dare, because he suppressed me with his attitude. For example, when we were still on courtship, once he threatened to leave me if I was still doing gymnastic activities and making friends with people he did not like. He had never hit, but he threatened to hit me if I violate the ban, or the threat of leaving me was very often. ... I'm always forbidden for monitoring activity or other activities to leave the house more than a day, whereas I do not forbid

him to do the same activity. My husband always accompanied and picked me up when we will go to or come home from work, I go to work at seven, go home for lunch at twelve and came back an hour later then come out at 3 pm ... my husband is doing so because he could not meet the needs of families full, so he gets it away to me, perhaps it makes him not to be underestimated, because if I noticed, he often did this in front of friends who like to poke fun at me, that my husband married me due to money ... they know that all facilities used by my husband is from my income before marriage” (interview with Kurnia/030707). The attitude demonstrated by Kurnia is one of man’s attempts to maintain the status quo of gender establishment that provides physical and psychological benefits to men. Looking at Kaufman’s opinion (in Subono, 2007), the power shown by Kurnia’s husband is a form of insecurity and fear of power loss.

Wife’s Strategy

These are some ways in which wives adjust the income in her own way.

Reducing or eliminating expenses for herself.	Wife puts their needs in the final sequence. She puts the children first and the basic necessities.
Using saving and loan services.	Shopping by owe at the beginning of the month, then paid at the beginning of next month to stabilize the family’s finances.
Reducing the family consumption expenditure.	Overcoming the money crisis by suppressing family expenditure like cheaper cooking materials or making it by themselves. The process is completed by the women themselves.
Suppressing the growth of the number of family members.	Doing unhealthy and dangerous abortion by reason of financial and social conditions which do not allowed. They do abortion by taking laxatives for delayed menstruation cycle, strenuous physical activity even taking hard drugs.

Role Distribution in Households

Mei and Marni show how the social construction that puts family consumption under the women’s’ management makes women afraid



to speak out on economic issues the family faces. "... I feel that my duty is to provide meals and drink, and then my husband told me that I have to meet the needs with my salary, so I'm just uncomfortable to ask my husband salary" (interview with Marni/050707). "I feel bad asking for additional money to my husband, because my salary has been spent, ... so every shortage is covered by myself, if there is something difficult, I do it by myself, I feel that it's not good to have a fuss on household needs" (interview with Mei/250607). There is a notion in society that family economic problems are a personal matter and should be kept a secret. A woman's inability to keep family finances secret and to overcome the family economic problems would place the women as deficient. Therefore, the woman looked at the use of income as a way to be welcome in the family and society. Women are conditioned to accept attitude and relationship offered by the spouse, particularly when viewed from the management of the husband's income. In addition, women as wives use their income to support stable family structure, or for the establishment of an ideal family.

The results showed the completion of the whole or a variety of reproductive work in 16 informant families almost all the household chores are completed on a daily basis by the wife. In some informant families, the husband does not get involved in the completion of routine and non-routine household chores. In general, informants describe that the husbands are only involved in non-routine activities such as shopping staples for families every month, or accompanying the wife with grocery shopping and cooking side dishes. Husbands get involved in parenting activities such as dropping off and picking up children from daycare or school, occasionally taking children to play or teaching children to learn. However, the husband's involvement in childcare is not a whole because he is simply aiding his wife. The following table is based on informant interviews and indicates husbands' lack of involvement in household chores.

**Table 2. Recapitulation of labor division based on the implementation by the husband/wife**

No.	Type of Household Chores	Routine involvement (people)		Non-routine involvement (people)		Other information
		S	I	S	I	
	<b>Daily routine</b>	S	I	S	I	
1.	Cooking					
	Providing breakfast		16			*eating out, the maid
	Lunch		16	3*		
	Dinner		16			
2.	Washing dishes		16			
3.	Washing clothes		16			
4.	Ironing		14	2		
5.	Cleaning the house		14	2		
6.	Shopping to the market		16	3		
7.	Helping children learn		13	3	1*	*helping
8.	Parenting		16	10*		*helping
	Monthly routine					
9.	Shopping groceries		14	2		
10.	Going to pay for electricity		9	7		
11.	Going to pay for water services		9	7		

The implications of the husband-wife division of labor to the development of women are as follows: (1) Career options after husband’s career: women should not hold career positions higher than their husband’s. Politically, the distribution of positions in the government is less responsive to women because it puts women second after her spouse. The second, the assumed responsibility of household work and parenting small children make women unable to express their desire to go to college and in favor of her husband. (2) Not wanting to compete and conflict: women do not want to be considered selfish by her husband. (3) Condescension toward women in household chores: husbands cannot do household chores, but they can enjoy the results of

the wife's work to support the family income. Husbands refuse because they consider household chores lower, which means woman or wife is considered having lower position. As the informant Gina said, "... it is enough for me that my husband's attitude who do not want to interfere in the domestic affairs as an attitude not to accept myself ...". (4) Women relented: some informants make a strategy by utilizing and maintaining the condition as a companion to her husband. But the husband maintains his dominant position by limiting the choice of women to get a better education.

## Conclusion

In general, women who work as civil servants in particular have access to employment, income, education and skills. However, the results showed, despite having access to all of those things, a woman's status in relation to her husband does not improve. For that, it takes the awareness of women and men to change the concept of roles and responsibilities in the family. The awareness to change this concept requires awareness in women and men about the meaning of personal needs and familial needs, and the meaning of the wife's income and the husband's income. Married couples should have a plan in order to improve their bargaining position. The plan is a financial plan for household needs or "husband-wife partnership". Here are some of the benefits offered in the 'partnership' or husband-wife partnership: (1) Establish strength and solid relationship between husband and wife, thus simplifying the spouses to achieve career advancement because they are more empowered. (2) The partnership will reduce conflicts that may arise in the management of income due to the openness of financial problems and the benefits gained by the husband and wife, so fairness is achieved. (3) The partnership will maintain continuity of relationships between husband and wife because of the commitment of cooperation between the two. I recommend efforts to change the mindset and worldview of women and men towards income and responsibilities concerning the role and position of husband and wife in the family. In addition, there should be efforts to sensitize the general public about the importance of the division of labor, power relations and bargaining power of women to create a gender-just

society. It is necessary to revise Law No. 1 of 1974 on Marriage to be changed substantially into “husband and wife together shall organize households as well as possible”.

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# Unraveling Corruption Practices in Placement of Migrant Domestic Workers Abroad

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## Abstract

The government of Indonesia is not serious to resolve the issue of the protection of migrant workers. The Supreme Audit Agency (BPK) Republik Indonesia (RI) has provided comprehensive recommendations in the examination report of placement and protection performance of migrant workers. BPK issued a report that the placement of workers abroad is not fully supported by the policy intact, comprehensive, and transparent to protect the basic rights of workers, and equal opportunities for all stakeholders. It is also not supported by the integrated system and the allocation of adequate resources to improve the quality of the placement and protection of migrant workers abroad. BPK also explicitly highlights that recruitment of workers is not yet supported by good and transparent process so there is no certainty, justice, and the protection of migrant workers.

**Keywords:** Corruption, Placement, Migrant Domestic Workers, BPK (The Supreme Audit Agency).

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## Introduction

Corruption in the field of migrant domestic worker placement starts from the recruitment process. Collusion between the bureaucracy and the supplier company becomes a chain key of migrant domestic worker policy. But the most corruptive thing is the placement of high

officials based solely on political interests and not on the capabilities and expertise. Ruyati's beheading asserts another reality of "migrant politics" behind what has been delivered by the public officials of this country. No exception to what has been delivered by the President SBY (Susilo Bambang Yudhoyono-ed) on the protection of migrant workers heard by people around the world. In a series of ILO-100 or ILC (International Labor Conference) trials, very convincingly President said that the conditions of Indonesian migrant workers have been respected and their rights are protected. This is because Indonesia already has regulations and institutions that protect foreign exchange heroes (see *presidensby.info*, June 15, 2011). The President's speech indicates as if there is no serious problem faced by Indonesian migrant workers. The 100th ILC (International Labor Conference) was organized by the ILO on June 3 to 18, 2011 in Geneva producing the adoption of ILO Convention No. 189 concerning decent work for domestic workers. This Convention is the first international instrument that gives legitimacy and legal recognition of domestic workers (PRT stands for *Pembantu Rumah Tangga*) as workers whose rights must be guaranteed by law. The Convention is also to address problems of domestic workers who constantly suffer from discrimination and systematic violations of human rights during the work.

The problems of migrant workers hitherto have invisible edges, never a priority to be completed thoroughly and completely. That the government of Indonesia is not serious to resolve the issue of the protection of migrant workers is seen in the handling pattern that is always partial, sporadic and ad hoc although the Supreme Audit Agency (BPK) Republik Indonesia (RI) has provided comprehensive recommendations in the examination report of placement and protection performance of migrant workers in the second half of 2010. In March of 2011, the BPK issued a report that for the public it was not so surprising, since many problems so far at least have shown lack of commitment and performance of Indonesian

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Human Resource Ministry and BNP2TKI in providing protection and services for migrant workers. Here is an excerpt from the conclusion of BPK RI about the performance of Indonesian Manpower Ministry and BNP2TKI; “that the placement of workers abroad is not fully supported by the policy intact, comprehensive, and transparent to protect the basic rights of workers, and equal opportunities for all stakeholders. It is also not supported by the integrated system and the allocation of adequate resources to improve the quality of the placement and protection of migrant workers abroad.” BPK also explicitly highlights that recruitment of workers is not yet supported by good and transparent process so there is no certainty, justice, and the protection of migrant workers (see *bpk.co.id*).

### **Politics and Corruption of Power**

Corruption of power is corruption practices based on policy spending budget yet the results for the protection of migrant workers are not significant. Corruption of power can be really seen in the form of products of the corrupt policies, power abuse, facilitating corruption and allowing the corrupt practices continue to occur. Among the forms of corrupt policy, the example can be seen in the Presidential Decree when forming Task Force (*Satgas*) handling cases of Indonesian citizens/migrant workers facing the death penalty abroad through Presidential Decree No. 17 of 2011 on July 7, 2011 (see *presidenri.go.id*), which drew criticism. This policy is clearly a reactive attitude of the Indonesian government for the execution of Ruyati beheaded in Saudi Arabia. The results of the investigation of Migrant CARE with Ruyati’s family, KontraS, Wahid Institute and Alimat in Saudi Arabia on 12-20 August 2011 prove that the death sentence for Ruyati is a result of the negligence of the government that does not provide maximum legal assistance, including not providing lawyers for Ruyati. After being cornered the government finally admitted it. Migrant CARE has been strongly questioned the effectiveness of the Task Force, considering the composition of the members comprising the retired public officials, although there are also officials who are still active. Apart from the composition of its membership, the main tasks and functions of the Task Force are in the issue of country of placement of the migrant

workers, while their position is in this country. According to the Presidential Decree No. 17 of 2011, the main tasks of the Task Force are as follows: (1) Inventorying of the problems and cases of Indonesia Citizens/Migrant Workers abroad who are under death penalty; (2) Conducting advocacy and legal aid for Indonesian Citizens/Migrant Workers abroad who are undergoing the process of law, especially those facing the death penalty; (3) Evaluating the handling of legal cases of Indonesia Citizens/Migrant Workers, including adverse cases of Indonesian Migrant Workers in country of placement; (4) Providing recommendations to the President on the steps in completing and handling the legal cases of Indonesia Citizens/Migrant Workers in the country of placement.

The four main authorities given to the Task Force actually raise questions about the state budget allocated to the Task Force operational in Indonesia, while its main tasks and functions are in the country of placement. During 6 months of its working period, the state spent a lot of budget for travel and living costs abroad that are often performed by the Task Force. Meanwhile, the budget of Indonesian government representatives in foreign countries also was not reduced when the Task Force is formed. What had happened is a waste of the state budget with minimal results. The cases of migrant workers who are threatened



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with the death penalty continues to increase, while five cases of migrant domestic workers (Tuti Tursilawati, Siti Aminah, Darmawati, Siti Zaenab, and Siti Aminah) who received the death penalty in Saudi Arabia are unclear until now. And in an effort to lobby the government of Saudi Arabia for the release of five migrant domestic workers, the Task Force is still asking for outside help (outside the Task Force), that is the former president BJ Habibie, that also has not produced results. Some migrant domestic workers who had returned from Saudi Arabia who are free from the death penalty have always been claimed as the successful performance of the Task Force, whereas they came home because of having finished a prison sentence for 5-10 years, as Bayanah, Neneng, and Jamilah. And their freedom is not because of the performance of the Task Force, the Task Force only recorded the data of their return. Ironically, although many people see the ineffectiveness of Task Force performance, yet the President Susilo Bambang Yudhoyono (SBY) in Limited Cabinet Meeting of Political, Legal and Security Affairs, January 5, 2012 precisely expressed the need for the extension of working period of the Task Force of migrant workers for 6 months. And the president's decision is precisely justified by some members of the House of Representatives from Commission IX (in charge of Labor and Health) that should be able to control any policy that is not productive.

