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Rising public piety and the status of women in Indonesia two decades after reformasi

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Abstract

Indonesian women were at the forefront of activism during the turbulent period prior to *reformasi* and were a part of the leadership that demanded democratic change. Two decades after Indonesia embarked on democratic reforms, the country continues to face challenges on socio-religious and political fronts. Both the rise of political Islam and the increased presence of religion and faith in the public sphere are among the key features of Indonesia's consolidating democracy. This development has reinvigorated the discourse on citizenship and rights and also the historical debate over the relationship between religion and the state. Bearing this in mind, this paper looks at the narrative of women's rights and women's status in the public domain and public policy in Indonesia. It is evident, especially in the past decade, that much of the public conversation within the religious framework is increasingly centred on women's traditional social roles. This fact has motivated this study. Several norms and ideas that are relied on are based on cultural and faith-based interpretations - of gender. Therefore, this paper specifically examines examples of the ways in which social, legal, and political trends in this context affect progress with respect to gender equality and gender policy. I argue that these trends are attempts to subject women to conservative religious doctrines and to confine them to traditional gender roles. The article discusses how these developments should be seen in the context of the democratic transition in Indonesia.

Keywords: Indonesia; gender equality; democracy; political Islam; women's movements

Introduction

Following Indonesia's democratic reforms in 1998, a number of socio-legal and political changes took place. These changes include the establishment of new political parties such as Islamic parties, the introduction of a policy of affirmative action to increase female representation in Parliament, and various other forms of electoral, judicial, and social policy reforms. A number of religious and non-religious organisations have been founded as a result of the freedom to organise and to express opinions. This wider democratic space, by definition, also provides room for a diverse range of opinions, including those that are sustained by or advance religious doctrines. Thus, Indonesia's post-*reformasi* phase has been characterised by the multiplication of socio-political actors with diverse platforms opposing each other in the public arena and the emergence of the public expression of religiosity (Fealy and White 2008; Graham 2018; Hasan 2013; Hefner 2018; Robinson 2011; Wieringa 2015). In public policy, Indonesia has witnessed the creation of religiously inspired legislation and regulations at both the national and local levels such as the controversial Anti-Pornography Act (Buehler 2008, 2013; Bush 2008; Nurjanah 2013; Pausacker 2016). The National Commission of Women's Rights reported that there are about 421 regional regulations to date in Indonesia that are discriminatory against women and religious minorities (Amirullah 2018).

Recent works on Indonesian politics have addressed the impact of a socially conservative trend, signalled by the increasing influence of faith in public discourse and the impact of morality-driven debates on contemporary Indonesian politics (Afrianty 2015; Buehler 2013; Bruinessen 2013; Fealy and White 2008; Graham 2018; Hasan 2013; Hefner 2018; Nurjanah 2013; Robinson 2011, 2018). There have also been several studies on how this affects gender relations and the journey of

Indonesian women in this context, with their identities having become the subject of contestation in the fields of gender and faith (Afrianty 2015; Blackburn 2008; Bennett and Graham 2015; Dewi 2015; Graham 2018; Husein and Slama 2018; Nurmila 2009; Rinaldo 2013; Robinson 2018; Wieringa 2015).

Indonesians have also witnessed how prominent and active conservative movements, including conservative women's groups, work to influence political and legal reform campaigns for gender equality and women's rights. Examples include the recent demand from conservative groups to criminalise homosexuality and sex outside marriage in the recent Criminal Code revision (Sya'rani 2019; Zakiah 2018), the Constitutional Court's rejection of the request to increase the marriageable age for girls in 2015 (Sciortino 2015), and the latest campaign by conservative Muslim groups to reject the drafting of legislation for the elimination of sexual violence (Akbar 2018). The outcome of the 2019 Presidential and Parliamentary elections demonstrates the pressing importance of this ongoing critique of Islam, gender, and democracy. Kartika (2019), for example, examined the increased role of religion in politics and the rising place of identity politics, which presents a new challenge to women.

The concern that arises with respect to the status of women as well as the gender discourse is that care needs to be exercised while interpreting the public pronouncements of both formal democratic representatives and civil society and other independent social voices. Simply because women are seen to be active in politics and society does not guarantee that what is said by them, or on behalf of them more generally, is necessarily promoting a constructive agenda for all women. The socially conservative trend noted above is a result of the flowering of religiously inspired thinking, study, and activism that partly led to democratic reforms. The prominence of religion in the public space is a part of the democratic dividend earned by all Indonesians. However, beyond the extreme, violent, and radical fringes, there is an influential and effective Islamic voice that has gained traction through democratic reforms. This is perfectly valid in the abstract, but a closer examination of what is said demonstrates that certain interpretations of the faith dominate this space. Therefore, analysis needs to include a critique of the dominant gender discourse that also permeates this space

While gender is not absent from contemporary literature and analysis on Indonesian politics, it frequently appears to be caught in a blind spot. This is particularly evident in some of the new analyses that have examined the relationship between the state and Islam or that have engaged in discussions on the place of religion in public life in a broad sense. This body of work seeks to provide insights to understand the current state of law, society, and overall political development in Indonesia. Examples include fresh examinations of the relevance of liberal philosophical principles underpinning democracy and religious freedoms (Fenwick 2017; Menchik 2016; Ropi 2016). These works offer a crucial background that should contribute towards understanding how political developments may have affected the status of women. This article also derives from an understanding that there is not much of a discussion that correlates the Indonesian experience with those of women in other majority Muslim countries where the campaign on the seclusion of women and the promotion of traditional gender roles in public space have become contentious debates in the course of their transition to democracy (Anwar 2009; Arat 2010; Moghadam 2014; Othman 2006; Razavi and Jenichen 2010).

