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RULE OF LAW IN INDONESIA

FROM THE EYES OF POOR WOMEN
AND VULNERABLE GROUPS

LEGAL EMPOWERMENT AND THE APIK
GENDER JUSTICE INDEX (AGJI)



A PILOT PROJECT OF APIK INDOONESIAN LEGAL AID ASSOCIATION FOR WOMEN
IN COLLABORATION WITH LBH APIK : JAKARTA, JAYAPURA, MAKASSAR,
MATARAM, MEDAN, PALU AND SEMARANG

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WOMEN AND VULNERABLE GROUPS.**

**LEGAL EMPOWERMENT AND THE APIK GENDER JUSTICE
INDEX (AGJI)**

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ABBREVIATIONS AND GLOSSARY

Adat	Local customs and law
ADB	Asian Development Bank
ADD	Alokasi Dana Desa
ADK	Alokasi Dana Kampung
AGDI	African Gender and Development Index
AGJI	APIK Gender Justice Index
APIK	Asosiasi LBH APIK Indonesia, Indonesian Legal Aid Association for Women, Network of LBH APIK offices
LBH APIK	Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia untuk Keadilan, APIK Legal Bureau
Awiq-awiq	Regulation drafted on the basis of adat or community agreement
AWPS	African Women's Progress Scorecard
Babinsa	Bintara Pembina Desa. Military officer who has to guide the villagers
Bappenas	Badan Perencanaan Nasional, National Development Planning Agency
Bhabin-kamtibmas	Bhayangkara Pembina Keamanan & Ketertiban Masyarakat / Police officer

	tasked with guiding the society in matters of safety and order
BHGS	Bantuan Hukum Gender Struktural/ Gender based Structural Legal Aid
BKKBN	Badan Koordinasi Keluarga Berencana Nasional, National Family Planning Coordinating Agency
BKM	Badan Keswadayaan Masyarakat, Community Voluntary Committee
BPJS	Badan Penyelenggara Jaminan Sosial, Government Agency on Social Protection)
BPN	Badan Pertanahan Nasional, National Land Registration Office
BPS	Badan Pusat Statistik, National Statistical Agency
CEDAW	Convention on the Elimination of all forms of Discrimination Against Women
Citizens' Forum	Forum supported by this program, established by citizens at the village level, containing stakeholders/key actors to discuss basic rights and public policy issues.
Citizens' Charter	Agreement reached by the Citizens' Forum

DHS	Demographic and Health Survey
DKI	Daerah Khusus Ibukota, Special Region of the Capital
Dukcapil	Kependudukan dan Catatan Sipil, Population and Civil Registration Office
Erfpacht	long lease (of government-owned land)
FGD	Focus Group Discussion
FGM	Female Genital Mutilation
FPE	Feminist Popular Education
GDI	Gender Development Index
GDP	Gross Domestic Product
GEI	Gender Equity Index
GEM	Gender Empowerment Measure
GGGI	Global Gender Gap Index
GII	Gender Inequality Index
GOI	Government of Indonesia
GSI	Gender Status Index (of the AGJI)
HDI	Human Development Index
HIWARI	Himpunan Waria Indonesia, Indonesian Waria Association
HIV/AIDS	Human Immunodeficiency Virus/Acquired Immuno Deficiency Syndrome

ICPD	International Conference on Population and Development
IKI	Institut Kewargenegaraan Indonesia, Indonesian Citizenship Institute
ILO	International Labour Organization
JALA PRT	Jaringan Advokasi Pekerja Rumah Tangga, Network for Domestic Workers' Protection
JKN	Jaminan Kesehatan Nasional, National Health Insurance
JMK	Jaringan Mitra Kemanusiaan, Humanitarian Aid Network
JPS	Justice Pioneer School
Kabupaten	regency/district
Kecamatan	subdistrict
KIS	Kartu Indonesia Sehat, Indonesia Healthy Card
KIP	Kartu Indonesia Pintar, Indonesia Smart Card.
KID	Komisi Informasi Daerah, Regional Information Commission
Komnas Pe-rempuan	Komisi Nasional anti Kekerasan terhadap Perempuan / National Commission on Violence Against Women

KPI	Koalisi Perempuan Indonesia, Indonesian Women's Coalition
KPK	Komisi Pemberantasan Korupsi, Corruption Eradication Commission
KTP	Kartu Tanda Penduduk, Citizens' Identity Card
KUA	Kantor Urusan Agama, Religious Affairs Office
LBH	Lembaga Bantuan Hukum, Legal Aid Bureau
LGBT	Lesbian Gay Bisexual Transgender
LPMK	Lembaga Pemberdayaan Masyarakat Kelurahan, village council for the empowerment of the society
Merariq	traditional marriage procedure, elopement, in Sasak community
MDG	Millennium Development Goals
MMR	Maternal Mortality Rate
MSM	Men having Sex with Men
MUI	Majelis Ulama Indonesia, Indonesian Islamic Scholars' Council
Musrembangdes	Musyawarah Rencana Pembangunan Desa, Village Development Planning Meeting
NTB	Nusa Tenggara Barat, West Nusa Tenggara