Similar policy is also made in 2004, the government set up Task Force of TKIB (Indonesian Troubled Migrant Workers) through Presidential Decree No. 106 of 2004. This Task Force has responsibility for troubled migrant workers returned from Malaysia due to deportation. In the term of budget politics, the Task Force is also contrary to the principle of efficiency of the budget, because the social ministry also has budget items for the repatriation or return of troubled migrant workers. Meanwhile, the abuse of power can be seen in the failure of state to protect migrant workers abroad, especially the majority of women migrant domestic workers. The President, with his power should be able to choose the people who deserve to lead the institution who have full responsibility for the protection of migrant workers, i.e. the Ministry of Human Resources and Transmigration and BNP2TKI. That authority, however, is not being used properly by choosing the people who do not

have the capability in the field. After the President issued Presidential Decree No. 81 of 2006 on the National Agency for the Placement and Protection of Migrant Workers (BNP2TKI), President Yudhoyono then appointed Moh Jumhur Hidayat as the head of BNP2TKI since January 11, 2007 through Presidential Decree No. 2/M/2007. As a public knowledge, the background of the appointment of him as the head of BNP2TKI has a more political nuances than his capacity in the field of protection of migrant workers. Jumhur Hidayat obviously does not have a track record in the field of protection of migrant workers, he is better known as an activist of a trade union, namely Gaspermindo. Due to the limited capacity, the policy made by the head of BNP2TKI is far from the protection aspect, such as the obligations of KTKLN (Migrant Worker Card) which later further disadvantage the migrant workers and policy of BNP2TKI which opened labor markets in areas of conflict such as Sudan. The failure of BNP2TKI as reported by BPK at the second half of 2011 is also the failure of SBY in appointing the leader of this institution.

The same mistake was also made by President SBY in appointing the Minister of Human Resources and Transmigration. There is no significant achievement of the Ministry of Human Resources and Transmigration under Muhaimin Iskandar in the protection of migrant workers. Therefore, it is not so strange when the more prominent thing in this ministry is the practice of corruption allegedly involving the helm of the Ministry, and not his performance. In addition, the appointment of a single consortium without a tender for migrant worker insurance by the relevant minister aggravates the problems of migrant workers. Finally, it seems reasonable if the appointment of the head of BNP2TKI and Muhaimin Iskandar as the minister of Human Resources and Transmigration of Indonesia is seen more as a rationing of power to those who have a high loyalty to his master. It is proven in the drama cabinet reshuffles in mid-October 2011 ago, Muhaimin Iskandar was not evaluated on his performance objectively, but has been sustained because of political coalitions. Likewise with BNP2TKI that showed to be not having any good performance of evaluation mechanism. Even for the tenure of the head of BNP2TKI which should be completed by January 11, 2012, until now there is no issue about tenure extension or

replacement from President SBY. The appointment of public officials should also be based on the terms of the principles of the election or appointment of public officials as provided for in article 7 of the UN Convention Against Corruption, 2003, "Each State Party shall, where appropriate and in accordance with the fundamental principles of its legal system, endeavor to adopt, maintain and strengthen systems for the recruitment, hiring, retention, promotion and retirement of civil servants and, where appropriate, other non-elected public officials: That are based on principles of efficiency, transparency and objective criteria such as merit, equity and aptitude" (see *kpk.go.id*).

Various policies that are not smart and assertive often give a gap and facilitate corruption in it. For example, overlaps and conflicts

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There is no significant achievement of the Ministry of Human Resources and Transmigration under Muhaimin Iskandar in the protection of migrant workers.

between the two institutions of the country, the Ministry of Indonesian Human Resources and Transmigration and BNP2TKI happened in a long time led to poor services and protections afforded to migrant workers by both institutions. This will not occur if the governance and administration of the government is performed properly. According to Article 48 of Presidential Regulation No. 81 of 2006

(see *presidenri.go.id*) about BNP2TKI; "At the start of this Presidential Regulation, the Directorate General of Foreign Employment (PPTKILN) Ministry of Manpower and Transmigration, as stipulated in Presidential Regulation No. 10 of 2005 on Unit of Organization and Tasks of Echelon 1 in State Ministries of Republik Indonesia as amended several times, the latest by Presidential Regulation No. 66 of 2006, is being erased". After BNP2TKI was established, the Directorate General of Foreign Employment Ministry of Human Resources and Transmigration was abolished, but the Directorate General for Development and Placement (Binapenta) which used to be the Director General of DG PPTKILN before, is reactivated. Activation of Director General of course leads to a double post and budget absorption for their equal tasks and functions as well as overlapping authority in the field of placement and protection of migrant workers.

As stated in Article 49 of Presidential Decree No. 81 of 2006 concerning BNP2TKI at the beginning of this Presidential Regulation, there are some provisions: (a) The task field of placement and protection of Indonesian Migrant Workers abroad is conducted by the Directorate General of Foreign Employment of Department of Manpower and Transmigration until the completion of the organization arrangement of BNP2TKI. (b) The Ministry of Human Resources and Transmigration within a maximum period of 6 (six) months submits all documents related to the execution of the task field of placement and protection of Indonesian migrant workers abroad to BNP2TKI. There are provisions for the regulation of the transition period of 6 months after the formation of BNP2TKI for managing institution, but the evidence suggests that up to 5 years BNP2TKI is formed, there are violations and abuses of the main tasks and functions. The main tasks and functions of BNP2TKI as defined in the Presidential Regulation No. 81 of 2006 to weigh (point b) is implementing the policy, but in many placement countries, precisely the head of BNP2TKI makes a variety of policies. Meanwhile the Ministry of Human Resources and Transmigration that reactivates Directorate General of Development and Placement (Binapenta) of migrant workers also continue to run the placement and protection of migrant workers and there is no coordination and synergy with BNP2TKI. Surprisingly, there is no attitude from President SBY to the situation and tends to ignore these serious problems.

### **Conventional Corruption**

Conventional corruption is corruption practice that continues to occur and tends to be ignored and frequently practiced. Conventional corruption in the placement and protection of migrant workers is an old reality, such as lack of accountability and transparency in general and specifically in terms of placement fees, fund of the protection of migrant workers for 15 USD, insurance funds, and migrant worker terminal. It takes into the four following form of corruptions. *First*, No Accountability and Transparency: in point (3.8) audit reports of Supreme Audit Agency (BPK) in the second half of 2011 showed "the lack of clarity in policy and weakness in the placement and protection system of migrant workers placement systems provide





opportunities for deviation from the recruitment, training and medical testing, processing of documents, the placement process at destination countries to the return of migrant workers to their homeland. The complexity of the problem makes the effectiveness of the placement and protection of migrant workers abroad not achieved optimally". The above report confirms that the lack of transparency and accountability in the placement and protection of migrant workers is going in plenary, ranging from recruitment to the return of the migrant workers back to their homeland.

*Second, Placement Fee (Cost Structure):* based on the provisions of Law No. 39 of 2004 on the placement and protection of migrant workers (PPTKILN) in the State Gazette of the Republic of Indonesia in 2004 number 133 (see [disnakertrans.kalselprov.go.id](http://disnakertrans.kalselprov.go.id)) of Article 76 paragraph (1 and 2) stated the financing of workers that: " (paragraph 1) the company's private placement of Indonesian workers (PPTKIS) can only charge a placement to the prospective migrants for cost components: identity document processing; health and psychological examinations; and training and certification of labor competencies (paragraph 2). The cost then fee referred to in paragraph (1) shall be further regulated in Ministry Regulation. The above provisions have slit for the authority



abuse of a public official who has the authority to make rules in detail about the cost of the placement. The charges not governed by this law precisely become the source of charges in the recruitment of the migrant workers, such as charges for brokers, PPTKIS cost, insurance premiums, and KTKLN. The practice of charges makes the cost of placement workers very expensive and leads the migrant workers systematically indebted because all the components of the fee are paid by the workers through payroll deduction mechanism.

*Third, 15 USD Protection Fund:* in many cases of Indonesian migrant workers abroad, particularly those with serious criminal offenses such as the threat of the death penalty, the right to legal aid is often not available, and the cliché reason from the government is the limited budget to hire a lawyer in the placement country. Though since long ago, the migrant workers have to pay dues-called protection fund for 15 USD for every prospective migrant who is leaving. Government Regulation No. 92 of 2000 on the fare of non-tax revenues (PNPB) (see [portal.mahkamahkonstitusi.go.id](http://portal.mahkamahkonstitusi.go.id)) in effect at the Ministry of Human Resources and Transmigration requires each prospective worker to pay 15 USD. However the purpose or usefulness of such funds until now there is no accountability, although many parties insist, including the NGOs strongly to encourage audit and removal. Based on data placement BNP2TKI, protection from the year 2006-2011 funds of 550 billion dollars with the following details:

**Table 1. Details of Migrant Workers Protection Fund per Year**

Year	Number of Placements	Total Protection Fund (15 USD x number of placements)
2006	680,000 people	Rp. 102 Billion
2007	696,746 people	Rp. 104.5 Billion
2008	644,731 people	Rp. 96.7 Billion
2009	632,172 people	Rp. 94.8 Billion
2010	575,804 people	Rp. 86.3 Billion
2011, until October	438,474 people	Rp. 65.7 Billion
	Total	550 Billion

Source: BNP2TK

*Fourth, Migrant Worker Insurance:* to unravel migrant worker insurance corruption, there have been a lot of investigations and good reports from the civil society organizations such as ICW and Migrant CARE, as well as state agencies, such as BPK and review of KPPU, as well as media investigation coverage. As in *Majalah Tempo* issue 5 to 11 September 2011 No. 2740 which raised insurance corruption trail by tracing the plight of migrant worker insurance and found a series of irregularities. Half the workers insurance premium turned out to flow to a broker with a track record that is not clean. The appointment of an insurance company consortium was full with the issues of bribery and billions of rupiah deposit per month. But until now the tangled threads of corruption in the migrant worker insurance cannot be described. Based on Migrant CARE experience in assisting victims who take care of insurance claims, the regulation of insurance tends not implementative and the workers always face difficulties in claiming insurance. Insurance problem is not only on the bureaucracy of its disbursement, but also the legality of insurance legal entity which is also problematic. The result of KPPU evaluation on the government's policy on migrant worker insurance states the migrant worker insurance has not been proven to provide maximum benefits to the workers directly. This is due to the knowledge of the workers about the insurance products which is still low, so that the workers buy products that are not known and are difficult in claim-handling process. Since 1997-2010, the government has repeatedly changed its insurance-related policy, but until now there has been no evidence of significant improvement.

**Table 2. Details of Insurance Fund Based on Placement Data per Year**

Year	Number of Placement	Total Insurance (400 thousand x number of placement)	Specification
2006	680,000 people	Rp. 272 Billion	Permenakertrans No. 23/MEN/V/2006 - Monitoring of Migrant CARE showed that an insurance claim is not more than 20% - The workers find difficulty in handling claims - The cost to taking care of insurance is greater than that obtained from the insurance - Many workers are not provided with information about insurance
2007	696,746 people	Rp. 278.6 Billion	- Permenakertrans No. 20/MEN/X/2007 - Insurance claims no more than 20% - In the case, migrant workers require 1-2 years to claim insurance on the wages unpaid by the employer - Many workers who are not provided with information about insurance
2008	644,731 people	Rp. 257.8 Billion	Permenakertrans No. 23/MEN/XII/2008
2009	632,172 people	Rp. 252.8 Billion	No transparency
2010	575,804 people	Rp. 230.3 Billion	- Permenakertrans No. 07/MEN/V/2010 - The government has appointed 1 consortium of insurance as migrant worker insurance provider.

2011, until October	438,474 people	Rp. 438.4 Billion	Investigation of Majalah Tempo issue 5-11 September 2011 No. 2740 concerning migrant worker insurance corruption trail discovered a series of irregularities. Half the workers insurance premium turned out to flow to a broker with a track record that is not clean. The appointment of a consortium of insurance companies was full with the issues of bribery and billions of rupiah deposit per month.
Total	3,667,927 people	Rp. 1.729.9 trillion	Total insurance fund from 2006 to 2011 based on placement data of BNP2TKI

Source: BNP2TKI

Meanwhile the BPK audit results indicate that the implementation of migrant worker insurance has not provided a fair, certain and transparent protection. In detail, the following are the findings of BPK. (a) Ministry of Human Resources and Transmigration has not maintained a good insurance program, as mandated by Law No. 39 of 2004 Article 68 which requires PPTKIS include workers who will be sent overseas in insurance programs. (b) The appointment of nine insurance consortiums through the minister’s decision of 2006 to 2009 which involved 48 insurance companies and eight insurance brokers, of which type and cost of coverage is set, creating unfair competition. The insurance consortiums did not compete to improve performance and service of the networks, but rather competing to provide premium discounts and to bargain the price of premium to PPTKIS. (c) The insurance consortium does not publicly report the production of insurance policies and claims either to the Ministry of Human Resources and Transmigration or to the public through the website. The website of insurance consortium that should be publicly accessible is often constrained technically. (d) Data production and progress of migrant workers are very difficult to access, there are even insurance consortium that intentionally hides production data and claims. (e) The existence of deliberate intent of PPTKIS that it does not include the migrant

workers in the insurance program, especially pre-placement insurance. For PPTKIS the less the cost of premiums paid, the better, although the cost of the premium is ultimately charged in full to workers through payroll deduction mechanism. (f) Liability of the consortium in solving the claims is often late and the status is unclear. Liability of insurance consortium in handling cases of migrant workers abroad often has unclear status as well.