As an Indonesian Muslim woman and a feminist, my experience and observations tell me that it has become evident how Indonesia's political developments have, on the one hand, guaranteed much freedom, while at the same time, this freedom has also presented us with different narratives being offered in various forms in public spaces. Many views, unfortunately, centre on how we, as women, should conform to faith-based understandings and certain interpretations of gender. It is, therefore, the attempt of this paper to add to the existing analysis of Indonesian politics by discussing the most recent socioreligious trends that matter for the advancement of women's status and gender equality two decades after Indonesia initiated its political reforms.

The article attempts to demonstrate how gender equality has become central in the contestation of faith and politics in Indonesia's consolidating democracy. It starts with a discussion on the relationship between democratic reforms and the struggle for equality in Muslim majority countries by elaborating how gender, faith, and politics feature in Muslim countries undergoing a democratic transition. As a citizen of a Muslim majority country, I see that it is important to contextualise how practices and developments in Indonesia fit into the larger discussion on the place of women's rights in political democratisation. In doing so, this article discusses recent examples and focuses on key issues in the

development of political Islam as well as on the rise of religious conservatism, and how they affect the struggle for women's rights and gender equality. Finally, it discusses how gender should be included in the analysis of Indonesia's policy reform agenda, democratic consolidation, and the study of religion and the state.

Democratic Reforms and the Struggle for Gender Equality in Muslim Societies

The relationship among women's rights, gender equality, and democracy in countries in which Islam is the majority religion has become a subject of great interest for scholars (Anwar 2005; Arat 2010; Badran 2013; Blackburn 2008). One of the key themes is the assessment of the advancement of women's rights in Muslim countries that are undergoing transitions to democracy. It is generally assumed that Muslim society lacks the values and characteristics that are important for the formation of a democratic state. This is often because in Muslim majority countries women become the subject of the state's gendered policies. That is, law and administration are influenced by the interpretations of Islamic faith because many adherents believe that Islam should be a part of the overall institutional fabric and a wider cultural transformation. Adherents are not only found among the general population, but of course also include members of government and public administration.

A recent survey by Rizzo *et al.* (2007) revealed that the general population in Muslim majority countries are supportive of democratic governance. This is in line with an earlier study by Norris and Inglehart (2002: 246), in which it was argued that attitudes towards democracy such as believing in it as the best form of governance and disapproving of authoritarian alternatives are found in both Muslim and Western countries. What is interesting in Rizzo *et al.* (2007: 1166) is the finding that a significant number of Muslims in Middle Eastern countries fear that democratic processes may allow Islamists or other socially conservative groups that are not in favour of gender equality and the protection of individual rights to influence public discourse and policies. The concern derives from the fact that, in the context of Muslim societies, gender equality and women's rights are usually formed, contested, and challenged within the context of culture, faith, and politics, as well as their socio-cultural and demographic characteristics (Rizzo *et al.* 2007: 1154).

Democratic opening has indeed paved the way for the creation of several populist groups, and in many Muslim majority countries it is often the Islamists that gain popularity (El-Husseini 2016; Hadiz 2016). Their presence often becomes a dominant voice in shaping public discourse that mostly touches upon issues centred on women's rights and gender equality, where they make morality as a matter of both immediate concern and priority in policymaking. Public political debate was flooded with conservative views on issues that mattered most to women's personal status. These areas include women's sexuality, women's rights in family law such as the right to divorce, polygyny, child custody, inheritance, and women's public appearance such as the wearing of the headscarf and other attire. This development tends to take place at the same time as efforts to advance women's rights also emerge, immediately after a democratic government is installed.

In Egypt, the Islamist Muslim Brotherhood that gained power following mass protests in 2011 had the support of women who went out on the streets protesting the authoritarian regime. Once in power, the Muslim Brotherhood announced that as part of its democratic reforms, it would work to defend women's rights. However, its agenda of promoting women's rights was framed within the Islamic framework or Sharia (Ishay 2013: 378–380; Shahin and El-Ghazaly 2017), which, for many women, did not advance their rights. Ishay (2013: 379) argued that "the human rights agenda of the Muslim Brotherhood are largely confined to sharia," which is "therefore out of step with from international human rights norms – human rights discourse is distorted and, in effect, hijacked by illiberal forces". Shahin and El-Ghazaly (2017: 179) also argued that the problem of defending women's rights based on Sharia as claimed by the Muslim Brotherhood was an "irony", because "their sharia" was their interpretation of the Holy Books which depended on their own perspectives. One of the significant developments with respect to women's rights under the Muslim Brotherhood is thus their resistance to the call for greater room for participation of women in public life.

A similar development can be seen in Turkey, where the gender implications of political democratisation have continued to marginalise women (Arat 2010; Kabasakal Arat 2017). The Islamist Justice and

Development Party (AKP), which has gradually become a dominant political power in Turkey, has indeed acknowledged the need to promote the rights of women in accordance with the United Conventions on the Elimination of All forms of Discrimination Against Women (CEDAW), but at the same time their policy also revealed elements of a traditionalist approach that gradually limited the expansion of women's freedom of choice (Kabasakal Arat 2017: 251–252; Arat 2010: 878). Increased conservatism and the infiltration of conservative understandings of faith have come at the cost of Turkish women's liberty to express their sexuality and religiosity, and participation in public life (Kabasakal Arat 2017: 252).