ODGJ	Orang Dengan Gangguan Jiwa, People with Mental Problems
OECD	Organization for Economic Cooperation and Development
ORPA	Organisasi Perempuan Adat Papua, Papua Women's Cultural Organization
PBB	Pajak Bumi dan Bangunan, tax for land and buildings.
Pekka	Perempuan Kepala Keluarga, Female-headed household
Pesantren	Muslim boarding school
Piagam Warga	agreement between citizens and stakeholders in village/community level about public service
Posko	Pos koordinasi, coordination post
PKK	Pemberdayaan dan Kesejahteraan Keluarga, Family Empowerment and Welfare
PTSL	Pendaftaran Tanah Sistematis Lengkap, Complete Systematic Land Registration
PRA	Participatory Rural Appraisal
Pustu	Puskesmas Bantuan, auxiliary health post

P2TP2A	Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak, Integrated Service for the Empowerment of Women and Children
Raskin/Rastra	Beras miskin/beras sejahtera, Rice subsidies for the poor
SDG	Sustainable Development Goals
SHDI	Subnational Human Development Index
SIGI	Social Institutions and Gender Index
SKTM	Surat Keterangan Tidak Mampu, Declaration as Poor Person
SHM	Sertifikat Hak Milik, Property Rights Certificate
SLTA	Sekolah Lanjutan Tingkat Atas, Senior High School
SLTP	Sekolah Lanjutan Tingkat Pertama, Junior High School
SPK	Sekolah Pelopor Keadilan, Justice Pioneer School
STD	Sexually Transmitted Disease
SLTP	Sekolah Lanjutan Tingkat Pertama, junior high school

SLTA	Sekolah Lanjutan Tingkat Atas, senior high school
Suscatin	Kursus Calon Pengantin, pre-wedding course
ToT	Training of Trainers
TA	Techical Assistance
UNECA	UN Economic Commission for Africa
UNDP	United Nations Development Program
UNESCO	United Nations Educational, Scientific and Cultural Organization
Ustadz	Islamic religious teacher
VAW	Violence Against Women
Waria	transgender MTF, from wanita-pria, woman-man
WEF	World Economic Forum
WPM	Women's Progress Measure (of the AGJI)

Making the Rule of Law Meaningful for Poor Women and Vulnerable Groups



Indonesia is a country of enormous religious and ethnic diversity. The more than 300 indigenous groups with their own languages and local traditions to different extents share the notion of subordination of women.

There is a growing gap between an increasingly wealthy urban elite and the many millions of poor inhabitants of marginalized city neighbourhoods, coastal areas, far away islands and the countryside. The country has a secular Constitution and contains the largest Muslim population in the world; 90 % of its 265 million population adheres to Islam. The presence of fundamentalist Islamic groups is increasingly felt.¹ In some places, they have a strong influence in law decision making processes.

After President Soeharto stepped down in 1998 (the start of the so called Reformasi era) Indonesia has been rapidly modernizing and is keen to establish the rule of law for its whole population. However, due to poverty, low literacy and various forms of stigma, large groups of its population are

unable to access their basic rights. The Indonesian LBH APIK Association, (Asosiasi Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia untuk Keadilan, the Indonesian Legal Aid Association for Women), called APIK for short, aims amongst others to increase the legal literacy of poor women and members of vulnerable groups. In a pilot project conducted in seven provinces, APIK along with the provincial LBH APIK offices, and with the help of its paralegals, set up Justice Pioneer Schools (JPS) and Citizens' Forums to promote and facilitate the legal empowerment of these groups. APIK also piloted a new gender index, the APIK Gender Justice Index (AGJI). This index is designed to provide the basic data on gender relations at the subnational level. A major problem was to collect the data; even basic data were not always available. The government especially at local level needs to improve the capability of each agency to provide sex-disaggregated data to be able to identify ineffective or unfair practices, and help the government to find solutions.

This book is based on the experiences of APIK and LBH APIK in seven provinces as the implementing partners, its paralegals and the communities in the targeted project areas in implementing the Rule of Law (RoL) program which is supported by the Royal Netherlands Embassy in Jakarta between December 2014-December 2018. The project was extended till the end of May 2019 because of natural

disasters in two provinces in which this program was implemented, West Nusa Tenggara and Central Sulawesi. Indonesia is prone to natural disasters, due to its location on the so-called Ring of Fire. This project experienced serious setbacks due to the various calamities. In 2015 Mount Rinjani erupted on Lombok, which caused the postponement of several planned activities there. Again in Lombok a major quake occurred in 2018 which caused great damage. The most disastrous event was the tsunami, caused by a massive earthquake in Central Sulawesi, affecting the two project areas of Palu and Donggala, end of September 2018. The earthquake triggered a phenomenon called liquefaction in which almost 70 hectares of land, most of it neighbourhoods of the city of Palu and the nearby village of Lengaleso in the district of Sigi were submerged, causing thousands of victims. This disaster heavily affected the lives of many paralegals and lawyers in the region. Many lost their houses; offices of LBH APIK in Central Sulawesi were damaged. Thus three areas in this RoL program experienced severe difficulties because of the above mentioned disasters, so that the original plans had to be adjusted taking into account disaster relief. The RoL Program collaborated with other humanitarian aid programs, such as Oxfam. For instance because citizens in the area of Lengaleso had lost all their documents, it was difficult to channel aid to them, for in order to open a bank account the citizens had to present proof of identity. The

RoL program was redirected to help in these cases of providing people with a legal identity in this post-disaster recovery phase.