## Conclusion

Corruption is the face of the placement and protection of migrant workers, the practice has been going on for years and likely to be ignored. Collusion between government and the private sector so far also has become an integral part of the practice of corruption. A very real indication is the massive occurrence of violations of the basic rights of migrant workers. While private parties who have business in this field continue to gain financial benefits which are not offset by protective government regulations for migrant workers. Meanwhile the legislature is not maximizing its authority to supervise the government, because they are busy to spend the budget for things that are not substantive. The slit to corruption practice is wide open on the existing policy, it is not enough to end the practice with just a slogan or a resolution, but requires seriousness and courage to make changes. KPK should also be more progressive to eradicate corruption, not only in the political environment but also the corruption in the placement and protection of migrant workers that have harmed the lives of more than 6 million Indonesian migrant workers and the members of their families.

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# Gender and Corruption: Finding Common Ground between the Anti-Corruption Movement and Women's Movement

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## Abstract

In Indonesia women remain at the bottom of the social stratification. Corruption in the country only worsens their position. In order to abolish corruption, investigating and covering it should be a continuous social movement. In this process women are important actors because they are the major victims of political oligarchy and also because women generally have higher ethical standard than men. Corruption is not a victimless crime, because many suffer the consequences of it. Among those victims are women who are socially marginalized. As a result the anti-corruption agenda is in line with the women's empowerment agenda and thus women should be considered important in fighting corruption. The anti-corruption movement should become part of the democratic movement, as well as helping in the fight for women's rights. Therefore, the improvement of the measurement instruments and anti-corruption strategies should include gender indicators. At the same time, the women's movement must also support the anti-corruption movement, especially to resist the oligarchy that not only raises public resources through corruption, but also marginalizes women in various fields.

**Keywords:** Gender, Corruption, Social Stratification, Politics.

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## Why Women?

Fight against corruption is a lengthy battle and can only be won by the government. Fighting corruption requires a long period of time because the real corruption does not only occur in the government. The boundary between the country, private sector and civil society is not always clear. A corrupt country is created through the contribution of a corrupt private sector, because if the private sector was not there to offer bribes, there would not be a corrupt government. Similarly politicians do not necessarily become corrupt when they come to power. A politician's integrity is usually formed before coming into office, and does not change as the politician rises to power. The practice of money politics that becomes a common strategy to win local elections by community organization chairmen then becomes a strategy that is also common in the Political Party Congress or the General Election. Relating to the view that corruption is done not only in the state, but also in civil society and the private sector, the eradication of corruption needs support from all circles. The fight against corruption cannot be handed over to law enforcement and neither can the President and other heads of government agencies eradicate corruption. Maybe because they are not able to move the bureaucracy or maybe they have been trapped by the corruption itself. Fighting corruption requires the participation of all people. One important thing, albeit often overlooked, is the position of women in fighting corruption. Is corruption associated with the movement of empowerment and advocacy for women's rights? Does corruption have a role for the promotion of women's rights that are socially subordinate under men? If fighting corruption requires the support of all circles, women are source of strategic strength and should be encouraged to take charge and become leading actors in the fight against corruption.

The importance of women in fighting corruption has garnered a lot of attention through a number of studies. These studies first tried to find the relationship between women and the eradication of corruption, departing from the question of whether women and men are equally corrupt. In further developments, a number of studies attempted to find a relationship between the anti-corruption agenda and the women's empowerment agenda, particularly with a consideration of women as victims. Corruption is not a victimless crime, because many suffer the

consequences of it. Among those victims are women who are socially marginalized. As a result the anti-corruption agenda is in line with the women's empowerment agenda and thus women should be considered important in fighting corruption. The next question that needs to be answered is that if women are important actors in the fight against corruption, what are their roles and to what extent their involvements are? This paper tries to step forward to determine whether corruption can or cannot be eradicated only by reforming the bureaucracy or by law enforcement alone. The real fight against corruption can only be undertaken through a social movement that constantly and consistently takes the fight against corruption. In this context, women are no longer accessories or complementary figures because the women's movement is an important factor in the fight against corruption.

### **Are Men More Corrupt?**

The issue between gender and corruption is a topic of interest. The question often asked is "Who are more corrupt, men or women?" Is it true that men who are more dominant in the public sphere tend to be more corrupt than women who are more in the domestic sphere? At first glance, the argument seems to be true that men tend to be more corrupt than women. In Indonesia's experience the numbers of criminals who are successfully imprisoned by the Corruption Eradication Commission (KPK) are mostly men who occupy public office. However, before agreeing with that opinion, it is necessary to consider in more depth investigation the other factors that make the number of corrupt men more than that of corrupt women. A number of other studies are also conducted to answer the previous question. According to Dollar et al (Branisa & Ziegler, 2011), there are a number of surveys and experimental studies to suggest that women tend to be less selfish and have higher moral and ethical standards than men. Based on this understanding, putting women into public institutions will reduce corruption because their ethical and moral standards are high. This argument is also proven because those countries with a high level of representation of women in politics have lower levels of corruption. On the other hand, those countries with lower representation by women have a high level of corruption. Other studies (Hossain & Musembi, 2010:19) shows that firms owned or managed by men are more likely

to commit bribery than companies owned or managed by women. Similarly countries that have a lot of female politicians and managers tend to have less corruption.

Another thought which considers men to be more corrupt departs from the idea of ecological feminism (ecofeminism) which states that women naturally are more caring and nurturing (Tong, 2009). Women who have a reproductive function tend to have these traits because women naturally have to take care, raise and educate children. These traits are not compatible with corruption. On the contrary men are considered to possess traits to control, to dominate and to be aggressive, and these traits tend to be compatible with corruption. From this view, it can be concluded, because women naturally have a reproductive function and also have a tendency to share and care for one another, then the implication is that women are not as corrupt as men. However, the view which considers that men tend to be corrupt also receives a lot of criticism. First, it is true that there are more corrupt men than women, but this could also be true because more men hold power, especially in the public sector. A simple definition of corruption according to law is that corruption is the abuse of state power and a resulting loss due to public resources being diverted for personal or group interests. Thus, the ones who can commit corrupt acts are those who have power, especially power within the public sector, where there is the authority for the allocation and distribution of public resources. Most of the power in the public sector is dominated by men therefore men have more chances to be corrupt. If more public positions were to be held by women, the number of corrupt women may be larger than the number of corrupt men.

Second, as stated by Hung-En Sung (Branisa & Ziegler, 2011), what leads to lower corruption in countries with a high level of representation of women is the political system. Liberal political systems with competitive elections will greatly promote the accountability of public officials. This system is also characterized by strong control by the civil society and the mass media as well as the independence of the judiciary, all of which can ultimately reduce corruption. The political system at the same time also provides the widest opportunities for women to participate in decision-making. So low corruption levels are not only due to representation by women but also due to the political system

itself that makes corruption very risky as it can be dismantled by the press and brought to justice. Therefore, it is the liberal political system that ultimately reduces corruption, not just the high representation by women. Third, corruption is carried out by a network in which there is trust among the perpetrators. There is social capital in a corruption network in the form of high trust and norms among members of the network. Social capital makes the bonds within the corruption network so strong that corruption continues, and it provides benefits for the perpetrators in the corruption network. Although women can hold strategic public offices, this does not necessarily mean that women can engage in corruption, because they are excluded from the network. The

“ it is true that there are more corrupt men than women, but this could also be true because more men hold power, especially in the public sector. political system opens up opportunities for women to enter and occupy public positions, but women have to face exclusion in decision-making, including in corrupt practices. Although women hold high public offices, they cannot automatically become corrupt when they are not in the corruption networks.

Even if officials do not want to cooperate, they are then simply pushed aside and are delegated to roles of symbolic and ceremonial affairs while more substantial affairs are handled by corrupt members of the network.

Tripp's research in Africa (Branisa & Ziegler, 2011) found that although political reform has been carried out in the presence of free and competitive elections and has increased the participation of women in politics, the reform is not enough to put women in strategic positions and to dismantle the clientelism practice dominated by men. Women can enter into the system, but they are excluded from the networks dominated by men and do not benefit from clientelism. Similar findings are revealed by Goetz (Branisa & Ziegler, 2011) who sees gender discrimination regarding access to political positions. Women who are excluded from the patronage networks of men do not have the opportunities for corruption. Because women in political institutions are still few and considered as newcomers that do not belong to the network of patronage, they are unfamiliar with the corrupt patronage networks. Women also do not understand the rules that apply in order

to engage in corruption. Therefore women tend to show an attitude of integrity compared to men. From the debates in the various studies above, it can be concluded that corruption can be reduced, not because the representation of women is higher, but because the specific political system is capable of fighting corruption. If the political system is not able to suppress corruption, the increased participation of women in public decision-making would probably increase the number of corrupt women. The implications of this are that a good political system is necessary not only to increase the representation of women in politics but also to maintain an integral government system.

### **Gender and the Impacts of Corruption**

In addition to discussing the issue of corruption and representation of women in politics, the other aspect in gender and corruption that needs attention is its impacts. Corruption is more than just a distortion and additional tax that interferes with the economy. Corruption is also considered to be a problem hampering development and the achievement of the targets of the Millennium Development Goals (MDGs). Does corruption generate worse impacts on women than men? Corruption is perceived to have an impact on different communities, and women suffer more than men do from corruption. Various forms of discrimination against women make women economically and socially left behind compared to men. This situation, in turn, makes women unable to push the government to be accountable and to provide services and their rights. Corruption adversely affects women due to low levels of economic and political power; this makes them unable to change the status quo or to force the state to accept accountability for providing basic services as a woman's right (Hossain & Musembi, 2010:5). The low representation of women in politics and the lack of attention to gender issues and behavior, as well as policies that discriminate against women make women unable to push the government to pay attention and to promote affirmative action policies for women. In practice state neglect and corrupt practices within the delivery of public services is a direct burden for women and as an issue it does not received adequate attention. As the case in Indonesia, where corruption has been practiced extensively in various sectors, especially in the public service, corruption is an unwritten rule. Without corruption there is no

service. Bribes and kickbacks have become a requirement for people to obtain services, including women. However, due to the weak and marginalized position of women, women must not only pay a higher fee they are also often met with resistance when they try to object.

Research conducted in Africa found that because women statistically have a lower literacy rate, they have a lack of knowledge about their rights. Often times, women do not know that they have rights to get services and help from the government programs. This situation makes women more vulnerable to extortion or other unlawful acts (Hossain & Musembi, 2010:8). Marginalization of women reduces their ability to access education. This situation leads to a lack of understanding of women about their rights to receive services and to be the beneficiaries of government programs. However, the impact of corruption on women is not so visible because the measurements and indicators that are used do not separate out the data for men and women. Measuring corruption is still gender blind because it views citizens as a single entity, whereas in the community, women's positions are subordinate to men's. The absence of gender in the various measures of corruption appears in the surveys of corruption. One example is the corruption perception survey. The famous example of corruption measurement based on the perception is the Corruption Perception Index (CPI) produced by Transparency International (TI). In Indonesia alone, the TI Indonesia Chapter has also adopted perception surveys in a local context to measure the perceived level of corruption. However, the survey does not sort the data between women and men, so gender aspects are not visible.



A second instrument which is widely used is a public sector diagnostic that detects the level of corruption in public institutions. One example that has been applied in Indonesia is a Public Sector Integrity survey conducted regularly since 2007 by KPK. This survey tried to diagnose corruption in the public sector, especially in service units at the central level agencies and services at the local level. It assessed the integrity of the public sector with the unit of observation in the institution of public service providers, either in the Ministry at the national level and at the local level. As in the corruption perception survey, gender aspects did not appear in the survey. A third instrument is a survey of the private sector. This survey looks at corruption from a business perspective, for example by looking at how long the process of getting a business license takes, how long the procedure to be followed takes and at what cost. An example of this survey is Doing Business by the World Bank which is issued on a regular basis. Another survey is the World Competitiveness Index, which is made for the World Economic Forum.