This observation indicates that while it is widely believed that democracy facilitates a vibrant public space to allow women to mobilise and participate in various democratic reform projects, the socially conservative voices are also making some gains and do influence public discourse and public policy that may, in turn, pose a challenge to the agenda for gender equality. As Shahin and El-Ghazaly (2017: 181) argued, on the basis of their research in Egypt, this is a pattern found in many Muslim countries. During revolutionary periods, men encourage female public participation such as in the organisation of protests, but men become less accommodating of granting women the same rights when it comes to domestic politics and women's empowerment in the public sphere. Graham (2018) demonstrated that while Indonesians enjoy democratic freedom, there are also increasing concerns as the struggle for power among interest groups are increasingly played out within the framework of what she called "moral orders." She argued that in the current political climate in Indonesia, women's citizenship is subjected to a morality project in which women are required to "undertake various sorts of aesthetic, spiritual and emotional labour to achieve and present a model of moral self" (Graham 2018: 70).

Political Islam and Religious Conservatism

Indonesian scholar Noorhaidi Hasan (2013: 157) defined political Islam as "political discourse and activism that aims to change a secular approach to state and society to one where Islamic religious symbols and identities dominate". According to Malaysian Muslim feminist Zainah Anwar (2005: 237), this idea of political Islam "reduces the complexity and depth of religion to one fixed, ideological worldview to determine and direct public behaviour". Politicians turn to Islam in the course of exploiting and responding to socio-economic and political crises and the failures of previous regimes by making an appeal to disparate social groups in Muslim societies (Anwar 2005: 236). Supporters of political Islam advocate the need for Muslims to make Islam a political ideology and a way of life, and in doing this they exploit religious symbols to advance their socio-religious and political agenda (Anwar 2005; Moghadam 2014; Kandiyoti 2011).

Anwar (2005: 237) argued that in the rhetoric of making Islam a political ideology, the focus was often on rectifying women's status and gender roles in both private and public life, thus elevating the issue of women's dress and behaviour to a central role in determining policy priorities. Women are forced to follow a single form of a "patriarchal construction of ideal Muslim Women" (Anwar 2005: 235). Anwar (2005: 236–237) also asserted that the rise of political Islam in Muslim societies poses serious challenges not only to civil society groups engaged in the push for democracy and human rights, but also to women and women's rights activists.

Political Islam has a significant and profound impact on gender equality and women's rights as it works to reinvigorate patriarchal values and religious ideology (Badran 2013; Razavi and Jenichen 2010). According to Badran (2013: 112), in relation to women, the entire agenda of political Islam is to make the call for women "to exit the public sphere and to encourage women to stay at home." In doing so, they promote the articulation of separate roles for men and women grounded in biological differences that religion is said to consecrate. Their promotion of patriarchal values takes various forms, including the call for the use of the hijab, or for women to cover themselves, or to limit the mobility of women, thus making this a religious dictate and promoting and imposing it through Islamist movements and institutions. Undoubtedly, the rise of political Islam and religious conservatism has complicated the gender struggle as the status of women, and gender equality becomes central in their rhetoric of turning society back to Islam (Anwar 2005; Badran 2013; Budianta 2006; Kandiyoti 2011; Moghadam 2014; Othman 2006).

The first attempt made by proponents of political Islam in Indonesia was their campaign to amend the 1945 Indonesian Constitution during the Consultative Assembly (MPR) Annual Meeting in 2000, 2001, and 2002 (Salim 2008). The Islamic political parties in the Parliament advocated the insertion of the seven words of the Jakarta Charter into Article 29 that is "The state is based on belief in One God with 'the obligation to carry out Islamic sharia for its adherents" and to make religious teaching obligatory for believers'" (Salim 2008: 90). This attempt failed as they did not get the votes, they needed in the Consultative Assembly. However, their failure to make Islam as the basis of state ideology did not stop them from campaigning to promote Islam as a way of life.

At a policy level, one of the early attempts was the introduction of an Islamic-inspired regulation in many regions in Indonesia (Afrianty 2016; Bush 2008; Robinson 2011). This regional regulation was mostly centred on governing women's bodies, mandating the covering of the head, and imposing a curfew that limited women's movement in public. Under this regulation, the wearing of headscarves known as the *jilbab*, a Middle Eastern headscarf comprising a square piece of fabric, was made compulsory. Although this type of head covering or veiling had begun in the early 1980s after the Iranian revolution, wearing the *jilbab* was largely voluntary until the mid-2000s (Smith-Hefner 2011). After the regulation was introduced, women in headscarves and women adopting full-face veiling while dressed in the Middle Eastern style of Muslim clothing, namely the *abaya*, and men dressed in long white robes and white cotton pants became an increasingly common sight in Indonesian public spaces (Nisa 2013; Izharuddin 2015). Soekarba and Melati (2017) showed that veiling has become a trend among middle- and upper-class Indonesian Muslim women, who engage in veiling as an expression of both social class and religiosity as they believe that it is a religious doctrine that signifies their morality.

We need to rely on a wide interpretation of 'public space'. The production of new thinking about Islam is also made through Islamic educational institutions such as the *Sekolah Islam,* or Islamic School, which is more popularly known as *Sekolah Islam Terpadu*. These institutions have flourished since the time of the democratic transition. Previously, the teaching of Islamic doctrines or Islamic education was confined mainly to Pesantren and Madrasah, but modern *Sekolah Islam Terpadu* also offer Islamic education and form Islamic thinking at all levels, including kindergarten and primary to secondary school. Since these institutions offer both secular and Islamic education, Indonesian Muslim parents increasingly believe that such institutions will provide their children with the spiritual teachings they need in order to lead their lives in the modern world (Hefner *et al.* 2007).

From the author's personal experience and observations, public schools, from kindergarten to high school level, have also been subjected to religious infiltration as teachers have become more conservative over time. It has become a new norm for public schools to organise prayers not only at prayer times on school days, but also outside of school days (Kwok 2014). The events they organise include special prayers for students prior to the national exam day. School authorities believe that mass prayer at school can boost the mental well-being of students and reduce their stress levels. Students are taught that the results of their exams will not only depend on their preparations for the exam, but more importantly, on blessings from God.