Along with other organizations, LBH APIK Central Sulawesi organized an emergency response program to the disaster. Their office became the secretariat of the JMK (Jaringan Mitra Kemanusiaan, Humanitarian Aid Network). Oxfam Humanitarian Aid supports this network. When the Oxfam Team visited the Paralegal Post in Lengaleso they were impressed by the work of the paralegals who had already mapped out the social problems faced by those who were marginalized in their village. The map hung in the coordination post, the house of Mrs Nurlian, coordinator of the LBH APIK paralegals' posts in the area. A volunteer from Kediri, East Java, Apul Hasbullah, had built a simple space next to this house. It functioned as a playground and a learning centre for children. Oxfam Humanitarian Aid in collaboration with the JMK, and coordinated by LBH APIK Central Sulawesi, plans to establish a Multi Purpose Building in Lengaleso that will be coordinated by the Lengaleso Paralegal Post. After the emergency response ended, LBH APIK Central Sulawesi received financial support from Oxfam Humanitarian Aid for a livelihood program. They also support LBH APIK Central Sulawesi to build their own office.

In this program, APIK used the concept of Rule of Law introduced by the World Justice Project (2014) where the participation of communities in law decision making and public service delivery is very relevant. Besides, APIK put this program in the context of Indonesia's commitment to achieve the SDGs of the UN 2030, especially numbers 5 and 16 (gender equality and access to justice). In relation to these goals APIK also applied the Access to Justice concept used by the National Planning Agency. In relation to the SDGs, this project offered the APIK Gender Justice Index (AGJI) to be able to see the gap between women and men in terms of gender equality and their basic rights.

SDGs 16 calls upon the State Parties to ensure 'access to justice for all', and to 'provide legal identity for all, including birth registration'. It is interesting to note what poor women and members of marginalized group say about the rule of law. Mrs Karmin, LBH APIK Central Sulawesi's paralegal who later was elected as the Village Secretary of Labuan Panimba said : 'For me, the rule of law means that as a woman I can be everything I want. It also means that my basic rights including my land rights are recognised and secured. I am extremely happy that after 16 years of struggle, my daughter and I finally received our land certificates'.

Mr Lekman, also a paralegal from Labuan Panimba, stated that for him the rule of law means that they finally have the ownership titles of the land they have struggled to get for decades so their family is secure of an income. Sadly, in the process of finalizing this book, Mrs Karmin, the motor of the Labuan Panimba villagers to get legal identity, clean water and land certificates passed away. While Mrs Sumiyati, a participant of the Justice Pioneer School from Galur, a poor kampong in Central Jakarta said: 'The rule of law means that my husband has stopped beating me. After I learnt that domestic violence is a crime under the law, I told him that he can be sent to jail if he keeps beating me. Since then he has stopped beating even if he still often shouts at me. While Andy (pseudonym), a member of a sexual minority group in Palu, said: 'The rule of law means that everybody is equal under the law. I am proud that LBH APIK Central Sulawesi asked me to join the program and introduced me to the community. In the beginning, they were reluctant to communicate with me but when they realized that I am just a human being and helped them to understand about their basic rights and sexuality, they accepted me as part of their struggle'. While Mama Ribka, from the Justice Pioneer School of Kidong Tane, Nimbokrang Sari, Jayapura said: 'Since I was a child, I learnt that a woman has no voice, but after learning in JPS, I know that I can say what I think is right.'

This project also established more direct forms of collaborative engagement between poor women and government officials at the village and district level as well as a productive link with the offices of the Ombudsman and the Commission of Information at the District level. This resulted in increased public participation to oversee public service institutions and strengthening community-based oversight.

So in the eyes of women and members of marginalized groups this program of Rule of Law has meant a significant improvement of their lives, providing income security, reducing the social stigma they face and improving self confidence especially of women. This book is meant to provide some lessons learnt for those who want to make the rule of law a reality for poor and marginalized people in Indonesia and elsewhere.