Business interests dominate the surveys, so gender appears not to be a problem. Its major purpose is to look at the quality of the bureaucracy's service to the business sector and gender is not a priority matter for the survey. A fourth instrument is the comparison between countries. This survey appears on the CPI TI which compares between countries, as well as the corruption perception survey that is regularly made by the Political Economy Risk Consultancy (PERC), a business consultancy based in Hong Kong. This survey is macro level, making comparisons between countries and departing from business interests. To assess the condition of corruption in Indonesia, the PERC survey uses expatriate respondents. Unfortunately, when they surveyed for corruption in Malaysia, Singapore or Hong Kong, the PERC survey did not contact or interview migrant workers as respondents. As a result, gender is also absent in this survey.

Because the goal is to see the impact of corruption on women, the measurement instruments and a survey conducted to measure corruption must sort the data based on gender. Surveys of corruption

“Measuring corruption is still gender blind because it views citizens as a single entity, whereas in the community, women's positions are subordinate to men's.”

should no longer regard women and men as equal and equivalent entities. In some surveys, such as the Citizen Report Card, gender issues are more easily generated by sorting the data between men and women. However, in order to allow test types of surveys and measurements show the gender aspects of corruption, the perspectives of academics, researchers and anti-corruption activists would need to be changed by showing that gender issues can be measured and they can be included in the design of survey instruments related to corruption and gender. In addition, the survey and the definition of corruption need to incorporate another form of corruption, namely sexual harassment or corruption in the form of abuse of power to obtain sexual services. The survey, conducted in Botswana, found that 67% of female students had experienced sexual harassment by their male professors and 10% of the students want to have sexual relationships for fear of rejection that could impact their marks (Hossain & Musembi, 2010:12). Corruption in this form is true sexual exploitation by men who have a dominant position or abuse of power against the female victims. Today corruption is defined very narrowly and only in public areas. Corruption is the abuse of power resulting in loss to the state to enrich themselves or their corporation. The narrowness of this definition makes corruption committed in other areas, such as in the field of education or in the area of civil society, not to be considered as corruption. Similarly, the losses caused by corruption is interpreted and limited to state wealth, whereas there is in fact a great deal of abuse of power, not only in terms of money. Sexual extortion as mentioned above should be included in the category of corruption.

### **Corruption in Critical Perspective**

Corruption in the mainstream view is considered to be an abuse of authority for personal gain. Corruption is the diversion of public resources for personal gain. It occurs in the public sector, and it is carried out by rogue officials who violate the law. In Robert Klitgaard's famous formula, corruption is defined as  $C = M + D - A$  (Corruption = Monopoly + Discretion - Accountability) or corruption equals authority plus monopoly minus accountability. But corruption is not that simple. Corruption cannot be eradicated simply by cutting a monopoly of power and authority and improving accountability. Fighting corruption is not

a technical problem that can be simplified with an addition or reduction. Diversion of public resources for private gain is an apolitical practice with the motive to enrich those stealing. It is also part of the contestation of power to control public resources. Domination is not just to become rich, but also to maintain economic, social and political domination. In Indonesia, corruption can be considered as an oligarchic strategy for accessing public resources and maintaining its dominance in society. Oligarchy itself is a fluid alliance of bureaucratic power, businesses, and politicians who had developed and became a pillar of the New Order. The collapse of the New Order that was followed by a series of reforms in various sectors was unable to destroy the oligarchy. It was still able to consolidate and adapt to the new rules. Oligarchy is able to adapt to good governance, democracy and decentralization. Good governance as a policy formula that intends to eradicate corruption that is stuck in a governance technical setting in various fields and ignores the contestation of power behind the corrupt practices. Good governance and fighting against corruption are focused on institutional reforms to root out rent-seeking practices that cause corruption.

At the local level, Hadiz (2010: 92-94) saw oligarchy as an alliance of local elites. First is the former elite who developed and prospered during the New Order by dominating local politics in the ways of money politics and political mobilization and intimidation to win a direct election. Indeed, there are new players coming in, but the new



players had to adopt the practice of money politics and also replicate the practices of rent-seeking to retain power. Second is the traditional bureaucrat who, with the direct election, performed the transformation from control over the bureaucracy to control over politics. Corruption of local funds (APBD) in various forms such as social assistance or projects for cronies becomes part of the transformation strategy. Third is the local businessmen who have been living from the government projects and facilities or by obtaining protection from the government. If the local businessman originally were just cashiers for the local elite, they would become the elite themselves through direct elections, again in ways of money politics to win elections. Fourth, the local thugs who particularly played a strategic role in supporting the strategy of political mobilization and the use of instruments of violence. And finally, the political operators who originally were student activists or members of activist organizations. The political operators quickly learned to practice money politics and live from the rents of development projects. At the national level, the figure such as Nazarudin is a representative of this category. He quickly learned how to seek rent from government projects and use it to finance long-term political aims which would guarantee the control and domination over politics resting on the logic of money and economic rents.

At the beginning, institutional reform was successfully implemented not because Indonesia intended to eradicate corruption and create a new rule free from corruption. The institutional reforms applied by international institutions were run as the oligarchy had been weakened after the financial crisis hit. Crony businessmen raised by the New Order had to restructure debt in order to save the company, while the politicians had to consolidate their efforts to map the competitive chances in the election. During its development, the oligarchy was then able to get around the new rules and at the same time the reformists have not been able to build enough power that can significantly resist the oligarchy. Under Suharto, the domination by the oligarchy was solidified by the violent state apparatus. Now, domination is undertaken within the legal framework and institutional arrangements as the product of reform. In the New Order, government should use force to maintain domination, now it is done by peaceful, honorable means and even unconsciously. Relating to critical understanding of

corruption above, the real corruption eradication can only be done by resisting the oligarchy. The fight against corruption can only be done through social movements continuously against the oligarchy and built on awareness to maintain human rights. Corruption is related to the oligarchy and as long as the oligarchy is indestructible, then corruption will continue. Although many institutions and regulations are formed to fight corruption, as long as the oligarchy continues to hold on, then the rules will be circumvented or attenuated. The most obvious example is the threat to the dissolution or attenuation of KPK. The success of the KPK in jailing politicians and other state officials is actually a threat to the continuity of the oligarchy. So KPK now faces a variety of threats, ranging from leadership criminalization to the efforts of attenuation through the plans to amend the KPK Law and the Law on Anti Corruption.

## **Conclusion**

To fight corruption, there needs to be a coalition of social movements. Corruption eradication cannot be separated from the democratization movement against the corrupt elite who control political institutions. The domination of political institutions leads to discrimination, not only against ordinary people, but also against women. As long as the oligarchy holds the power, the opportunity for women to participate in decision-making will be limited. Even the matter of the representation of women is easily manipulated by the promotion of female candidates associated with the local oligarchy or a local political dynasty. Corruption eradication was initially successfully imposed by international financial institutions as the oligarchy was in a weakened state after the 1997 economic crisis. After the Indonesian economy improved and financially separated from the dependence on international donor agencies, the eradication of corruption actually lost one of its main support bases. International donors today do not wield as much power of intervention as they did when Indonesia was still in economic trouble during the financial crisis. Similarly, bureaucratic reform initiatives at the local level do not receive a lot of good reviews. Of the total number of regencies, cities and provinces, reformist local governments are still few in number.

Even some of the local governments that had gained an appreciation

for the reforms are now involved in corruption cases, such as the Sragen Regent Untung Wiyono or the Jembrana Regent who was eventually acquitted. Reform of the bureaucracy does not have a sufficient social base to attract Heads of Regencies or Ministers to embrace it. Reform of the bureaucracy is undertaken only because there are financial aid incentives from international donors, mainly from Europe and America. When the donors no longer have resources, especially following the financial crisis in the Euro Zone and in America, then there are no incentives for Heads of Regencies or Ministers to reform the bureaucracy. In this situation, the eradication of corruption must build a broader social base. Networks and alliances with social movements and other political movements become a prerequisite for the sustainability of the anti-corruption movement. It is actually the common ground between the anti-corruption movement and the women's movement. The anti-corruption movement should become part of the democratic movement, as well as helping in the fight for women's rights. Therefore, the improvement of the measurement instruments and anti-corruption strategies should include gender indicators. At the same time, the women's movement must also support the anti-corruption movement, especially to resist the oligarchy that not only raises public resources through corruption, but also marginalizes women in various fields.

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## Blame the Rapist, Not the Victims: Monitoring Indonesian News Media

**Mariana Amiruddin**

The rape happened to Livia Pavita Soelistio (20)—a student of Bina Nusantara University who had become a serious concern in the Jakarta since September 2011—then aggravated by the Governor of Jakarta’s statement who blamed women for rape cases to be responsible for their own safety by dressing improperly. Strong reactions were spreading through social media of twitter and many people participated that ended up with a demonstration. The rally-theme “Mini Skirt Action” was attended by more than 100 women at Hotel Indonesia Roundabout to represent the restlessness of Jakarta people on Monday, September 18<sup>th</sup>, 2011. This reaction was covered by a lot of Medias and many of them that stated rape-case as criminal problems which need to get a serious attention from the people and law enforcement officials. The protesters shouted their concern that every time there is a rape case happens, women are those to blame and rape becomes something to be joked about in the community. While there is no effort made to help the victims to recover from the trauma of rape or if there is any, there is rarely any support or socialization. Upon this the protesters wrote written messages on posters that rape is not the victim’s fault, but the rapist’s fault such as “It’s not Our Skirt’s



fault, but Your Small Brain is", "Don't Blame Our Clothes, Punish the Rapist ", "Don't Tell Us How to Dress, But Tell Them Not to Rape", "My Body is Not a Porn, Your Brain is", "Control Your Lust, Not My Clothes ". Indonesian Feminist Journal (*Jurnal Perempuan*) has recorded that since July to September 2011 the news about rape shows that the average victims are women and under-aged. And the age of the perpetrators varies from teenager to elderly as illustrated by the following newspaper.

No	Day/Date/Year	News Source	Location	Perpetrator	Victim
1	Friday, July 15 2011	Pos Kota Online	Cibubur	Sayuti (50)	5 children
2	Tuesday, September 6 2011	Media Indonesia Online	Bogor	Tommy (35)	GA (15)
3	Monday, September 5 2011	Media Indonesia Online	Jakarta Barat	RH dan Afri	Livia (20)
4	Wednesday, July 13 2011	Pos Kota Online	Bandung	PU (21)	RI (14)
5	Thursday, July 14 2011	Kompas Online	Trenggalek	Suratno (42)	Nu (12)
6	Wednesday, July 13 2011	Pos Kota Online	Lampung	Nur dan Nan (25)	HT (21) a mute girl
7	Sunday, September 4 2011	Pos Kota Online	Lampung	Mahmud (34)	Mawar (8)
8	Monday, September 5 2011	Kompas Online	Jakarta	Kiki (29)	Put (19)
9	Monday, August 15 2011	Kompas Online	Bantul	SRJ (47)	Bunga (14)
10	Monday, August 22 2011	Pos Kota Online	Surabaya	SG (54)	Mawar (16)
11	Friday, July 29 2011	Pos Kota Online	Lampung	6 Bocah SD	Nn (9)
12	Thursday, July 28 2011	Pos Kota Online	Bogor	AG (22)	Surniawati (15)
13	Friday, Juli 22 2011	Pos Kota Online	Surabaya	Mat amin (30)	Noniek (19)

Almost all the rapists are men. Some are even the victim's father. This suggests that rape is not caused by someone's appearance but the problem lays on the rapists themselves who did sexual crimes against the victims—that's what should be the big question in every news and case report. As happened to Mawar (not her real name), who was only

8 years old and was found by her mother crying while lying with face down clutching her stomach. Yet a lot of publicities around rape are very inhuman against the victims and make cases like this as subject of jokes or usual sexual events to allure readers just like porn reading. In several publicity, rapist were asked a lot about their motive of raping and almost all them admit that they expressed their regret (usually written as *khilaf*) and other reason was because they didn't feel satisfied with their wives. The coverage also frequently used the words "vent his lust" towards the rape victims and described how the lust happens by adding sentence "stripping the victim's shirt". Upon this, it seems that rape is something done based on the natural needs of men, while the victims' point of view were rarely be covered, showing that victims were not important to be noted. The coverage rarely interviewed or took regard psychologist, sociologist and criminologist, not to mention gender perspective (because rape cases cannot be separated from the matter of gender) as sources and a depth-coverage in breaking down the case.

