CONTESTING DEVELOPMENT: PATHWAYS TO BETTER PRACTICE

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Edited by

Donovan Storey
John Overton
Barbara Nowak

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Introduction

Feminist politics frequently points out that decentralisation will bring politics closer to home while at the same time it may help shift the balance between women and men by providing enough power and opportunity for conducting transformation at the local level (Hatford 1992, Phillips 1996, Beal 1997, Phillips 1998, Mauclay 1998). This argument suggests that considering the relevance of local government's functions to women's roles and needs, women are more likely to engage in politics at the local level, or more likely to concern themselves with the kinds of decision that are made in their local environment. Through their understanding and knowledge of daily neighbourhood affairs, women become effective agents of change in decision that are made in their level, or more likely to concern themselves with the kinds of decision that are made in their local environment. Through their understanding and knowledge of daily neighbourhood affairs, women become effective agents of change in proposing relevant and useful ideas for solving problems at the local level (Beal 1997). On the other hand, the local and part-time nature of local government elected offices contributes to the accessibility of these offices to women (Philips 1996). Thus, decentralisation as the transfer of power from central government to local government may provide more space and opportunities for women to represent their needs and interests than central government.

Based on Law No. 22/1999 on local government and decentralisation, greater autonomy in deciding and conducting the development process should be granted to local governments in Indonesia. This new law is intended to increase the capacity of civil society and community participation by strengthening the position of the people's representation in asking for accountability of the executive. However, the stress on strengthening local government and people's representation which is stipulated in the new law is inadequate in strengthening and increasing community participation, let alone in being sensitive to women's needs and interests and empowering for women. Whilst focusing heavily on devolving power to local authorities and representatives, this law does not elaborate on the devolution of power to the community which is an important issue if local government is to be accountable to the community. Moreover, the revival of local patriarchal values along with institutional constraints poses great challenges to women.

This paper will look at gender issues in the implementation of Law No. 22/1999 on local government and decentralisation in Indonesia. It will examine the opportunities and threats that decentralisation brings about in enhancing women's involvement in implementing and benefiting from decentralisation. Throughout this paper I will argue that decentralisation does not work in a gender-neutral framework. The assumption that decentralisation works in a gender-neutral framework is dangerous gender equity since processes and structures governance have always been gendered. As long decentralisation only focuses on the elite and neglect gender issues, decentralisation will persistently marginalize women. Thus, in order for decentralisation in Indonesia to realise gender equity, there needs to be enforcement rules against gender discrimination, along with transformation of agencies and structures. Decentralisation creates space as well as threats for women's participations in governance and decision-making. Without active involvement and cautious monitoring by civil society, women's groups/NGOs to equalise gender relations towards the initial phase of decentralisation, women will continuously be marginalised and decentralisation will fail to transform gender relationships into gender equity.

Decentralisation

One of the prominent results of reformation in Indonesia is the issuance of Law No. 22/1999 on local government which aims at devolving more power over regional development to local government (popular participation). This law constitutionally changed the relationship in the position between central and local governments, increased central government power to the areas of national security and defence, foreign policy, religious affairs and other activities specified by government regulations, while the regions have authority over all other government activities.

Law No. 22/1999 is based on principles of democracy, participation, equity, and justice which recognise national diversity. Thus, this new law is intended to increase the capacity of civil society and community participation by strengthening the position of the people's representation, monitoring and asking for accountability of the executive. The emphasis of the devolution of power is on districts and municipalities which means that heads of districts and municipalities are directly accountable to the local assembly (DPD) rather than to the governor (head of province). With the increasing power of the local government, which has to be accountable to peasant representatives, local governance in Indonesia is however more participatory and will enable local governments to act in accordance with the community's needs and aspirations.

After decentralisation local politics became more crucial in understanding politics in Indonesia. Since 2001, 27 provinces, 360 districts and 66,000 BPD (Village Consultative Assemblies) have emerged as a result of implementation of this law. Asia Foundation IRDA (2001) describes good practices in decentralisation and increases.
popular participation as evident in the emergence of more civic forums. This law reveals appreciation of the local culture and characteristics of diverse regions in Indonesia. It is hoped that by allowing people to be involved more in governance, decentralisation will increase the trust of local communities toward government.

Despite its intention to devolve power to local governments (executive and DPRD), this law does not elaborate on devolving power to the community. It lacks clear accountability mechanisms for the people to control DPRDs and lacks clear implementing and supporting regulations, which creates confusion in the implementation. It has no specific provision for people's participation and no clear accountability mechanism for members of parliament. Based on a conference on local government at the Australian National University, Canberra (27-28 September 2002), many critiques were directed at decentralisation in Indonesia such as: the upsurging of regional/ethnic sentiments, corruption, increasing excessive tax which has not been followed by improvement in service delivery, primordialism and structural and financial problems. In Simalungun (a regency in North Sumatra) misperceptions of the term putra daerah (son of the region/indigenous population) have resulted in the removal from the area by force of Javanese who have long been contributing in developing Simalungun.