I would like to use this opportunity to thank everybody who was involved in this project especially Khotimun Sutanti, the Project Officer of this project and her team: Triana Komalasari, Rini Widyastuti and Media Gelungan. The members of the Supervisory Board of APIK, Young Suwan, has been very active in supervising the National Secretariat of APIK in developing the PRA methodology, together with other APIK Board Members: Asnifriyanti Damanik and Ratna Batara Munti as well as the seven implementing partners

who have developed the Paralegal Training Module on Gender and Social Inclusion. Thanks as well to all staff members and directors of implementing partners who worked so hard to achieve the goal of the project: Ratna Batara Munti of LBH APIK Jakarta, Sierly Anita, of LBH APIK Medan, Rosmiati Sain, of LBH APIK Makasaar, Nining Rahayu, of LBH APIK Palu, Nuryandi Dewi, of LBH Mataram, Nur Aida Duwila. Special thank goes to Prof. Dr Saskia E. Wieringa who guided us to develop the APIK Gender Justice Index. Together, with the assistance of Khotimun Sutanti, Young Suwan, Asnifriyanti Damanik and Ratna Batara Munti we wrote this Lessons Learned Book.

This book is dedicated to those who believe in gender justice as the foundation of Rule of Law and Democracy.

Jakarta, December 2019

Nursyahbani Katjasungkana

APIK National Coordinator

Message from the Highness the Ambassador of the Kingdom of The Netherlands

"I speak not for myself, but so those without a voice can be heard. Those who have fought for their rights. Their right to live in peace. Their right to be treated with dignity. Their right to equality of opportunity. Their right to be educated."

- Malala Yousafzai



Important words from a young girl, who has been fighting for the rights of women and children for many years. Like LBH APIK has been doing in Indonesia, which has led to a wealth of experiences and lessons learnt on gender justice in Indonesia. Experiences that are worth sharing and a 'must' to learn from. Experiences that go right to the grassroot levels, where the impact of access to justice and services, or a lack thereof, is felt most.

The Embassy of the Kingdom of the Netherlands is proud to support this publication. For the Netherlands, SDG16 is fundamental and is a key aspect of our foreign policy. We have a tradition of focusing on accountability, justice and human rights and we have a strong focus on gender

equality. Participation, access to justice and services are only meaningful when there is equal access to these. This means access for everyone, no matter where you are, who you are, who you know, and what you did. Independently of your political, religious or ethnical background, gender or sexual orientation

Unfortunately, this is not always the case; worldwide, the justice gap is still large. Legal aid systems and policies are often general and made for an entire country. They can miss the needs and specific challenges of certain groups. Women are particularly affected, so are vulnerable groups and minorities. They face specific challenges to claim their rights, be they practical ones (finances, or courts being far away), or more cultural/normative ones. It is therefore extra important that these groups are empowered as justice actors, to maximize the role they play in society.

The business case for improving access to justice for women and girls, for instance through legal aid, is strong. If women are denied access to justice, their physical, mental and economic well-being may suffer, causing them (and their children) to rely on other social services. Research shows that the funding of legal aid services will return many times the amount invested. This underlines what we knew already: it's worth investing in access to justice for all.

This is also clear in discussions at an international level. The Indonesian government has adopted this vision as well. Early 2019, the Netherlands took the initiative to gather Ministers of 22 countries in The Hague to discuss the opportunities and challenges to achieve access to justice for all. The Indonesian Minister for Justice and Human Rights, HE (Mr) Yasonna Laoly, was one of the main participants in the meeting. The participants adopted the Declaration on Equal Access to Justice for All by 2030. This declaration reads that in order to move from justice for the few to justice for the many, there is, among others, a need to 'put people and their legal needs at the center', to 'empower people to understand, use and shape the law', and to 'provide people with means to access services and opportunities'.

In this context, we should focus not only on the availability but also on the accessibility of justice and the ability of women and vulnerable groups to participate equally and meaningfully in society. This requires that we keep investing in processes that address the roots of the problems women and vulnerable groups actually face and respond in ways that are specifically tailored to these constraints and their needs. Innovation provides a unique opportunity to find new ways to overcome large structural challenges and offer solutions to those that are hardest to reach, as well as to those that meet the most obstacles on their road to justice.

For all of this to work it is important to develop evidence-based data to understand the opportunities and challenges of these specific groups. And this is where this book comes in. It provides a unique collection of experiences and data on access to justice and participation in political processes for women and marginalized communities. I hope this book will provide policy makers with a tool to design gender sensitive and gender specific policies that will close the justice gap between men and women. Because investing in justice for all, is investing in gender equality, is investing in development.

Lambert Grijns

Ambassador of the Embassy of the Kingdom of the Netherlands in Indonesia.

Acknowledgment from the Advisor to the Minister of National Development Planning Board Bappenas



First and foremost, I am delighted to have the chance to write this book's acknowledgment. I am also very happy to learn that a major non-state actor has proactively designed a project focusing on reducing poverty and social exclusion within paralegal empowerment in seven provinces. It means that the effort to reduce legal problems does not only come from the government and that civil society takes a clear position to address legal challenges in Indonesia.

If we take a look at the forthcoming National Medium Term Development Plan (RPJMN) 2020 – 2024 and the Voluntary National Review (VNR) 2019, these documents show that law development is one of the priority issues of Indonesia. In the RPJMN 2020 – 2024, law development is translated as 'enhancing access to justice that is supported by other programs'. As for the VNR 2019, SDG 16 functions as the enabler to support the implementation of other goals; this

pictures the interlinkages between six goals and demonstrated that SDG 16 is not a stand alone goal..