This demonstrates how religiosity and spirituality in Indonesian society are noticeable in many public spaces. Moderate and secular Muslims continue to feel the pressure as society tends to judge them for their religiosity and piety, which lacks the overt and outer religious expression that is now more commonly seen in Indonesia.

Women's Rights and the Religious Conservative Movement in Indonesia

Data from United Nations Development Program reveals that Indonesia does not perform well in gender inequality. It was ranked 104 out of 160 countries in the 2017 Gender Inequality Index (United Nations Development Programme 2017). Other Muslim countries is ranked higher being its neighbour Malaysia, ranked 62, and Turkey, ranked 69. These rankings appear to reflect overall levels of human development in these nations as both Malaysia and Turkey have a higher overall ranking in the Human Development Index and are listed in different country groupings: Malaysia is rated among other countries with 'very high human development' and Turkey is grouped with countries rated as having 'high human development'; and, Indonesia is grouped with 'medium human development' countries. Indonesia's Index value

of 0.453 is worse than the average for East Asia and the Pacific at 0.312. The gender inequality index focusses on three dimensions: reproductive health, empowerment, and economic activity. Taking these in reverse order, female labour force participation is 50.7 per cent (compared to a male rate of 81.8 per cent), 19.8 per cent of parliamentary seats are held by women, the adolescent birth rate is 42.8 births per 1,000 women aged 15–19, and the 126 women die from pregnancy related causes per 100,000 live births.

Women have historically been socially and politically marginalised in Indonesia. The conservatives continue to subjugate women, their roles, and their status in both private and public domains. Traditional gender roles have been endorsed heavily, with calls for women to return to their roles as mothers and wives. Women are discouraged from working outside the house as doing so is believed to have a profoundly negative impact on their morality and on the well-being and education of their children (for those among them that are mothers), as will be discussed elaborately in this section. As Utomo (2012: 68) argued, despite the educational attainment and increased access to employment, women are expected to be secondary earners in order to generate additional income for their families, and they are expected to choose career paths that do not interfere with their primary roles as wives and mothers.

These conservative gender roles are exactly what the Islamist Party, the Prosperous Justice Party or Partai Keadilan Sejahtera (PKS) have been campaigning for. The Islamist Party is known to have strong women's activist support at the grassroots through its *da'wah* activity. Since 2009, it has consistently nominated over 30 per cent female candidates of the total candidate nomination within the party in the election. Many see this party as having worked to promote gender equality and the public participation of women. However, as Indonesian female scholars Octavia (2012) and Fuad (2019) argued, PKS has very strict guidelines on what its female members can and cannot do in their public roles. PKS activists have been out campaigning to make women the guardians of the nation's morality and have focused on regulating women's bodies by regulating their sexuality, marriage, and gender roles (Octavia 2012). PKS has a rule that while its female members can engage in activities outside their homes, they first need to have their husbands' or their father for the unmarried permission to do so, and also mandate that women are not allowed to take up leadership roles. Therefore, despite the inclusion of female candidates in the elections, the number of female representatives in Parliament from PKS remains very small as Islamic voters are generally reluctant to vote for female candidates. In 2014, although the party had more than 35 per cent female candidates, only 1 out of 40 ultimately succeeded in gaining a seat in Parliament. The party's parliamentary gender strategy is clear that PKS played a crucial role in opposing the Anti-Domestic Violence Bill in 2004 and was behind the campaign asking for an Anti-Pornography Law that succeeded in 2008.

Focusing on the gender ideology and activism of two Islamist Parties, the National Awakening Party (PKB) and PKS, Nurjanah (2013) argued that both parties had similar views towards the Anti-Domestic Violence Bill (2004) and the Anti-Pornography Bill (2008). This is despite both parties having rather distinctive cultural and religious backgrounds. PKB is considered to have a relatively more progressive gender platform in comparison with PKS. Nurjanah (2013: 8) argued that PKB "gave up its progressive views and could not maintain its role as a strategic supporter for women's causes". She also noted that the performance of Islamist Parties in the context of women's rights and gender equality confirms the arguments advanced by scholars such as Blackburn (2008) and Rinaldo (2008) that democracy is used to introduce moralistic and gender-biased policies that are contradictory to "the democratic values of the need to promote cultural pluralism and human rights" (Nurjanah 2013: 69).

In the past ten years, the conservatives have begun to use social media as a campaign platform by creating a number of accounts to share particular views on gender roles. This aims to strengthen, reinforce, and regulate morality by reinstating patriarchal values on women's roles in the family as wives and mothers, thus suggesting, for example, that a stay-at-home wife would benefit the family most (Apriantika 2015; Hartono 2018). Social media posts often consist of stories on how housework can be done by the wife who stays at home, and how this can reduce living costs for the family. These posts claim that if a woman is a stay-at-home mother, she will be able to look after the children, breastfeed her babies, cook for the family, drop and pick up the children at and from school, help the children with their studies, and do all the household chores (Kirnandita 2017). This is an attempt to push women away from employment and to undermine their educational attainments and economic independence.

Women's increased educational attainments and economic independence have also been used against them. They have been used to attack women on the ground that their educational and economic pursuits have led to an increased number of women applying for divorce before the Religious Courts (Lindsey 2012; Nurlaelawati 2013; Kustini and Rosidah 2016). A survey in West Sumatra that focused on the rise in the number of divorce cases before the Religious Courts found that the increased employment and high educational attainment of women had been one of the critical reasons that led to the breakdown of marriages (Rozalinda dan Nurhasanah 2014). The rise in the number of divorces initiated by women has also been a cause for concern for religious leaders and the Indonesian Ministry of Religion (Antara News 2018). Data from the Directorate of the Religious Court demonstrated that the number of divorce cases had increased consistently from around 83,319 in 2001 to almost 268,381 in 2014 (Kustini and Rosidah 2016: x). This makes divorce cases the dominant type of cases handled at the Religious Courts across Indonesia, given that these cases account for almost 90 per cent of the total number of cases before the Court.[1] Throughout the period of 2001 to 2014, the number of divorce applications submitted by women exceeded those submitted by men. In 2014, for example, of the 268,381 divorce cases, approximately 154,531 were applications filed by women.