Thus, the stress on strengthening local government and people's representation which is stipulated in the new law may be inadequate in strengthening and increasing community participation, let alone in being sensitive to women's needs and interests and empowering for women. It focuses heavily on devolving power to local authorities and representatives, yet does not mention the devolution of power to the community. This is an important issue if local government is to be accountable to the community.

Moreover this law still lacks a gender perspective. None of the chapters in Law No. 22/1999 recognises the importance of a gender perspective in local governance. The previous law on local government was heavily focused on economic growth as the measurement of achievement in implementing local governments' programmes. This emphasis on growth along with gender insensitivity in local government and its mechanisms has marginalised women and led to the invisibility of women in local governance in Indonesia. Without elaboration in law and programmes for women's empowerment at the local level, the devolution of power to local government will continue to exclude women from determining local development agendas.

Gender Dimensions of Decentralisation
Women are the majority in Indonesia. In the 1999 election, 58 percent of voters were women. However, women's representation in all public offices remains marginal:

- People's Consultative Assembly/MPR: 9.2%
- House of Representatives/DPR: 9.0%
- Supreme Court/MA: 14.8%
- State Audit Board/BPK: 0%
- Supreme Advisory Council/DPA: 4.4%
- General Election Commission/KPU: 18.1% (CETRO 2001).

In the DPR, women's representation declined steadily from 10.8 percent (1997-1999 session) to 9 percent (1999-2004), the lowest since the 1987 election. The DPR remains segregated as women representatives are mostly involved in the Commission on Welfare and Women's Empowerment (Commission VII) and the Commission on Religion, Education and Culture (Commission VI), but only a few women are involved in other commissions.

It is interesting to examine that while women's representation at the national level is continuously declining, at the local level it is increasing although it remains marginal. While no woman has been elected as governor yet, women elected as Bupati increased from 2 (1996), to 5 (1999) to 7 (2001). The percentage of women elected as heads of villages also increased from 2.0 percent (1996) to 2.3 percent (1999) to 3.4 percent (2001). Women have greater chances of becoming heads of villages in urban areas (lurah) where they are appointed by government (4.2 percent) compared to rural areas (2.1 percent) where people directly elect the kepala desa (Surbakti 2002:211). The emergence of village representative assemblies (Badan Perwakilan Desa/BPD) provides manoeuvring room for women to run for the election and to be elected as representatives at these assemblies. Up to now there has been no comprehensive data on women as members of BPD in various regions in Indonesia. Data from Nganjuk show that 5.8 percent of its BPD members are women (CETRO 2001), while for Deli Serdang the figure is 8.3 percent (Federasi HAPSARI, pers. comm. 2002). However, women as representatives at DPRD I (provincial level) continuously declined from 7 percent (1996) to less than 5.4 percent (1999) and to less than 2 percent (2001). Rapid appraisal on decentralisation in Indonesia finds that women's participation in public decision-making is still low and limited (Abdin 2002).

Institutionally, decentralisation brought about positive effects for women in that 30 provinces in Indonesia now have focal points for women's empowerment. However, not all districts and municipalities have women's empowerment bureaus. These focal points for women's empowerment face huge problems such as reluctance and/or rejection from regional houses of representatives and local government to the establishment of women's empowerment bureaus, limited authority and funding, and competition with other sections in local government offices (Field data 2002). The most frequent argument in rejecting the establishment of women's empowerment bureaus is that districts and municipalities do not have adequate budgets to fund these bureaus. Considering the total amount of facilities for members of DPRD and heads of local government in the regional budget, women's activists on the other hand argue that the real obstruction to the establishment of focal points derives from the lack of local government's political will to promote gender equity programmes rather than the limited budget (Focus group discussions 2001).

Revitalisation of Local Patriarchal Values
Local civil society is perceived as 'a relatively autonomous site of material and symbolic resistance and empowerment' (Mohan and Stokke 2000:259). However, it cannot be
ignored that decentralisation creates threats as well as opportunities for women's life. Local communities are not always democratic in that they frequently resist changes. Local structures are more difficult to change than are higher levels of political organisations (Philips 1996, Haddenias and Uliga 1996, Blair 2000). Should changes threaten traditional norms and structures that have served their interests for a long time, local communities will frequently resist or subvert changes brought about by national governments and the international community. At this point, local government may obstruct attempts to reverse the pattern of women's subordination at the local level. Along with the increasing competition over power and resources, the devolution of power to local authorities may marginalise women through the domination of stronger groups over local power and resources (Byrne and Laier 1996).