On this acknowledgment, I would like to congratulate the release of the APIK Gender Justice Index. I really hope that the index will be a supplement to support policy interventions for the government. Further, the index will also help government to target better policies that improve the lives of vulnerable women.

Dr Diani Sadiawati, LLM

***Advisor to the Minister of National Development
Planning Board/Bappenas***

INTRODUCTION

According to the 1945 Constitution of Indonesia, it is mandatory that the government and its officials and agents are subject to and held accountable under the law. The rule of law is a system of rules and rights that enables fair and functioning societies. However, in reality, most poor Indonesian people are suffering from injustice and incompetent institutions especially in public service delivery. Corruption is a major challenge in making the rule of law meaningful for poor people especially women, the elderly and members of other marginalized groups. Having a legal identity such as a birth certificate or an electronic identity card is a basic prerequisite for accessing other basic rights guaranteed in the Constitution as well as in various laws, such as the Health and Education laws. Yet a national survey found that 25% of all children from 0-5 do not have a birth

certificate.¹ The National Development Planning Agency (Bappenas) reported that 55% of the poor do not have a marriage certificate, while members of religious minorities find it difficult to get an identity card at all.² The World Bank estimates that over 1 billion people worldwide lack proof of their legal identity. Securing access to justice without a legal identity is difficult if not impossible. But at the grass roots level, as experienced by paralegals and villagers in this project area, the process of obtaining various kinds of papers can be complicated: by conflicting and unclear regulations, high fees/tariffs, distant offices and discriminatory policies as well as a lack of accountability of the government apparatus. In fact, those without legal identity are disproportionately poor; this includes members of marginalized and vulnerable groups such as persons with a disability and members of minority groups.

'Making Rule of Law Meaningful for Poor Women, Marginalized and Vulnerable Groups' is a project implemented by APIK that aims to empower poor women and members of marginalized and vulnerable groups to

¹ See

<http://kompak.or.id/userfiles/media/Maliki%20Bappenas%20Problems%20PS2H%20Block%20Chains.pdf>. Among the poorest 40% of the population the figure is even higher, namely 34%.

² See also https://www.unicef.org/indonesia/id/Laporan_Perkawinan_Usia_Anak.pdf. It is obligatory to indicate one's religion on the identity card. Only six religions are officially recognized (Islam, Protestantism, Catholicism, Hinduism, Buddhism and Confucianism). Traditional beliefs fall outside of these recognized religions, as do minority sects within the accepted religions, such as Shiism and Ahmadya. See for a discussion on marriage registration Sumner and Lindsey 2011.

access their basic rights for which they need a legal identity. This project is piloted in seven regional offices of LBH APIK, Jakarta, Jayapura/Papua, Makassar/South Sulawesi, Mataram/Nusa Tenggara Barat, Medan/North Sumatra, Palu/Central Sulawesi and Semarang/Central Java.

This project is in line with the UN Sustainable Development Goals (SDGs) numbers 5 (gender equality) and 16 (access to justice). To assist the activists and program staff of APIK as well as the LBH APIK offices and other regional NGOs and public institutions to achieve these goals, reliable data are needed. To this end APIK developed and piloted a composite index, the APIK Gender Justice Index (AGJI), which is composed of quantitative, qualitative and project-specific data; it is reliable, comprehensive, flexible and simple to compute and understand.

After its establishment in 1995 APIK concentrated on providing direct legal aid to women, particularly victims of discrimination and violence against women, and it advocated for legal changes, such as the 2004 Domestic Violence Law and the 2006 Citizenship Law. The organization is also involved in national legislative advocacy advising on various bills that are being discussed in the National Parliament. In this project APIK expanded its understanding of law enforcement to include access to public services and basic rights. This involves holding civil servants and village officials accountable for the quality of

the services they provide. The APIK National Secretariat in Jakarta and the seven local LBH APIK offices involved in this project developed a methodology, instruments and training modules to this end. The participants in this project belong to the poorest and most excluded communities. For the first time many of them learnt to speak about their concerns in public. The methods used were Participatory Rural Appraisal (PRA) and Feminist Popular Education (FPE). These are new methods for the lawyers of LBH APIK; their perspective on women's needs and rights was broadened. They became skilled not only in legal but also in social empowerment.