Word choices used in rape news are very degrading, careless, and hurtful to the victims. Often we come across figures of speech that don't actually describe the true nature of the event such as "being shagged", female victims are subjected as "girl" or "widow", or by describing the "rape" in details such as "being rape alternately", or the victim was "gang raped" or "assaulted" and "being knocked up". Designation



used for the victim for example is “adolescent” to emphasize the quality of someone who has undergone puberty but has not fully matured in sexuality. The diction choices give message that is contrary to the reality of rape that is painful and gives a long traumatic impact to the victims. Even the news about rape that happened to children often used the words such as “kid” or “wet behind the ear” or to victims with disability as “idiot and dumb girl”. The victims’ reactions were even told in such detail such as “moaning in pain” etc. And to the perpetrator, sentences were even added to make it seems as if the rape was not done willingly such as “who knows what devil which possessed”, so

“ Upon this, it seems that rape is something done based on the natural needs of men, while the victims’ point of view were rarely be covered, showing that victims were not important to be noted.

that it was obvious that the rape was not the perpetrator’s responsibility and was considered as action that is unintentional or just lose control of sexual desire. The excuses of the perpetrator were always represented by the coverage about rape as if the rape was indeed caused by sexual needs or satisfaction such as “had not had sex with her wife for almost a year because her wife was working as TKW (female migrant workers)”, or “being a

widower for too long”.

From the coverage, we were able to learn how the law asked the victims to prove what happen to them, not on the accused to disapprove reported complain. As happened in East Java (Kompas.com, July 20 2011) of a child who was raped by her step father and was declared by the law enforcement that the case needed verification through post mortem result. Most rape reports were not done by someone unknown but by their closest relatives who love them such as their father or friends. Some rape cases even were solved by marrying the perpetrator and the victim like what happened on the last October, where there was a rape happened in a Karaoke in Senayan City Jakarta, the perpetrator even took his victim’s naked picture and spreaded it through the internet. The victim was tricked by drinking liquor that was done by her own close friend and she never thought that this would happen to her. Detiknews on Thursday, September 15 2011 reported based on the

information from the Chief of Operation Beureau of Polda Metro Jaya (Jakarta City Police) Commissioner Saujarno during January-September 2011 there are 40 cases of rape happened in the capital. From 40 cases, most perpetrators committed rape in a residential neighborhood, reaching 26 cases. Others were on public roads including the public transportation (3), office (1), crowd (1), house-residential (8), and real estate (1). Meanwhile, the most vulnerable areas are Tangerang Regency reaching 9 cases. Others are Bekasi Regency (7), Tangerang City (5), West Jakarta (4), and Central Jakarta (4). According to Polda Metro Jaya, last year (2010) there were 40 cases of rape and stated that hopefully the number will not increase in 2011.

While in other regions on November 2011, mass media proclaimed a shocking news, two municipal police had raped a rape victim age 15 in Jambi, Bungo Regency. The child had just been raped by other man and when she was found by the police, they did not help her and raped her instead. They also threatened to kill her if she tells what happens to her to anyone. Even if the case is reported to the law enforcement, it is hard to get information from the victim because she was traumatized and scared. It is very hard for the victim to recount the event that occurred to her, especially in the age of kid. Even the actors are said "if proven guilty" then the sentence simply "issued with respect". In Gresik, East Java, as reported by *Tribunnews.com* (Tuesday, November 1 2011) there are 21 rape cases happened in January-October 2011. This means that on average every month occurred 2 cases of rape affecting children and women. In other part of the World, on June 2011 we were shocked by the news about 100 women who became the victim of mass raping in the Democratic Republic of Congo. This attack occurred on June the 10<sup>th</sup> and 12<sup>th</sup> in several villages. This report was supported by Megan Hunter, a chief medical mission in South Kivu who dealt with the rape victims there. According to her, they (the victims) were suffering trauma. This mass rape was done by 200 rebels who had been integrated into the Congolese army. Here we see how rape often happened when the politics is unstable, there's a power struggle and war. We almost could not imagine how a colonel in Congolese army was jailed for 20 years for ordering his men to rape more than 60 women in Fizi city. This news suggests that rape is a not a matter of sexual needs or satisfaction, but

rather power or occupation in war. In Indonesia, we are reminded of how National Commission of Women was established to investigate the mass rapes of ethnic Chinese Women on May 1998 during the riots as the burning and looting occurred prior to reformation. In the Japanese occupation, we still remember what happened to the young women in this country who were called as *Jugun Ianfu* who were being lied to and promised to get education were actually forced to serve Japanese soldiers to meet their sexual needs for years.

**Sources:** *Kompas.com, Pos Kota Online, Pos Kota Cetak, Tribunenews.com, Media Indonesia Online, OkeZone, Detiknews.*



Interview with Sri Mulyani on Gender  
and Women Leadership:  
“We Never Stop Loving  
Our Country”

**Gadis Arivia**

Lecturer of Philosophy at The University of Indonesia and  
Founder of Jurnal Perempuan

In a cafe bookstore near Bethesda, Maryland, USA, I met with Sri Mulyani to talk about women and leadership while she held the position of Minister of Finance in Indonesia. Sri Mulyani looked very relaxed, full of laughter despite our serious discussion. The weather outside was very cold, but we enjoyed our hot coffee. Words flew eloquently from the woman who has several times been named as “the most powerful woman in the world”. Recently, the prestigious French newspaper, LeMonde, described her as “An Indonesian Woman who has all qualifications: charisma, high integrity, and deserves to be promoted as a candidate for the position of World Bank Director as well as Indonesian President, to replace Susilo Bambang Yudhoyono.”



***What is the most important lesson that you learned while serving as Minister of Finance?***

Before I served as Minister of Finance, I was the Minister of National Development Planning (BAPPENAS). I think the two ministries are very powerful because they can allocate the whole national budget. Therefore, I understood early on that the power to appropriate the budget was very likely to be abused and could be misused. Within the Ministry of Finance, Law Number 17, 2003 outlines the power given to the minister to manage the finances of the country. If we have power without accountability then corruption and abuse will occur. From the beginning, I realized that the mandate to manage the finances of the country must be transparent in order to remove any temptation of corruption. It intends to further the practice of good governance.

***Was there much resistance when you reformed the Ministry of Finance?***

Yes, there was. There will always be resistance in various forms. People do not always like change. There is a term in the Ministry of Finance: "to be lost together in the right direction". I just want to make a point that it was not my reformation, but the Ministry's of Finances' reformation. Leadership is very crucial. I disciplined my staff by holding weekly, mandatory meetings.

They were forced to write reports. If they claimed that something was too difficult, I would ask them about the problems and how we can fix it. My routine meetings were breakfast meetings, every Tuesdays.

My intention was to encourage them to meet, discuss, make observations and make decisions together. I often do things differently than others in the bureaucracy. Sometimes there were difficult problems and my colleagues, feeling the issue was not in their domain, would prefer to call the consultants for solutions. I would say to them, "wait a minute, let's think about this first". If it was a specific technical problem then I would tend to agree. We should use logic. There's logic in everything. I kept reminding them that government officials should be

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Therefore, I understood early on that the power to appropriate the budget was very likely to be abused and could be misused.

active in reforming themselves. Our job as leaders is to make sure that we deliver and have measurable results. For example, if a particular public service in the Ministry of Finance requires 30 days to complete, can it be done in 7 days? Can we not do rent seeking? Lets say, in releasing assets, some people wait outside the door and an office boy asked them, "do you want to speed up the process?" These office boys are maintained by both sides, being used both by clients and the public servants. So, just to reform the front office, the clean-up means there is a huge sacrifice because it could remove many people. How many desks must be passed? How long does it take to handle the business? Is the data in order? Those are the questions I asked. Sometimes when I'm not satisfied, I would come to the office "incognito" to watch the way they worked. As a leader, we must show them that we are consistent, that I really mean what I say and that there should be results. Reminding them is something that we have to do over and over again.

***Did you use gender perspective in your work?***

The concept of gender in governance did not exist yet in Indonesia. They were still stereotyping. For example, they regarded women as more organized, detail-oriented and better at long-term thinking than their male counterparts. In fact, gender in governance is more of a concrete solution. An example is cash transfers designed for low income people. When I was at Bappenas, I insisted that the money transferred to the poor families must be received by wife, and not the husband. Many studies have shown that married women are better at managing the family money than their husbands are, because the women will use the money to care for their children. By understanding this gender approach concept, the program will be more effective. If a Minister doesn't understand the gender perspective, their programs will not accommodate women issues and thus will not help the poor.

Another important point to mention is regeneration. We need to place women in decision making positions. When I first came in as the Minister of Finance, there were not any women in the rank of first echelon. During Mr Boediono's Era, there was one woman but she retired and moved to the office of the Vice President. Thus, we didn't have any women in the first echelon and in the second echelon, we

had only a few. If I want a woman to be put in the position of the first echelon this year, for example, I cannot get it because there are no women in the pipe line. Why aren't there women in these positions? Is it because of discrimination? Or because women are struggling when they reach mid-career levels, because they are taking care of their children? These are difficult choices faced by women every day. Do they then have to stay at home? With more responsibilities women find themselves in a difficult situation. Working in the Ministry of Finance, especially if they have to be placed in other regions or provinces, means they have to leave their family. This is a big sacrifice. So, to promote women to higher positions, we must start building from the bottom up. The problem must be identified, the institution should be able to ease the burden on women who do not have choices. It means we have to provide daycare centers and other facilities.

***What should a leader do if society does not support womens careers?***

It is difficult if people do not support women. Sometimes there is support from domestic workers and extended family in Indonesia, but many problems persists. Especially when she has bigger responsibility and travels for her work. As a leader, we must understand these difficulties faced by women and design gender sensitive policies. To this day, I am on Hillary Clinton's team to promote gender equality internationally along with Cherie Blair (wife of former British Prime Minister, Tony Blair). Within this team, we discuss women's issues in socio-cultural context, we think about these issues globally.

***So, what have you done to increase awareness of equality in government?***

I directly intervened. I made it clear that within every promotion period in the echelon 2, there had to be at least one woman promoted. For example, if there were 10 promotion positions, then there must be at least one woman moved up. So, they were forced to look for female candidates. If there weren't any female candidates, then I did not want to do promotions. This pressure, I think is good. Women sometimes are passive and many of them feel that they cannot compete with their male counterparts to obtain the desired positions. So, I'm in favor of affirmative action. In the case of echelon 1, I could not find women

within the Ministry to fill these positions. I would then have to hire women from outside the Ministry. I once hired a woman from Bogor, Ibu Anny, and she is now a deputy minister. (On July 8, 2008, Anny Ratnawati was appointed by Sri Mulyani as Director General of Budget, Ministry of Finance). We wanted to show that women are as competent and worthy as men are.

Another obvious example that I can cite was when there was a problem in the Ministry of Finance, in the office of Director General of Tax, which was lead by a team of men. At that time there was a problem with the director of this Department who was guilty of allowing or tolerating mistakes. I eventually replaced him with a female Director General, her name is Ibu Catur. She is a clean, straight forward and firm person. Sometimes, people do not like her because she is very strict. But her reputation is good. In Priok, I am disappointed because none of the regional directors is a woman. But when I took charge of Priok (Jakarta seaport-red), I promoted a woman and now she leads Cengkareng (airport-red). Of course, the above examples are still small, because these cases are exceptions and not the norm. But I think we should start with these.

Tonny Sumartono



***Are women, when given the opportunity to lead, less corrupt than men?***

Not always. Now there are cases of women involved in corruption, and it always blows up in the media. Women in high level positions are still limited. If there are cases of corruption, it's always big news. When I was serving and interacting with the House of Representative, I noticed that the Commission Director was a man, the Budget Chairman was a man, the Faction Chairmen were men, and they were usually very aggressive. But when replaced by a woman, it did not mean she was better, because she did exactly what the men did. So, that means she (the woman Chairman) did not bring change as a leader. Sometimes, I think women can be more vulnerable because they are more visible from their appearance, manner of dress, and so on. Although, I've noticed that men members of the House of Representatives wear brand name clothes, shoes, ties, etc and I'm sure it's not funded solely by their salary. Women as members of House of Representatives are also often the same. If the woman member of the House wears very notable jewelry, this could make the public cynical towards members of the House of Representatives. Thus, Indonesia, in my opinion, in this reform period needs more than just a gender approach. The commitment to good governance requires much more attention and gender equality is only one area. I think the political world is very hard and dominated by men. What I worry about for women is that many feel that in order for them to exist and survive in a professional arena, they must play the game designed by and for men. Does it have to be so? I don't think so. I was able to survive and do my job well, being recognized for my work because I chose to be responsible. So, it is really a matter of choice.

***The problem is not about sex or the number of women in the office but rather about gender awareness. Gender awareness means being sensitive to minorities, the needs of the poor, marginalized people, etc. What do you think?***

The reality is that many women are blind to gender awareness, minority rights, and those who are in less fortunate situations. It depends on how they are educated and raised. We calculate that women are relatively more receptive because they are more sensitive by design. I think women have significant emotional judgment, which is good, so they can bring real empathy. I think it's a good modality

for affirmative decision to abolish discrimination. The President of the World Bank, Robert Zoellick, is gender aware and has a perspective. He could not accept a promotion proposal if women were not included. He requires his male colleagues to promote women and to have women from developing countries hold important positions. That's because he has gender awareness.