Along with a campaign calling for the mandatory wearing of headscarves and adherence to traditional sex roles, there has also been a movement to normalise polygamy, an issue that continues to dominate the scholarly discussion on women's rights in Muslim societies. The Indonesian government has regulated men's access to polygamy since 1974 with the introduction of the Marriage Law. At the time of deliberations on the Marriage Law, the conservatives accused the government of interfering in the way in which Muslims operationalised their religious teachings (Otto 2010). Despite the government's regulation to limit the practice of polygyny, it was a matter of public knowledge that the practice remained widespread (Nurmila 2009). Some do it openly, others do it secretly. Over the past few years, polygyny has re-emerged as a subject of public discussion as some newly populist religious preachers have openly paraded their four wives on national television and on social media. Recently, a man was caught by the authorities for creating a dating app to assist users to engage in polygamy (Muthia 2018).

Religious Piety and Public Policy

Analysts have discussed how political parties have attempted to reinvigorate 'religion', in this case Islam, as a basis for their political gains (Hasan 2013; Kikue 2011; Tanuwidjaja 2010). Political parties, both Islamic and secular, have exploited the rising religious sentiments among the public to form and pursue their political agenda. Tanuwidjaja (2010: 30) conducted a survey and the results helped him argue against the commentaries that were made after the 2004 election to the effect that the agenda of political Islam will not progress since Islamic political parties continued to have low support in the elections. He argued that the decline in support for Islamic political parties, from about 36.3 per cent in 1999 to 29.2 per cent in 2009 was not enough to suggest that the influence of religion in Indonesian politics will come down. He contended that various policy trends at the local and national levels as a result of the efforts of both Islamic and secular parties are political products that are strongly influenced by personal moral values based on faith and religious conviction. He argued that faith and religion will remain important and influential in shaping Indonesian politics and policymaking. Similarly, Kikue (2011: 154) argued that "the state enforcement of Syariah may no longer an attractive option, but both religious as well as secular parties and politicians still exploit religious ideas, symbols, networks and resources to win the hearts and minds of increasingly pious electorates".

While Aceh is the only province in Indonesia that operates on the basis of Islamic regulations as a result of its own historical precedent, the use of an Islamic agenda for political gain has been practised by politicians for secular parties elsewhere (Buehler 2008, 2013; Mujiburrahman 2013). Buehler (2008, 2013) demonstrated how, in an increasingly religious society, secular political parties also engaged in the broader mobilisation of political Islam. Studying Islamic-inspired regional regulations in South

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[1]The jurisdiction of Indonesia's Religious Courts extends to matters of Islamic law pertaining to Muslim family matters, including marriage and divorce, child custody, bequests, waqf (almsgiving), inheritance, and Islamic finance. See Lindsey (2012) for a detailed account on the Religious Court and the trends in divorce cases before Indonesia's Religious Court.

Sulawesi, he demonstrated that in many instances local politicians from secular political parties are interested in deploying religious symbols to appeal to voters. They appear more interested in introducing policies that are inherently aimed at controlling social behaviour, many of which undermine women's rights, rather than in formulating social policies that provide tangible benefits to their political constituents (Diab 2016). These politicians advance patriarchal values in public discourse and state institutions, and this results in discriminatory policies against women through the introduction of religiously inspired local regulation.

Studying the interconnections among increased religiosity and politics at the local level, Indonesian scholar Noorhaidi Hasan (2014: 172) argued that the decentralisation policy had facilitated "open contests over the use of the symbolic language of Islam" and its meaning in local politics. The newly available public space allows Indonesian Muslims to reconfigure religious thought and action, encouraging public debate over the place of religion in socio-political life. He argued that, in such situations, religious actors tended to collaborate with local political elites as both seek sources of political legitimacy. This collaboration enabled the appropriation of the Islamic discourse in order to fit local history, culture, and the social and political context, thus offering a new form of Islam. His research in the district of Kebumen in Central Java, and in Martapura in Kalimantan, demonstrated that local political elites exploit the importance of the presence of religious symbols in public spaces, as voters can relate to this format easily, thus helping the political elites build their legitimacy to rule (Hasan 2014: 190).

What is most concerning with the rising public expression of religious piety is not only how politicians exploit religious sentiments, but also the way in which individuals and groups push their religious beliefs into the public domain and work to influence the way in which public discourse informs public policy. As mentioned earlier, most of these formulations are disadvantageous to women's personal freedoms and gender equality. In 2018, for example, a male judge from a Religious Court in North Sumatra argued that based on his experience as a judge of the Religious Court who dealt with several divorce cases, women, in his opinion, had to undergo virginity tests before marriage. In his opinion, the breakdown of marriage is often driven by the lack of commitment to the sanctity of marriage and the problem with the morality of the individuals, as they see it simply as an institution to allow parties to channel their lust and sexual desires (BBC Indonesia 2017). To check that one does not see the institution of marriage as an institution solely for their sexual desires, he claimed that a virginity test on women will help identify if the women were sexually active prior to marriage. Hence, in his opinion, it would help the authorities understand her reasons for getting married. Unfortunately, this judge did not see the same requirement as necessary for men.