The deficiencies in the delivery of public services they were confronted with were often caused by the control of information by village or religious leaders. In the Justice Pioneer Schools (JPS) the participants learnt what their rights were and to which services they were entitled; in the Citizens' Forums the alumni of the JPS challenged male domination in decision making in the villages concerned. The alumni of the JPS have gained self-confidence, oratory and advocacy skills and the necessary knowledge to put forward their concerns and to fight for their basic rights in the relevant offices. The Citizens' Forums also deal with practical problems, such as the distance to registry offices, and limited opening hours of the village offices. The Citizens' Forums fulfil an essential role at village level, to ensure that all members of the community get access to their basic

rights and all legal documents they need to access the services they are entitled to, such as support for the elderly, for people with different abilities, and access to education and health care. Depending on the local situation, the Citizens' Forums also deal with land rights and marriage issues. The Citizens' Forums help to make the village administration more accountable and transparent. They will ultimately be able to function as community watchdogs. They can detect corruption at the village level and ensure that village leaders provide the services they should provide and use the funds at their disposal wisely and fairly. Together with the local staff of the Ombudsman and Public Information Commission, they can help improve service delivery in the community. In this way the transformation of village leaders from authoritarian leaders to true servants of the public is encouraged. In this project the members of the Citizens' Forums formulated their direct concerns, which differed in the various regions this program was implemented, in a Citizens' Charter.



Picture 1: *One of the meetings in Rule of Law Program*

In this program of Making Rule of Law Meaningful for Poor Women, Marginalized and Vulnerable Groups, APIK piloted a methodology that has proven to be effective to reach members of the most disadvantaged groups in society. With the legal documents they acquired, and empowered by their new skills, they are better equipped to deal with the many challenges they face in their daily struggle for survival, including disaster relief. By this pilot project, the obstacles poor women and members of vulnerable groups face in accessing their rights were mapped, and effective solutions were found to overcome these challenges.



Picture 2: Map of the seven project areas

The program contributes to the government vision set out in the long term (2005-2025) development plan: 'Indonesia that is self-reliant, advanced, just and prosperous'. One of the objectives is to create stronger democratic institutions and a society based on rule of law in which social gaps are reduced.³ The program is in line with Indonesia's commitment to achieve the goals of the Agenda 2030, particularly SDGs 5 and 16.

In a society governed by the rule of law, the government and its officials and agents are subject to and held accountable under the law. Based on how the rule of law is experienced by ordinary people in 99 countries around the globe, the World Justice Project (2014) defines this system

³ Indonesia Middle Term Development Plan 2005-2025 as quoted by USAID Indonesia in Investing in Indonesia (2013).

as one in which the following four universal principles are upheld:

1. The government and its officials and agents as well as individuals and private entities are accountable under the law;
2. The laws are clear, publicized, stable, and just; (are) applied evenly; and protect fundamental rights, including the security of persons and property;
3. The process by which the laws are enacted, administered, and enforced is accessible, fair and efficient;
4. Justice is delivered timely by competent, ethical, and independent representatives and neutral persons who are of sufficient numbers, have adequate resources, and reflect the makeup of the communities they serve.⁴

These principles have to be transformed into policy guidelines stating how the government will deliver its services to their citizens. On the other hand citizens must be aware about their constitutional and legal rights and be equipped with sufficient skills to demand their rights. The focus of this program is on the link between poverty, law and social exclusion through various interventions. These

⁴ See

<https://worldjusticeproject.org/our...rule-law-index/wjp-rule-law-index-2017-2018>.

include the training of paralegals on gender and social inclusion, increasing legal literacy of the poor of their fundamental rights through the Justice Pioneer Schools and to discuss the social and legal problems of the community in the Citizens' Forums where solutions can be suggested. This is succinctly told in the second chapter of this book.

Against the above mentioned background, APIK (National Secretariat) worked together with seven LBH APIK offices in Jayapura, Palu, Mataram, Medan, Semarang and Jakarta to achieve the following goals:

- 1) to contribute to the Government of Indonesia (GoI) vision set out in the long term (2005-2025) development goal: 'Indonesia that is self-reliant, advanced, just and prosperous'. One of the objectives is to create a stronger democratic institution and rule of law and reducing social gaps'.⁵ Achieving this goal is not possible without challenging the absence of legal information of vulnerable groups and women and of a legal structure (legal identity) that supports women's access to justice, basic services and social-economic resources.

⁵ Contained in the Law of the Republic of Indonesia No. 17 of 2007. Long-Term National Development Plan of 2005-2025.

- 2) to contribute to inclusive development. It is generally recognized that the awareness of their legal and constitutional rights among members of the poor communities including elderly women and differently abled (diffable) women and other marginalized groups, is very low. Meanwhile government accountability to deliver their commitment stated in laws will be enhanced and strengthened.

Though this project focuses on empowering women and members of vulnerable groups to get access to their rights and to the services they are entitled to, many more issues were tackled in the course of its trajectory. For people living under precarious conditions, struggling to survive, the lack of rights and services are not isolated problems. Conservative, patriarchal traditions, strengthened by conservative patriarchal interpretations of religion can result in the stigmatization of abjected groups, in the continuation of marriage traditions in which women are subordinated, and in the invisibilizing of the prevalence of domestic violence. Corruption at village level and insensitive civil servants can compound the problems. Empowering people under such circumstances is thus a complex process, ranging from the individual and household level to the public sphere. All these problems are exacerbated when natural disasters such as earthquakes and tsunamis occur. The LBH

APIK paralegals struggled valiantly to tackle all these issues, as is outlined in the third chapter.