Law No. 22/1999, which allows for the revitalisation of local values and tradition, has been followed by a tendency toward the strengthening of local patriarchal values. Many of the proposed regional regulations (Ranperdas) are aimed at monitoring and restricting women's movement. For example, Law Nanngroo Aceh Darusalam which was enacted on 20 July 2000 obliges women to wear jilbab (Muslim women's dress). Women activists in Aceh criticised this law, arguing that it increases women's burden in the way that women have to spend more time thinking of what to wear prior to going out of the house for fear of the punishment they might receive (Kompas 3 September 2000). This fear is not without reason since there have been some cases of violence towards women who do not obey this law.

Although based on Law No. 22/1999 Aceh is the only region in Indonesia that can implement the Syariah, recently other regions such as South Sulawesi, Banten, Tasik Malaya, Pamekasan, Riau, Ternate and Gorontalo have been discussing the possibility of issuing Perda on Syariah which have been proposed to the Regional House of Representatives (Herlina 2002). These local governments avoid mentioning the word Syariah in obliging women to wear jilbab but base this obligation on morality and local tradition arguments.

Pressure from certain groups in society has discouraged women from going out without wearing the jilbab. In Tasikmalaya, a woman had her hair shaved by the community because she went out unaccompanied by her husband. In Yogyakarta, youth from certain Islamic political parties question women who go out at night. Public hearings and citizens forums are used to urge the implementation of the Syariah.

In many of the Ranperdas women are seen as the source of problems in the community and in regional development. Thus it is assumed that local government needs to regulate women's activities and determine which spheres women may engage in. For example, in Kabupaten Karimun (Riau Province), the Ranperda on violence against immoral acts regulates women as sexual workers, while not considering the possibility that some women are forced to work as prostitutes. Interestingly, the revival of traditional values in regions that have a matrilineal system does not guarantee that women's needs and interests will be protected. For example, Ranperda West Sumatra 9/2000 Chapter X states: 'Women are prohibited from being out of homes from 22.00pm until 04.00am except if they are their husbands and/or doing activities that are protected law' (Kompas 2001). Critics from women's organs have successfully abolished this Ranperda. The election of BPD (village community representatives) should be attended by at least two-thirds of household heads who, based on Marriage Law No. 1/1974, are women. These Ranperda are gender-insensitive and discriminate against women since they do not consider that women have to work at night to support their families. While these Ranperda prohibit women from going out and working at night, they do not describe how to compensate the loss of income that women face supporting their family's survival livelihood.

Women are vulnerable to threats from both societal and local government. Despite diversity among regions in Sumatra, there is a striking similarity in patterns that impede women's participation in public decision-making. For example, women are not invited to BPD (Municipal Consultative Assembly) elections, women are sometimes invited to elect but not to be elected to BPD, women do not have access to information on decentralisation, women who are actively involved in local affairs were threatened by accusing them of being members of Gerakan 21 (communist party), of being perempuan kawing (women who have no work), perempuan usil (women who meddle in other people's affairs), or perempuan nakal (immoral women), threatening these women that they would be caught and put in prison. This situation reveals the legacy of gender ideology produced by the New Order regime which continues to exist amidst reformation and decentralisation in Indonesia.

Conclusion

Decentralisation may in principle bring about some changes for women and open up room to manoeuvre for women in Indonesia, but the emergence of patriarchy and conflict of interest within the communities and the gender relations in local government structures may obstruct the achievement of gender equity programmes and activities. Considering the gendered structures and dynamics of local government there is a need to simultaneously establish separate structures within municipalities and integrate gender-sensitive policies/mechanisms into sectors/programmes.

Decentralisation has, to a certain degree, popularised participation, as in the emergence of civic groups. But it has been less encouraging of women's participation and representation at the local level. While improved participation is considered a substantive component of the success of the implementation of decentralisation in Indonesia, women's active participation is still an equal citizen. Indonesia is yet to be seen as a 'normal' and integral part of that component. Therefore, affirmative action aims at increasing women's representativeness in the local political decision-making, such as reserved seats.
percent quota in BPD) and the adoption of a gender quota in political parties' lists, is urgent in the midst of the strong patriarchal system. At this point, women's organisations and civil society in Indonesia need to constructively engage in altering the gendered politics at the local level into gender-sensitive local governance by continuously monitoring the implementation of decentralisation.

References