The idea of virginity tests for women is not a new development, as some government offices have already made such tests a criterion for employment (Graham 2018). The Indonesian National Police, for example, have included virginity testing as a part of its recruitment for policewomen since 1965. Graham (2018: 75) argued that virginity tests are used as a clear moralising strategy aimed at ensuring that only morally fit women join the police force. It is also for this reason that in 2013 the National Ulama Council (MUI) supported the initiative of some regents to require female students to undertake a virginity test to get into high school. In 2015, officials in a district in East Java proposed that female students should have virginity tests as part of their school graduation requirements (BBC Indonesia 2015). Women's rights activists have protested against this policy and have raised concerns especially against the approach of the National Police and the Indonesian Military, both of which have declared virginity tests as a pre-requisite for new female recruits for morality reasons (Human Rights Watch 2017).

Following the Islamic-inspired regulation that governs Muslim clothing and religiosity in the Islamic Province of Aceh, dozens of other districts across Indonesia introduced similar regulations by 2008. While the reasoning behind the introduction of Islamic-inspired regional regulations is to correct socio-economic, legal, and political injustices, most of these Peraturan Daerah or Regional Regulations (PERDA) focus on people's religiosity and women's bodies, sexualities, and mobility, and are thus known as Perda Syari'at (Bush 2008; Afrianty 2016). At the national level, the Indonesian Parliament introduced the Anti-Pornography Law in 2008, which bans women from wearing clothing that reveals their body parts (Pausacker 2016).

The politicisation of morality and religion is also demonstrated in the Constitutional Court's rejection of the petition submitted by health professionals and women's rights activists in 2015 for a Judicial

Review of Article 7(1) of the Marriage Law No. 1/1974. This article prescribes 16 years as the marriage-able age for girls and 19 years for boys. The review was submitted in December 2013, after years of research examining the scientific, social, and legal implications of the provision. The petitioners believed that Article 7 of the Marriage Law contradicted the 1945 Indonesian Constitution. Article 28 of the Constitution guarantees every individual and children with the rights to live, grow and to get education as well as the right to be free from fear, intimidation, violence, and discrimination. The petitioners also provided scientific findings indicating that girls aged between 16 and 18 years are not physically and mentally ready to be mothers or wives. [2]

The provision also contradicts other national laws such as the Law on Human Rights, Law on Child Protection, Law on Employment, and Law on Health. The Court heard witnesses accounts from professionals and researchers, and given that the law was derived from Muslim family law, religious leaders and Islamic institutions were also invited to give evidence. Three prominent Islamic institutions, namely Muhammadiyah, Nahdhatul Ulama, and the National Ulama Council (or MUI), participated in the hearing. Almost all evidence presented by these Islamic institutions was to the effect that girls aged 16 years should be considered mature enough to be wives, with reference to Islamic concepts of maturity for girls. Eight out of nine judges on the bench at the Constitutional Court rejected the idea that marrying at a young age would have a damaging impact on the well-being of girls. The only female judge on the bench agreed with the petitioners.

Most of the judges believed that marriage is an individual need and that it has to be practised according to religious beliefs. They noted that this has to be recognised by the state. Second, the judges believed that a man and a woman must unite formally to channel their inner feelings of romance and thus seek to attain personal fulfilment and balance. Third, the judges believed that Islam is not concerned with a minimum marriageable age. What is customary, however, is what is known as "*aqil baligh*" (puberty, adulthood), being of sound mind, and being able to distinguish between what is good and what is bad, so that one can agree to marry. According to these eight male judges, girls achieve this state when they turn 16 years old. The last and the most intriguing argument made by the judges was about modern influences on their lives. In their opinion, girls are subject to the influence of moral decadence as a result of the environments they live in. The food they eat, and the availability of information brought about by access to technology, in their opinion, have all accelerated the extent of carnal urges among girls. Carnal urges, according to the judges, should be channelled through lawful marriage, in accordance with religious teachings, so that children are not born out of wedlock and do not become 'forbidden' children.

Despite the introduction of the Anti-Domestic Violence Law in 2004, which could be seen as one of the biggest policy achievements for women's rights activists after *reformasi*, the extent of violence against women appears to be on the rise. Part of the problem is that social perceptions are largely dominated by tradition, which is claimed to be inspired by religious teachings that consider men as having the right to discipline their wives, daughters, and sisters, including through physical violence. Public institutions that have the legal responsibility to address domestic violence continue to treat these cases as domestic and personal matters rather than as criminal justice issues (Afrianty 2018). A survey conducted by the United Nations Population Fund (UNFPA) in 2016 looked at 9,000 households in 83 districts across 24 provinces, and showed that 2 out of 5 Indonesian women (just over 41 per cent) had experienced at least 1 of the 4 types of violence that the survey specified: physical, sexual, emotional, and economic violence. The survey categorised threats, humiliation, intimidation, and insults as part of emotional violence, and included the act of not allowing a person to work or confiscating a person's money under economic violence. The study demonstrates that over 33 per cent of women aged 15 to 64 years had experienced physical and/or sexual violence (Hulupi 2017).

Another form of violence against women is the practice of genital mutilation that continues to remain widespread. In 2015, UNICEF listed Indonesia as third in its list of countries that still practise Female Genital Mutilation (FGM), following Egypt and Ethiopia (Newland 2006; Zamroni 2012). In 2017, the

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[2]The Constitutional Court judgement is available publicly from the website of the Constitutional Court. Under Indonesia's Court Transparency Programme which was introduced in 2007 through the Keputusan Ketua Mahkamah Agung Tengan Pedoman Pelayanan Informasi di Pengadilan or the Chief Justice's Decree on Providing Court Information No. 1-144/KMA/SK/VIII/2007, the public can access and read court documents.