The final chapter of this volume explains the new gender index that APIK developed, the AGJI. The challenge was to produce an index that is not only reliable but also easy to compute and understand so that regional offices and local NGOs can use it efficiently for their policies and programs. The AGJI is based on locally available data. The quantitative part of the AGJI, the Gender Status Index (GSI) was found to be comparable with the Global Gender Gap Index (GGGI) for Indonesia, produced by the World Economic Forum. The advantages of the AGJI are that it can be computed with a minimum of cost and effort to achieve a maximum of reliability and ease in use. Another advantage is that it is more sensitive to political empowerment. The AGJI assesses in how far women have been able to take up leadership positions at subnational levels, including at the village level and are represented in the major decision making bodies such as the judiciary. It is also flexible. The AGJI is a composite index, consisting of a quantitative part, the GSI, a qualitative part, the Women's Progress Measure (WPM) and a project-specific component. The first two parts are relevant to policies and projects on women's and gender issues all over the archipelago. The last part is a project-related component that varies in relation to what data are needed for a particular policy or project.

CHAPTER 1

INTRODUCING APIK AND THE RULE OF LAW PROGRAM

In this chapter the political and socio-economic background in which the program of Rule of Law in Indonesia is implemented is sketched. Then the history of APIK and its associated regional LBH APIK offices is presented. The next two sections of this chapter focus on the two major components of the program, citizens' rights, and the need for reliable subnational data.

Background

In 1998 the oppressive military bureaucracy called the 'New Order' was overthrown after mass protests. Feminist activists posing as housewives started the demonstrations against the shortages caused by the 1997 Asian financial crisis, protesting that the military ruler for 32 years, General

Suharto, who called himself the 'Father of Development' was unable to provide the basic needs of the country's children. What kind of father was that? ⁶ Suara Ibu Peduli (Voices of Women who Care) was formed, consisting of 14 women's organizations including APIK. The first demonstration was organized on 23 February 1998, under the leadership of Gadis Arivia and Karlina Supelli. When they were detained and tried in the Jakarta court together with Wilasih Noviana, a woman from Salatiga who happened to be in the demonstration, APIK (represented by Nursyahbani Katjasungkana) and LBH Jakarta's Apong Herlina acted as their lawyers. When students took over the protests, mass demonstrations followed. Since then Indonesia began to develop into a democracy; this period is called the Reformation (Reformasi) period. Progressive women's NGOs and mass women's organizations reappeared. This was accompanied by discourses on (gender) equality and women's and human rights, and has led to the decrease of the legitimization of various forms of (gender) discrimination.⁷

The KPI, (Koalisi Perempuan Indonesia untuk Keadilan dan Demokrasi, Indonesian Women's Coalition for Justice and

⁶Suara Ibu Peduli 1999, Wieringa 2002.

https://www.jurnalperempuan.org/uploads/1/2/2/0/12201443/politik_representasi_suaraibu_peduli.pdf

⁷ See Blackburn 2004 and Wieringa 2002; 2015 and 2016.

Democracy) spearheaded the push to include a special section on human rights including women's rights in the 1945 Constitution. Working with women parliamentarians, women's groups and the National Commission on Violence against Women (Komnas Perempuan), APIK also managed to introduce more than 15 gender friendly laws such as the Domestic Violence Act (2004/No. 23), the Anti Trafficking Act (2004/No. 21), the Health Act (2009/No. 36), the Public Service Act (2009/No. 25), the Citizenship Act (2006/No. 12), the Witness and Victim Protection Law (2006/No. 13), the Administration of Population Law (2006/No. 23) as well as laws and policies regarding citizens' rights to legal identity, economic resources and public services. In this period, Indonesia ratified various important UN Treaties such as the ICCPR - International Covenant on Civil and Political Rights, the ICESCR - International Covenant on Economic, Social and Cultural Rights and the Anti-Corruption Convention.

At the same time, the Government of Indonesia established several important state auxiliary institutions such as the Ombudsman, the Anti-Corruption Commission, and the Institution for the Protection of Witnesses and Victims. A community policing program was introduced at the National Police Department in order to improve the police-community partnership in fighting against crimes and creating a peaceful society.

The democratic opening of society also encouraged the growth of Islamist groups. This new development has led to a counter movement opposing the enhancement of women's position in their family and society and stigmatizing sexual minorities.⁸ The hardliner groups intend to implement rulings that impose strict Muslim norms of morality and political conformity upon the Indonesian population that strengthen patriarchal control. In 2000 a law on regional autonomy was promulgated to reduce the control of the central government, which became effective on January first 2001. Since then, conservative Muslim forces located the drive for autonomy in the strengthening of a Muslim identity. They managed to influence the enacting of hundreds of regional bylaws; many of them are discriminative toward women and minority groups.⁹ According to the National Commission on Anti Violence against Women, between 2009 and 2016 some 421 discriminatory policies have been enacted against women and minorities at the regional level.¹⁰ Especially their freedom of expression is curtailed. Women are positioned as sexual objects and viewed as a central cause of all sexual

⁸ Buehler 2016.