***Is there a difference between being a woman leader on the national level as opposed to the international level?***

There is. The difference is that at the national level, we can control what we want to strive for. For example, we want to build good schools

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so that there are no sub-standard ones, and decrease maternal mortality rate. So there we have clear targets and we calculate the required budget. We have the control and can affect those who still have traditional ideas. We are able to change and have control of budget implementation. At the international level, where the World Bank operates in more than 130 countries, we can compare countries, which are successful

and which are not. For example, countries like Australia and Korea once also borrowed funds from the World Bank and now they are able to move forward. But there are many other countries that still have to borrow and have difficulty getting out of poverty. The World Bank does not only give loans for development but also provides knowledge and develops knowledge. But it has limitations, it depends on the local government, how they manage the loans, whether there is accountability, and if it is used for the right things. So, once again it depends on how local governments use the loans. Strong leadership at the national and local level is very important in this case.

***Is there a difference as a woman leader at the World Bank, and in your own country?***

Definitely. When I became the Minister of Finance, it was a political



JP Documentation/Tonny Sumartono

appointment. What I noticed most is how they fuss over clothes. (Sri Mulyani laughed out loud). In the government of Indonesia, the business of clothing is very organized. There is a dress code for almost everything. Frankly as a woman it adds to the burden. There are dress codes, when we have to wear batik dress, national dress, official dress, it is annoying. While at the World Bank there is no dress code. It is up to you what to wear. Of course we measure ourselves. For example, my friend who is at the executive level and comes from Nigeria, every day she can wear Nigerian clothes. In essence, the clothes do not become a burden. Also, ethics is highly valued. I am not saying that there is no sexual harassment, but it is recognized as a problem and being discussed. So, people would not be harassed because they dress differently, wear mini skirts, wear sleeveless clothes, it is our right to wear what we choose, without being judged based on our appearance. People should be judged based on their actions and their minds, not their appearance. Now we are not at the level of discussing different sexual orientations, such as gay and lesbians, it is still covered up in our country. We still have a long way to go.



***I want to go back to your speech on leadership ethics at P2D, because it's was a phenomenal one. The speech was given when you've just resigned as the minister. You underlined three things, not to betray the truth, to follow your conscience and have integrity. Why did you say that?***

The speech must be placed in context. When I resigned, I just wanted to convey the message that I don't and I didn't feel defeated. I didn't lose, because the definition of winning and losing, or staying in the line of struggle, starts from the values that exist within me. I work not to earn praise from the president or the media. I do my job because it's my duty and because of the trust that people have in me. I have pride and dignity and the highest calling of any human being is virtue. We cannot betray our conscience. So that was the context of my decision. And we also know that at the higher level positions, men dominate. All political party leaders are men, except one party led by a woman. The so-called collaboration, collusion or cooperation, are made by men. I meant it as a joke when I said on the night of my speech, that there is a “marriage” between two men (the President and Aburizal Bakrie), a political marriage is just the same.

***Can you tell us about your resignation, whom did you save?***

Actually, the decision was not to save me, but the reforms which were made in the Ministry of Finance. (Because) At that time I was targeted personally. I was attacked every day, my name, and my images were in the public every day. Things like this would damage the entire effort which was made to improve the Ministry of Finance and its programs. If people were just focusing on me, they would no longer see our work, as in the case of Gayus (Gayus H Tambunan former tax man convicted of fraud crimes-red), and there are things we have to fix and evaluate. There were people who tried defeating or weakening the cause of governance because many only saw this as Sri Mulyani's issue. Thus, the decision to resign was very appropriate because I'm sure there are people who can and will commit to reform at the Ministry of Finance. And also with my resignation, the President was no longer burdened by my presence, because I was constantly attacked and considered the source of problems.

My friends and I at the Department of Finance for the past 5 years

fought for good governance and rejected corruption because we realized we are part of the pillars of a strong and vital part in building this Republic. How? By reforming the bureau, improving bureaucrat competence, fixing bad behavior, improving transparency, increasing our accountability to the community so that people can control us. But that was all destroyed, because when the whole political game is directed at me, the government cannot function. I guess that's my excuse. I was no longer able to make changes because I was constantly personally attacked.

***Why you were personally attacked? You didn't attack Aburizal Bakrie as a person, but you were attacking corruption, collusion, manipulation and tax evasion.***

Actually, this is the kind of question that I prefer not to answer anymore. What I did was within the law, it was within the mandate of our constitution, and rules should be obeyed. In the Ministry of Finance we deal with companies because they pay taxes, or there are problems with their goods when they were detained by customs for example, or their company is audited or is on Bapepam's list (Capital Market Supervisory Agency). I cannot treat people differently. All people should follow the rules. If I give an exception to one person then it could endanger the entire system or the trust that I was given. I cannot please everybody, that's not my job. If I had done that, Indonesia would not have achieved what it has. It is now a country that is regarded as good value for trade and investments, economic growth is above 6 percent. Indeed there are many who complain about a lot of things and many still needs to be improved. But we have started the reform and were committed.

I am firm about banishing groups who want to hijack the national interest for the sake of their own enterprise or personal interest. Trust for me is priceless. The public trust to the Minister of Finance is something extraordinary, and an important achievement, which is desired by any Minister of Finance. If I am trusted as the Minister of Finance, I will not betray the people's trust. I am now at the international level and there are some Ministers of Finance who resigned when they knew that they were forced to do something that affects their credibility or the credibility of their policies. This is what is at stake and the cost is just

too great. I think every company, entrepreneur or individual knows this, and some accept it. They understand that, "the Minister of Finance sticks to the rules," and some do not accept it.

I think if we love this country we do what is necessary. I always tell my staff, "although it is difficult and not always easy and sometimes we must sacrifice, however we must never stop loving our country." We never give up loving Indonesia. The real trial is when we are facing a real case where we have to choose between the interest of this country and our personal gains, even if it's our own relatives or friends, our brother or our own husband, we should know when we have to put our country first. I choose to protect the interests of my country, maintain my credibility and keep people safe. I know people want public officials to stick to the rules. I know they do not want to be betrayed and I do not want to betray them. So there is no regret.

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Time passed so quickly, we had been talking for over two hours. Sri Mulyani still had more meetings with others in the Indonesian community. She always makes time to talk to and inspire people. Carrying the few books that she had bought from the bookstore, along with her husband she went on to her next meeting. The woman who had just left me is a woman with integrity, one who is not only admired in her country, but also around the world. Indonesian women are proud of Sri Mulyani.



# Tri Mumpuni: Helping Village Women with Electricity

**Mariana Amiruddin**

Director of Jurnal Perempuan. Graduated from Women  
Studies at Universitas Indonesia.

“And we’ve got social entrepreneurs like Tri Mumpuni, who has helped rural communities in Indonesia—(applause)—harness the electricity and revenues of hydro-power”.

That is what the President of the United States Barack Obama said in the opening speech for Presidential Summit on Entrepreneurship in Washington DC last 2010. Who would not be proud to hear that a prestigious award goes to an Indonesian woman, Tri Mumpuni, a graduated engineer from Bogor Agriculture Institute due to her efforts popularizing hydro electrical power that has successfully led 60 other villages? At present the efforts are built by various parties to revive villages with no electricity, thousands of hydro powers become government and private projects for village development program intended to help improving their welfare. Developed and developing countries invited Tri Mumpuni to present

her work model in this program, particularly on how villagers were 'aware' of hydro technology with various social approaches that she already did. It is important to know that 49% of Indonesian people do not have the access to electricity for their everyday lives. We can imagine how electricity is very important for villages to improve their lives, especially for women who are mostly the backbone of their family. To get water, most of the women have to walk the distance of about 3 to 7 hours. It means everyday women in the villages spend an average time of 3-7 hours to get water and firewood for their household activities. These 3 to 7 hours can be used for economic activities improving their livelihood.

When visited by *Jurnal Perempuan*, Tri Mumpuni humbly stressed that what she did is actually a simple idea that everyone can do, but if there is no willingness, it will be hard to execute. Started to go around to many villages, she thought that there are so many villages have not had the access to the State Electricity Company (PLN). "There is surely another solution," said Mumpuni. Since then along with her husband (Ir. Iskandar Budisaroso Kuntoadji) a technology expert, she made plans and organized training in some villages. Along with her team she worked all out and her success making hydro technology became well-known. According to Mumpuni this technology has been existed since the 15<sup>th</sup> century. Micro hydro was a modified water windmill and had been developed well in Europe and Japan. In 1852, Japan had used micro hydro and is still well-taken care and is very useful for the villagers. Mumpuni then asked to herself why this simple technology was not implemented particularly in villages with natural energy abundance. Microhydro technology is not a complicated technology compared to nuclear energy and can be taught to everyone. At present the villagers are able to operate it after they are given with the knowledge and are being trained patiently and diligently by Mumpuni's team.

Mumpuni is an agricultural engineer graduated from IPB (Bogor Agriculture Institute) majoring in Social-Economy from which she learnt about economy of people and it is then useful to the societal empowerment activities through micro hydro technology. Her husband was graduated from ITB (Bandung Technology Institute) and had been studied Microhydro in Switzerland. Learning from her husband, she

knew how this technology can be useful for the Indonesian society. While her husband develops technically on how this technology could be implemented, she did it in another way, namely introducing this technology so that it can be useful. "I feel that there is a method of difference when it is the women who operate it. Women tend to be more persevere, for example in a year we want to build 100 Microhydro, so to make it useful, I think about how to market the technology by approaching people dilligently, "force" people to fund or finance and

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public officials shouldn't only stay at their office; they need to go to the community to look for problems in the management to be resolved. Because public officials have access to finance, power, position, and regulations.

train people so that they understand the technology. "In Mumpuni's opinion, Indonesian government should pay attention to this effort because it is the goverment's job to serve the public in solving energy problem. Mumpuni continued, "Women are taught more to cope with daily household-chore which highly depended to electricity. Women think more of what is importance for the environment," said Mumpuni firmly.

"While my husband loves how to improve technology, I love applying the technology."

Besides making useful of the technology, Mumpuni explained how Microhydro forced people to pay attention, study, and take care of their environment. Nature-based technology makes people are willing to take care of it to keep sustainable energy for the next generation, such as paying attention to trees in keeping the water source. "In Indonesia, the trees are small and plenty. There are so many rivers scattered on plateau that are potential for Microhydro technology to be built. This is relatively cheaper compared with the centralized-system led by the government," she said. She told how easy the villagers learnt when they were taught about this technology. "They are probably quicker to understand compared to urban people," she added. According to Mumpuni, villagers are more receptive because they are driven by the necessity, they want to just go ahead applying the Micro hydro and have a better living. While urban people already get used to the situation where everything is available instantly. Villagers have to



walk a distance away if they are ill. If there is electricity, everything will develop, they can make roads, have good access, and earn money. With that money they can send their children to get better education. Mumpuni considered that in Indonesia there are a lot of smart people. If Indonesia is led by a great leader, they will be useful for the society. "Unfortunately we haven't had a strong leadership. What we have is people with position, not mandates that should be used for the welfare of the state." In her opinion, public officials shouldn't only stay at their office; they need to go to the community to look for problems in the management to be resolved. Because public officials have access to finance, power, position, and regulations. "Unfortunately Indonesian do not have such a leader!" she explained disappointedly.

Nowadays, there are hundreds of Microhydro used by villagers, not to mention people who learnt from her team. "There are even thousands that are built by many parties including government," she said. Unfortunately they didn't follow the methods applied by her so that this technology is not being opened to community and is not well-maintained. There is no moral responsibility, for example if 5 billion rupiahs is given for the budget to build Microhydro, perhaps only one billion rupiahs is used because the rest of the budget is taken for other things. Tri Mumpuni has been invited by the Ministry including Aburizal Bakrie who said that, "Well, if I implemented your concept, KPK (Corruption Eradication Commission) would call me." Mumpuni did not understand why something that is good for society become very scarce and scary? Meanwhile to run the program, Mumpuni had to make a visit and talk to people from noon till night. The government doesn't have this concept of "close to the people". Their way is that the project is being tendered, the third party is paid for the building, but whether it works or not is not being questioned and monitored, what matters is that the money is already been given, and the materials are available.

"Lots of projects are already damaged in 3 months and it was not monitored," she added. Her experience in working with the government was not successful. Until today, the establishment of Microhydro doesn't run well, and the budget does not conform with the contract, and the government has not paid at all. "My money has not been

repaid. I wanted to help the government but all I got were sickness, pain, depleted energy, and I have to call them over and over again because I have to keep on collecting.” Tri Mumpuni educates young engineers to work as volunteers, not like the government who are very stingy in giving fund. “If we have to walk for 9 hours or even for 2 days, we will do it. Many hundreds Microhydro were not done seriously, because when they were built, they didn’t work properly. Some were burnt, experienced broken pipes, and so on. “Meanwhile when she was invited to the Netherlands, she only made presentation for half an hour and only seconds afterwards that the Dutch Government made planning, the funds listed in the contract were in accordance with the budget.