National Commission on Violence Against Women or Komnas Perempuan published a report on the practice of genital circumcision or mutilation across 10 provinces in Indonesia (Anshor and Hewatt 2017). The report reveals that about 51 per cent of girls aged under 11 years had experienced genital mutilation and that it caused them severe trauma. The report also noted that the procedure is potentially harmful to their reproductive rights as well. This report also found that contrary to the common understanding that the practice is only symbolic, it is done in various ways, including puncturing, scratching, slicing, and cutting the clitoris. The practice is commonly administered by midwives and is performed on girls when they are aged between four months and three years. The report also reveals that the practice is strongly influenced by the religious reasoning and conviction that the procedure would make the girls become good women who can control their sexual desires.

The most recent development in this context is the demand by Islamist groups for the revision of the Indonesian Criminal Code, which is currently under review before the National Parliament. Islamic groups want the Criminal Code to be based on Islamic morality and have called for the criminalisation of adultery, and same-sex marriage. Similar requests made before the Constitutional Court were rejected in 2018 (Sya'rani 2019; Zakiah 2018).

Without a doubt, a socially and religiously conservative worldview has penetrated both state and non-state institutions, making public policy and public discourse on personal and public interests the subject of conservative understandings and interpretations of religious teachings as argued by Bruinessen (2013).

The Politics of the Women's Movement for Equality

The discussion above demonstrates that from Aceh, West Sumatra and other provinces in Indonesia, the fate of Indonesian women, their roles, rights, and expectations are increasingly being challenged and contested. On the one hand, women have more freedom to express their religious and sexual identities, while at the same time, many women are increasingly feeling the pressure to conform to the expectations set by society as embodied in the laws and regulations established by the state. With patriarchy rooted deeply in Indonesia's religious, social, and political structures, the rise of religious conservatism on the one hand and political Islam on the other have been critical factors in the creation of an unfavourable situation for the gender equality and women's rights movements in Indonesia. Scholars in the field have argued that Indonesia's gender struggle should be seen as a colonial, post-colonial, and post-authoritarian story, in which gender relations and the status of women's rights have been the subject of contestation among tradition, classes, cultures, nationalism, ideologies, and Islam (Afrianty 2015; Blackburn 2008: Rinaldo 2013; Robinson 2018; Siapno 2002; Suryakusuma 1996; Wieringa 2006).

Islam is a key factor in shaping the form of Indonesian women's mobilisation in the struggle for equality. At the First Women's Congress in 1922, Muslim women voiced their concerns over the discriminatory treatment that women received in both public and private domains. It resulted in the demand for the Dutch Colonial Administration to reform the erstwhile family law in order to grant women the right to divorce and to limit the practice of polygyny (Katz and Katz 1975). Advocacy by women and progressive Muslims for greater gender equality in matters of family law resulted in the introduction of the 1974 Marriage Law, under which women were granted the right to divorce, which was then strengthened by the 1991 Presidential Instruction known as Compilation of Islamic Law or Kompilasi Hukum Islam (KHI) (Nurlaelawati 2013). Despite these measures, women and moderate Muslim rights advocates continue to fight for greater equality to this day, as practices under the domains of marriage, divorce, inheritance, and child maintenance continue to place women in unequal positions with respect to men, such as by maintaining the unequal marriageable age for girls as mentioned above. In 2004, a team of progressive Muslim scholars led by a female Muslim scholar, Siti Musdah Mulia, launched a Counter Legal Draft (CLD) to the Compilation of Islamic Law (CLD-KHI) as they found that the 1991 KHI did not grant women equal status in family matters, and noted that it perpetuated the gender bias (Alfitri 2015: 207). However, the CLD faced strong opposition from conservative Muslims, and this culminated in its total rejection. The CLD team was housed within the Ministry of Religion, which should have lent its work some status and credibility. However, the rejection of the right of Muslim women to play a role in interpreting religious obligations, even those relating to women's status and rights, indicates the strength of the challenge faced in changing fundamental mindsets.

Muslim feminists and moderate Muslims see the increasing acceptance of conservative Islam as a set-back to the reform efforts against several traditional and conservative religious practices that they have been seeking to challenge over the years, such as polygyny, seclusion, child marriage, FGM, and restrictions on women's reproductive rights. Their advocacy is part of the wider transnational Islamic Feminist movement. As believers, Muslim feminists from Aceh to Jakarta frame their resistance against the conservative turn by calling for the rereading and reinterpretation of the sources of Islamic teachings and seek to understand their revelations in a historical context (Afrianty 2015; Rinaldo 2013). More than that, there have been efforts to understand the history of Islam in Indonesia and the importance of observing religious teachings as a part of Indonesia's pluralistic character as a nation-state.

Initiated by prominent feminist Muslim scholars and activists from several Muslim feminist organisations such as Fahmina, Rahima, and Alimat, the first Female Ulama Congress was held in Cirebon, West Java, in April 2017. The Congress was a response to the complex socio-economic, religious, and political challenges that negatively affected the progress of gender equality in Indonesia. The three-day Congress was attended by about 600 female Ulama. It began with an International Conference called 'Female Ulama Congress: Amplifying Women Ulama's Voices, asserting values of Islam, Nationhood, and Humanity'. A number of female Ulama from other Muslim countries were present at the conference. They talked about the challenges to gender equality in their societies. The author attended this Congress and learned about how problems were shared and ideas and initiatives were presented as a part of arriving at the solution to their problems. After the Congress, female ulama formally established a new national Muslim feminist organisation called Kongres Ulama Perempuan Indonesia or KUPI.

A range of issues were discussed at the Congress. These included Islamic radicalisation and terrorism, child marriage, domestic violence, divorce, FGM, Islamic education, women's economic empowerment, and environmental degradation. Both at the opening and at the closing of the event, these female Ulama insisted on the need to inculcate the understanding among Muslims that justice and equality are central to the teachings of Islam. Concerned with the use of Islam in the political context and the marginalisation of women's rights, the female Ulama agreed that they have to be at the forefront, campaigning for a just interpretation of Islam.