Foto: Dok. YJP



“Women are taught more to cope with daily household-chore which highly depended to electricity. Women think more of what is importance for the environment,”

### **Growing Women’s Economic Independence**

One thing that makes Tri Mumpuni felt very excited in doing this activity is that when the electricity is installed, it is the village women who feel the advantage at the most. They don’t have to look for firewood to cook because they can save their money to buy a rice-cooker so they don’t have to spend much time on cooking. Or they will look for appliances that can help them in doing household chores.

In some regions where women produce patchouli oil, if there is no electricity, they have to work very hard all day long to find firewood. The smoke and heat produced from the firewood when cooking are very dangerous for their health. The quality of oil also becomes lower if it is cooked using firewood and because it takes much time, they can only produce patchouli for approximately one kg in a day. When electricity was already installed, they can produce 3.5 kg and 1 kg of patchouli oil can be sold for 50 to 150 dollars.

Tri Mumpuni also told her experience when trying to provide clean water in Eastern Indonesia like in Sumba, East Nusa Tenggara. To get clean water, women should go down to the deepest cliff because they live up the hill. Historically, they have to live on the hill because of the tribal wars that often happened. She described how it felt to live there, human and animals worked together, there was even a baby who sucks to a dog who recently gave birth. It takes 7 hours for women there to get clean water. So when water could be pumped using a solar pumping system, and water arises fulfilling public hydro, they have free times for 7 hours that can be used to tend the field, looking for thatch as material for mat and then sell it so that they can earn money for the family. "That is what is amazing about Indonesian women in the lower level; culturally women are the family backbone." Mumpuni are invited to various countries to introduce developing method and Micro hydro socialization to be implemented in the Philippines, Japan and Rwanda, and becoming guest lecturer in many universities in America and Europe. Developed countries are interested in how she runs this program because she is considered to be more suitable because she involves the community, and uses alternative energy needed in the midst of climate changing.

### **Cooperation in the Family Relation**

"I work together with my husband to popularize this program," Mumpuni laughed while telling her story about how her husband's friends teased that behind a successful husband there is wife who supports him, then behind a successful wife there is a stressful husband. She is being supported by her husband to help all of her activities so there is a developing and advantaging cooperation, namely when her

husband did his technological research, then she was the one who sold it to people. "Thinkers rarely talk, they work silently. On the other hand, I screamed to ask for wisdom, fund, and others from the government so that this technology can be used by the people." Being asked about her further plan, she sees Maluku as a region that is still pitch-dark. East Indonesia is the least regions with no electricity. However, if we see how much money are scattered in corruptors' pocket, it can be used to build this Micro hydro electricity. "If we collect all of the corrupted funds, not for the sake of luxury, it can help them. One luxurious Hermes bag can support 75 families," she said firmly.



# Beyond Patriarchal Biases in Economics

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Title	: Beyond Economic Man: Feminist Theory and Economics
Editor	: Julie A. Nelson & Marianne A. Ferber
Paperback	: 186 Pages
Publisher	: University of Chicago Press
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## **The Trinity: Capitalism, Feminism, Environmentalism**

This book is written by contributors from different scientific backgrounds; nine economists, a sociologist, and a philosopher. They are Rebecca M. Blank, Paula England, Marianne A. Ferber, Nancy Folbre, Ann L. Jennings, Helen E. Longino, Donald N. McCloskey, Julie A. Nelson, Robert M. Solow, Diana Strassmann, and Rhonda M. Williams. This book is edited by Julie A. Nelson & Marianne A. Ferber. Julie A. Nelson, an alumni of University of Wisconsin-Madison, known as a feminist who has special concerns in feminism, economy, and climate changing. Julie is one of the economists who is known for her

consistency in applying feminist theory in the discipline of economics, both as model and methodology. Being one of the first economics books which uses feminist framework, this book is a significant manifesto in the history of contemporary feminism.

This book includes the development of economics for the last ten years before 1993. The narrative of “market” and “house” is explained as a machine that has missed its initial mission as a justice and wealth provider. Masculinity biases is still powerful in market behavior which is deplored in this book. Market has becoming “a machine” that is masculine inherently – separating figure arguments from ethics. Patriarchal biases are still dominating in economics (p. 7). This book is not meant to restrict economics in feminist trap, but rather expand it – widen the exploration range and the power of economics analysis considered to be rigid, arid, and divorced from the values of justice, especially the questions of ethics on climate changing and social justice that needs to be refreshed most of the time. Julie A. Nelson is a feminist who also departs from environmentalist ideology. As a professor and an activist, she also established International Association for Feminist Economics and is also an Editor for journal of *Feminist Economics*.

Not only editing this book, Julie also writes a lot of books and other journals about economics and feminism, they are: *Economics for Humans*, Chicago: University of Chicago Press, 2006; *Can We Talk? Feminist Economists in Dialogue with Social Theorists*, Signs: Journal of Women in Culture and Society 31 (4), Summer 2006, 1051-1074; *Feminist Economics Today: Beyond Economic Man*, co-edited with Marianne A. Ferber, Chicago: University of Chicago Press, 2003; *Feminism, Objectivity, and Economics*, London: Routledge, 1996; *Feminism and Economics*, Journal of Economic Perspectives 9(2), Spring 1995, pp. 131-148; *Beyond Economic Man: Feminist Theory and Economics*, edited with Marianne A. Ferber Chicago: University of Chicago Press, 1993; and *Household Economies of Scale in*

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This book suggested that at present the practices of economy has been constructed socially and culturally to act unfairly to certain gender, women and sexual minority. Not to mention to ecological problem.

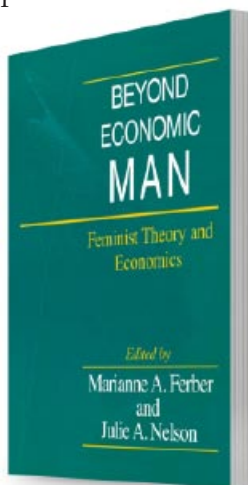


*Consumption: Theory and Evidence*, *Econometrica* 56(6), November 1988, pp. 1301–1314.

Julie is a feminist who initiated the attention of feminism and environmentalism on economic problems. She argues that all this time economics “has not been objective” – it still lives in the shadow of masculinity which has huge desire in conquering the nature and making it as capital an sich. Capitalism forgets that the Earth and the nature are the capitals that need to be taken care of, not only as exploitation objects. She introduces the diction of “kitchen argumentation” to fight the stigma and stereotype that see home economy as a mere inferior to market economy. She argues that economics should remove the patriarchal biases that are still strongly coating in itself.

### Sustainable Economy

This book is the first book to evaluate the discipline of economy from the feminist perspective. The discipline of economy needs to liberate itself from masculine biases which is greedy about profit and figures. *Beyond Economic Man* asks a question about the discipline in economy which are not objective enough in appreciating “home” economy (pp. 40–51). The contributors of this book try to find out how masculine attentions undermine the capital and market operation and exclude the communal tasks which have been carried by home all the time. The bitter



thing is that the orientations on capital and figure are called as objective ideas! This statement is completely rejected by Julie as “less objective” because it lacks of the values of social-fairness and ecological-fairness. The practices of economy which are concerned in the values of communal, nature, and home should receive more attention in economy epistemology to broaden its objectivity range (pp. 97–101). This book suggested that at present the practices of economy has been constructed

socially and culturally to act unfairly to certain gender, women and sexual minority. Not to mention to ecological problem.

Theoretical interventions need to be done to ensure that the vulnerable and the minority groups receive their rights fairly from the economy cake. Social and economy classes need to get epistemological guarantee from economics with its solidarity sectors which supports only to the elite all the time. Besides the solidarity of economics for the poor, economics should set the foundation of environmental conservation and give more attention to climate change in constructing its expansion, instead of being the main trigger that tends to be greedy and impairing the ecology (pp. 125-127). According to Julie, women have a dependent position in economy market, depends on men, the holder of capital control. This is due to many domestic jobs cannot be remunerated and the reproductive functions are neglected, if not being marginalized.

Economy beyond masculine biases is “the solidarity economy” which is cooperative and has solidarity in slavery liberation (*slave-free product and sweat-free goods*), protects the environment (*green product and recycling goods*), not violating the rights of certain ethnic groups and the vulnerable (*fair-trade*), not causing environmental damage and has to be fair to women and the sexual minority (p. 170). Therefore economics has to be free from unfair values that has created more poverty, warfare, and ecological damages from which sustainable economy will emerge.

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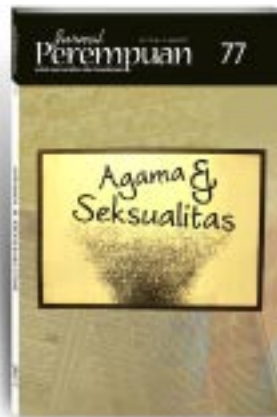
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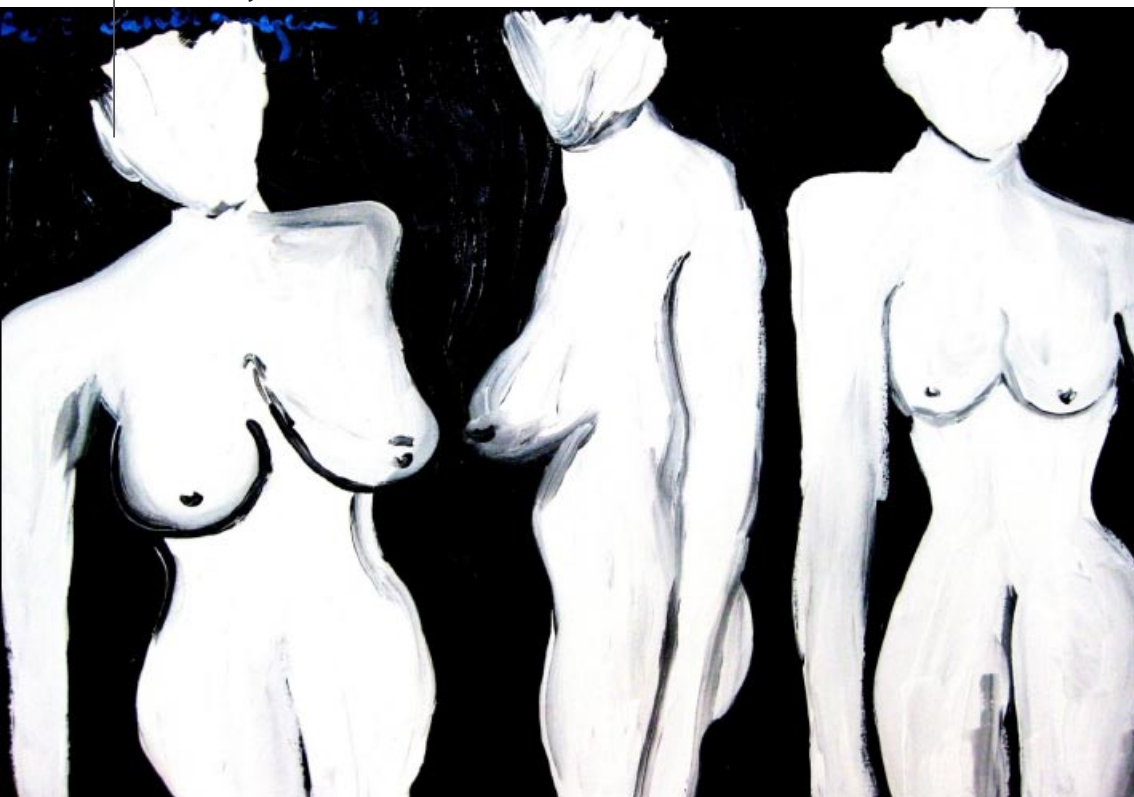
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"Tiga Citra" (Three Figures) painted  
by Dewi Candraningrum  
(Acrylic on 50x60 Cm Canvas).

# Kaplug

**Oka Rusmini**

Indonesian feminist writer resided in Bali

**THE WOMAN** said nothing. There was no color of regret that sliced her brownish eyeballs. Life was unfair for her. Too often life ridiculed her. Insulting. It always took the side of men. Did it think that women were not living creatures? They were easily dragged, drowned, and cut into slices as it liked. And even more than those,

they were chopped up! This time, the woman promised to herself. Life must apologize to her, to the rules believed in by human being. The rules, that only favorable to the creatures named: men!

\*\*\*

**THE SOUND** of river water throwing up its fluid washed Ni Luh Nyoman Kaplug's brownish body. The village maiden looked prettier, with her long hair touching the rippling river water. The sun did not dare to let its shine fall upon Kaplug's body. The village maiden was so enchanting when naked. The scent of her body made the trees around the river got shadier and more enchanting. Nothing's more beautiful than Kaplug. The little girl that day by day was growing up to be a woman. The real woman, the woman that had all beauty on the earth. Maybe even God also fell in love with her. No villagers dared to annoy her, because of a story handed down from generation to generation, which the villagers would never forget. Day by day the story had been expanding. It got scarier and even got longer and its ending got vaguer.

It started with Ni Wayah Kenyem, a rich woman liked by Dutch officials. She was a famous concubine then. All officials, and even the king fell in love with her. Kenyem enjoyed her life as a concubine, or whatever its term was. She felt she did not harm anyone, and did not hurt anything. Those cheese skinned people came, felt lonely, and needed women. What was wrong if she offered her body to the people from distant countries and in return received land, and a variety of goods which would not be used up until her hundredth descendants? Kenyem had a dream, someday she would establish a respected family clan. A family which would be reckoned in her birthplace. A family which would make people look and stare at her in an astonished manner. She did not want her descendants would share the same fate as hers. Lived poorly by being a servant who had to work hard and not get properly paid for her labor.

Now, with hectares of paddy field, abundant harvest yields, and also clove, coffee, nutmeg, and coconut plantations, Kenyem could become a respected Queen. No one dared to insult her. The villagers

came to her to ask for help. The woman felt her life was getting more perfect.

"No one will obstruct your dream. Luh. Life can collapse and fall down because we ourselves step to the wrong direction. Life is a game, and occasionally we may be deceitful. But it has the rules of the game. You must pay what you have taken. Nothing is free in the world. All things need careful calculation. You should be sharp in observation and crafty," those are the words Luh Wayan Cobeg remembered. Her mother was always firm and calculating.

"Maybe you grow up without the figure of Bape, a father. Trust me that you will be still alive without men. When I was young, I have done many things. I never harm others. I never regret to be born as a village woman named: Kenyem. A woman who used to have no future and value. Rubbish." It was as if Cobeg heard those words yesterday afternoon.

Was it wrong if as a woman Cobeg wanted to know the man who had sown his seeds onto her mother's body? Was it wrong if she longed for a man figure? Another being that never lived in her mother's home? A figure she respected, not as a servant that was always ready to serve her?

"You want to know your *Bape*. What for?"

"*Meme*, don't you long for a man's embrace?"

Kenyem cynically laughed. A man? What else was the type of man she wanted? Was there any figure that made her hungry? A figure she dreamt of? A figure that made her crazy? Since her body dripped blood, Kenyem felt the Life had shown her a way and an idea to run away from her sorrow. How could she fall in love with a man? While her father frequently beaten her mother. And even when the woman she called mother was pregnant. A dozen times Kenyem saw her mother almost going died due to severe bleeding. The woman tried to decry the name of his husband. But the man just cynically looked at her and rudely left her. So the little Kenyem tried to pull her mother's body. She bathed her mother, and called the village midwife to forcefully take the babies from her belly as the babies had died when her father kicked them.

One night she woke up to pee. She saw her father drag her mother, undress her and greedily suck her body. After the man had been satisfied, he went back to his room. He snored soundly like a big wild boar!

Her mother walked wobbly, wiping off the blood that swiftly dripped from her groin. Kenyem knew if her father had inserted his male body into her mother's, the woman would get pregnant. It was terrifying to be a woman like her mother. It was strange that no voice heard from her mouth. The man could freely consume her mother's body anytime he wanted. He even did it when her mother was busy cooking.

How could Kenyem fall in love with a man? When a Dutch woman had her clean her house, she learned a lot about life there. The way the cheese skinned men looked at her made Kenyem not want to be a servant anymore. She must be the one who arranged her own life. All started from her body....

Then, Kenyem sold her body to any men who would pay her with the highest price. She enjoyed it so much, since she was fifteen, and hundreds of men had made her getting richer. Until she felt it was enough and she stopped it. Suddenly she felt a change in her body. She had eaten a variety of leaves. But the fetus in her belly gripped its roots stronger every day. Kenyem even believed that the fetus in her body frequently raged. When the fetus in her body got bigger, she felt something strange flow in her mind. She felt all sorrows, and loneliness which she bore for years when she served men were suddenly cured.

Kenyem had a friend. The woman started refusing to serve her body and then she stopped it. The creature grew in her body was like a friend that understand how to read various seasons that raged in her mind. Eleven months had passed. Kenyem poured out her fetus, a brown skinned girl was served in front of her eyes. She was so enchanting.

"Meme, don't you want to know who my Bape is?"

"What for, Luh?"

"For me!"



"Isn't Meme enough for you? I can be both a man and a woman, can't I? Where in your life do you feel insufficient? Don't you think, Luh? Compare your life to the women's of your age. You can eat as much as you like, and you have expensive clothes. Isn't it useless to have a man in this house? If he will beat me then. Maybe he will take pleasure from you...."

*"Meme!"*

"Am I wrong to say these things? What is the advantage of knowing the man who had made me pregnant? What if the man has had a family? We will hurt them. I won't do that!"

Kenyem sharply looked at the eyes of her daughter. The young woman bowed her head. She always felt defeated when she stared at her mother's eyes. The woman named Ni Luh Wayan Kenyem looked very charismatic indeed. What the villagers said was true. There were no other women who could compare with the charisma of this middle-aged woman. Day by day she looked more beautiful and more enchanting. And yet she was almost fifty.

Cobeg took a deep breath. "Tell me now, Luh. What happened to you? You come in the middle of the night without I Wayan Dogler, your husband. What has made you upset?" Kenyem tried to ease her mind. She wondered what kind of sap that dropped into her daughter's blood. Why was the woman that once grew in her womb so fragile? Kenyem felt day by day her only daughter had turned into a very sentimental and disgusting woman.

Whose blood had flown into the blood stream of her daughter? Kenyem remembered that shameful incident. Cobeg got pregnant, by a man she said she loved so much. A man who gave a meaning to her life. An unemployed man. Kenyem was convinced that the sturdy man would not be able to give her daughter three meals a day. How could Dogler make Cobeg devoted her life to him?

Kenyem took a breath. She tried to remember which man that was able to go through her womb? In vain? There was no face that passed from her brain labyrinth.

*"Where is Dogler?"*

*"You'll get angry if I tell it?"*

"Did I get angry when you begged to be married to him? And yet I don't like Dogler. Now tell me! What else has happened in your life? I have told you. Life can be defeated if we stand firm against it. We dare to resist and challenge it! You always let the direction of life ruin your life, Luh. And you never try to resist. Yet you follow the stream and the wind direction decided by life itself!"

"Meme!"

Luh Wayan Cobeg cried. Kenyem couldn't understand. What was wrong with the forming of her daughter? How could she turn into a woman that did not understand the wind direction? She even did not know her own wishes. How could a woman like this one live and survive? From her granddaughter, Kaplug, Kenyem learned that her daughter's marriage went poorly. Eventually, Kenyem knew why Cobeg's eyebrows looked strange. Kaplug told her, that her father hit her mother with a crowbar. She received seven stitches on her forehead. Kenyem took a deep breath. How could her daughter fall in love with a man who had cut and sliced up her body? What did her little woman want from Dogler? Moreover, since Kaplug was a year old, she had been entrusted to her. Kenyem was the one who taught her. The little girl who looked alike her when she had been a child. She was different from her mother who was easily broken and hurt.

Kenyem knew for sure, because of the blood of Dogler, who was rude and brutal. Kaplug would turn into a more courageous woman than her. Or...

\*\*\*

**YOU** know how I love my Grandma, that I call *Odah*. A wonderful old woman. An old woman who understands that life that has treated us rudely and inhumanely needs to be defeated!

My Grandma named me: Kaplug. I am sure the wonderful woman intentionally gave me a name that once I hated. An odd and old name. But, the more mature I am, the more I understand that my name is the summary of my whole life. I know it for sure. Just like Grandma's name, Kenyem. It means: smile.

Grandma's life is so wonderful; I have heard the whole story of her

life's journey. The more mature I am, the more I understand why my grandma does not need men because she had tasted all types of men.

When my mother died: committed suicide (she was found with her head broken on the first floor) or killed by my father. My grandma did not seem hurt. She also did not want to know if her daughter died because she committed suicide, got slipped and fell, or was killed.

"A woman that can't show her firmness and express her own wish will be broken and fall down. She will never be a perfect woman! To be a woman, you have to be distinct; what you have chosen is what you have to believe."

"Odah... It's enough. Let Meme rested in peace." I tried to stop her words.

"She'll never be in peace because she was never contented with herself. Your Meme was a woman that never knew the wind direction. She also never knew where she would go and what she would do. You see, her life was so chaotic. As a woman, you need to learn a lot. You may make a mistake, but not the same mistake. If you make the same mistake, you are: stupid!"

I said nothing. For her mother, my mother had no place. For my father, her death made him free to wander with women, because my grandma had left my mother's house to my father: Dogler. The man I never knew closely. He even looked at me with a strange look. He once peeped me when I took a bath in the river.

I threw a knife. Now, he still drags his feet when he walks. They say his big toe was cut off and rotted. I felt satisfied hearing the news.

My name is Kaplug. I am the granddaughter of a woman I admire. The woman who is aware of the meaning of being a woman. The woman I never see shed her tears. The woman I love very much.

There is only one thing I never dare to say to my grandma. I also do not dare to tell her. Is it wrong if I, Kaplug never get aroused when I see men. I only get aroused when I see: women.

Denpasar 2012.

# The Maiden's Prayer

Soe Tjen Marching

Graduated from Monash University and currently leads  
Yayasan Bhinneka, Surabaya

Our  
Father  
who art in Heaven  
praised the millions of planets  
on their invisible orbits, which  
dance around the stars  
under Your  
name

Our  
Father  
who art in Heaven  
who drives the explosion of supernova  
and the inescapable gravitation  
of the black  
hole

Our  
Father  
in Heaven  
whose infinitesimal molecules  
travelled for billions of centuries, undergoing  
countless evolutions, then somehow somewhere  
and sometime get together on the  
most magical path  
to become  
human

Hallowed  
be thy name for how  
these molecules phenomenally  
amass collaborate construct then  
transform to be me, a speckle of dust  
amongst billions of galaxies  
yet so complex so  
unique  
so

Our  
Father  
in Heaven  
Thy Kingdom come  
Thy will be done, thus  
You place the cluster of cells which  
Materialize in me, in a hot Jakarta in mid-May  
then let all those stinky men tear these cells  
apart before having a wild party  
on my body, slicing  
the meat bit  
by bit  
bit

Our  
Father,  
which art in Heaven  
Thy will has been done by the slanted  
Holes between my ears  
And another one  
between my  
legs  
Hallowed  
be thy name after  
that labyrinthine byzantine process,  
the *salagadoola mechickaboola bibidi-bobidi-boo*  
what is the use of the miraculous

and great creation of me  
if the only thing  
I feel is  
doom  
but  
forgive us  
our trespasses, as we forgive  
those who trespass  
against  
us  
and  
the only  
way I can forgive those  
who have trespassed against me  
is by skinning them alive,  
using them to make a  
huge leather  
drum  
I  
will  
chop their arms  
to make the sticks, and  
their balls into the  
pom-poms  
so  
stuff me AGAIN!

Our  
Father,  
who art in heaven  
while I am  
in hell  
hallowed  
be Thy name  
while my name is dunked  
into smelly  
junk

Thy  
kingdom come

Thy will be done  
on earth as it is in Heaven,  
while mine is forgotten,  
abandoned,  
forsaken  
forlorn  
for  
Thine is  
the triumph  
the power and  
the glory regrettably  
you are so greedy and stingy  
you don't share any of it with me  
forever and ever Hallelujah Hosanna  
let earth receive her King joy to the world  
hark the herald angels sing  
Amen  
Amen

London, May 2013

On 13-14 May 1998, hundreds of Chinese women in streets, buses, work places or homes were raped in Jakarta. The exact number of the victims is not clear, some sources mention that about 150-200 women were raped, several of them by 3 to 9 men. Many of these women also suffered from massive torture including the use of harmful objects such as broken bottles to damage their reproductive organs. None of the rapists have been arrested or convicted.



# O, Soul Called Holy

Zubaidah Djohar

Doctoral at ANU Canberra, an activist and Renowned  
poet from Aceh

Is that you  
who are claiming to defend religion?

Which religion?  
Isn't Islam a religion that saves?  
And not harm  
Not kill?

Is that you  
Who are claiming to fight for your God?  
Which God?  
Isn't it Allah The Compassionate is Allah The Ever Living?  
Isn't it you belittle Him by declaring that you defend Him?

You just insulted your own religion  
: justifying human's blood in the name of Holy Book

Ask yourself  
What are you doing, actually?  
Isn't it you who are trying to defend yourself?  
Defending yourself who couldn't do for others  
Defending yourself who couldn't lending hands  
Defending yourself who couldn't carry out Holy mandate?

And you try to save the face  
That you never wash with water of affection  
By keeping on carrying the name of Compassion

It's about time to knock your heart  
So that the scars you left does not rust  
Least in your heart.

Please save yourself,  
Before confessing to be the Ruler of the Heaven

Canberra, February 2011

Staring at Cikeusik from the Sky of Canberra.

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