Malaysian feminist Zainah Anwar, who was giving a keynote speech at the Congress, reiterated the need for Muslim women to develop a coalition with moderate Muslims in campaigning for justice and equality in Islam. Democracy, according to Anwar, was the best platform that allows feminists and moderate Muslims to organise, to initiate reforms, and to effect change in how Muslims live in pluralist and democratic societies. She also mentioned the need for Muslims to nurture the values of equality and tolerance as part of the teachings of Islam and noted that these are key factors in building a democratic society.

Analysing the rise of political Islam and the status of women in Indonesia, Australian scholar Susan Blackburn (2008: 104) argued that while democracy could have a positive impact on the status of women, it does not always lead to respect for women's rights. As discussed in the previous section, all forms of progress that women have achieved are now being contested. Some of the key features of life that Badran (2013: 112) identified, in which political Islam is at work in challenging women's rights and gender equality in Muslim societies, can be seen in Indonesia too. Women are called to leave the public sphere by re-articulating separate roles for men and women based on differences that are claimed to be entrenched in religious teachings. The push for making the hijab a non-negotiable element and for women to accept polygyny as a religious dictate by Islamist movements are some of the most obvious examples.

Events that have unfolded in the Islamic Province of Aceh are interesting in this regard. Following the granting of autonomous provincial status as part of the Peace Agreement in 2001, the Acehnese were granted authority to live under Islamic law (Afrianty 2015; Feener 2013). Given that this came up in the early stage of Indonesia's political reforms, the Acehnese also enjoyed the widening political freedom that allowed individuals, activists, and local institutions to participate in public debates in the course of local politics. Aceh was also granted the ability to have local political parties. Acehnese women advanced an agenda based on gender equality following the introduction of Islamic law. They worked with conservative local religious leaders and politicians to advocate that equality and justice should form the basis for formulating Islamic regulations (Afrianty 2015; Großmann 2015).

With support from national women's organisations, women and moderate religious leaders were able to convince local leaders that women have equal rights to run in local elections, to hold public office, and for political parties to grant women 30 per cent of their candidate positions (Afrianty 2015). This achievement, however, was not followed by positive developments. In the years that followed, Acehnese Muslim women had failed to influence the doctrinal call in the Islamic legislative reform agenda. The implementation of Islamic law consolidated women with other minority groups such as homosexuals, and continued to treat all of them in a discriminatory manner. Public regulations were made to restrict women's mobility, such as banning women from straddling on motorbikes and stopping women from performing on public stages. Women's political representation continues to remain low, with key government offices being held by men, including those with the authority to define Islamic teachings and deliberate on social policy (Dialeksis 2018).

Research by Dewi (2015) in East and Central Java demonstrates how religion has been used as a source of political legitimacy and how women are subjugated and exploited in this process mainly for the political gains of Islamic organisations and political parties. Her research demonstrated that a number of female candidates running for the local elections in East Java represented both secular and Islamic political parties. This political institution had to work and build coalitions with Muslim organisations and local religious authorities and used religious symbols as part of their public political appeal. In the interest of the campaign, all female candidates wore *jilbab* for their campaign photos. While some had previously worn headscarves, others had only begun to cover themselves just before they ran their campaigns.

According to Dewi (2015), the easiest way to appeal to Muslim voters is to have women candidates who can perform their allegiance to Islam outwardly. The Islamic organisations that these female candidates worked with are otherwise male-dominated institutions that have no records of having a feminist agenda or interest in advancing women's issues. None of the social problems that confront women in their electorates formed the subject of the political alliances between political parties and Islamic organisations. As a result, when elected, local women leaders were bound to the agenda of the Islamic organisations and their political parties, rather than advancing the interests of women who have voted for them. What makes this worse is the fact that these elected female leaders also had no prior experience advancing a gender equality agenda, and had no prior attachment to women's organisations. They had not worked to advance women's interests either. Thus, after they were elected and began to hold public positions, none of these female leaders pursued social policy agendas to advance women's interests.

Conclusion

More research is worth considering in understanding this complex development on how the rise of religious conservatism and the influence of faith have infiltrated the policymaking process and public discourse on women's rights and gender equality at the local and national levels. It is clear from the discussion in this article that religious conservatism and political Islam do affect progress on gender equality. It is not the intention of this paper to say that democracy is entirely problematic with respect to making progress in gender equality in Indonesia. However, as democracy allows the contestation of all kinds of divergent views on various aspects of Indonesia's developmental trajectory, this often leads to tensions between different forms of authority, including religious authority. The concern is not religion or faith itself, but that religion and faith are being increasingly interpreted in a patriarchal manner.

The conduct of the Congress and the establishment of a new, faith-based, women's organisation seeking to address the question of women and Islam directly clearly demonstrates the degree to which the status of women in contemporary Indonesia remains contested. Just as it was prior to the advent of democracy in Islam, as well as during the early years of political reform, women in Indonesia continue to play a key role in identifying issues, challenging assumptions and received wisdom, and leading debate in the public space. Indonesia is more comprehensively democratic in many ways when compared to other newly democratic Muslim states and has well-established institutions and political practices in place. However, it exhibits many of the same, classical issues that are centred on the quality of private and public life for its women as those of the other emerging Muslim majority democracies. The fact

of democratic transition itself has brought about advances and significant problems for modern Indonesian women. The driving forces for this have been the growing tendency to embrace faith in all aspects of life, and the different forms in which this has manifested in public policy, law, and administration. The democratic space has provided an opportunity for authentic but conservative interpretations of faith to prosper. The current challenge is to see whether Indonesia is able to tolerate hearing the divergent voices of its faithful, organised, and empowered women.

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