⁹ Katjasungkana and Wieringa 2016 .

¹⁰ <https://www.thejakartapost.com/news/2019/05/21/calls-grow-for-greater-womens-participation-in-politics.html> and <https://thediplomat.com/2018/12/the-rise-of-discriminatory-bylaws-in-indonesia>. See also: <https://amp.dw.com/id/analisa-dr-michael-buehler-perda-syariah-akan-makin-banyak-ham-tak-diprioritaskan-dan-nasib-lgbt-tidak-terlalu-baik/a-48412031>.

misconduct.¹¹ Moreover, Muslim hardliners are fighting to create a sharia-based state in Indonesia, an idea that has existed since before independence was proclaimed in 1945.¹² In the process a culture of intolerance is created where Muslim hardliners, spearheaded by the conservative MUI (Majelis Ulama Indonesia, Indonesian Islamic Scholars' Council), impose their own imperatives, which are respected as substitutes for the law.¹³

Besides with rising religious intolerance, Indonesian society is also struggling with weak law enforcement and fragile institutions, terrorism and endemic corruption; these problems are so serious that they may destroy the democratization process and endanger the development of a strong society based on the rule of law and the values of pluralism on which Indonesia was founded. Interestingly the enacting of sharia regional bylaws is often initiated by secular political parties, ostensibly to curry favour with their conservative electorate. Apart from Aceh, in areas where Muslim political parties are strong no sharia law was enacted.¹⁴

¹¹ See for instance Komnas Perempuan 2010.

¹² See for instance Kersten 2015.

¹³ Fenwick. 2018.

¹⁴ Buehler 2016 2016 as quoted by Tirto.com: <https://tirto.id/perda-syariah-jualan-elite-politik-dagangan-partai-sekuler-dajm>.

Along with the democratization process, for the last two decades Indonesia has experienced sustained economic growth, which has mainly benefitted the rich. The World Bank (2018) reports that in a population of around 260 million, more than 25.9 million Indonesians still live below the poverty line. Based on March 2017 data, approximately 20.78% of the entire population remain vulnerable to falling into poverty, as their income hovers marginally above the national poverty line.¹⁵ Income inequality is rising; in 2015 it was reported that 20% of the richest Indonesians hold 80% of the wealth and nearly half of the population lives on less than \$2 per day.¹⁶

Health, education and standard of living are three main factors that contribute to the human development index (HDI). Indonesia's HDI is the lowest among South East Asia Countries. In 2017 Indonesia's HDI score reached 0.694, which means the country belongs to the middle human development category; its position is number 116 out of 188 countries. On the UNDP's Gender Inequality Index (introduced in 2010), Indonesia was ranked 104 out of 160 countries in 2017, with a value of 0.453. Women score low in political power; until 2019 only 17.4 percent of parliamentary seats were held by women.. Female

¹⁵ <https://www.worldbank.org/en/country/indonesia/overview> downloaded 23 December 2018.

¹⁶ <http://www.worldbank.org/en/news/feature/2015/12/08/indonesia-rising-divide>.

participation in the labour market is 50.7, compared to 81.8 for men,¹⁷ while 44.5% of adult women have at least reached secondary level compared to 53.2 % of men.

Lack of a gender perspective, lack of policies at the local level, a limited budget allocation and poor health infrastructure especially in rural areas contribute to the weakness of the implementation of the Health Law.¹⁸ This is particularly salient in relation to reproductive rights and the provision of health services. Unmarried women and adolescent girls have no access to reproductive health services. It means that the reproductive health needs of sexual minority groups and girls are neglected. Moreover, women who do not have a valid legal identity certificate will not be able to access the cash transfer program or health and other government programs while in regions such as in Mataram, women who are not wearing a veil are not able to obtain papers that are important for getting government services and programs. The launching of JKN (Jaminan Kesehatan Nasional/National Health Insurance Program) and BPJS (Badan Penyelenggara Jaminan Nasional/National Health Insurance) needs to be monitored since the access of poor people especially women and members of vulnerable

¹⁷ UNDP 2017 report New York. In the newly elected parliament this figure is expected to rise to 20,5 percent, see <https://www.thejakartapost.com/news/2019/05/29/more-female-lawmakers-secure-seats-house.html>. Final data were not yet available at the time of finalizing this book.

¹⁸ See for a case study of the implementation of the Health Law, Hidayati, 2018.

groups is very limited due to low legal literacy and the low number of people of these groups who have a legal identity. The differences between East and West Indonesia, between rural and urban areas as well as between women and men are high.



Picture 3: Citizens' Forum in Kediri village, West Lombok, NTB discussing access to health insurance (BPJS).

Gender stereotypes prevail. In an exercise carried out by LBH APIK's paralegals in Mataram, the following gender characteristics were listed:

Table I: Gender Characteristics

Women	Men
Weak	Muscled
Swaying	Strong
Mother	Broad flat chest

Menstruation	Adam's apple
Attractive	Moustache
Pregnant	Penis
Talkative	Macho
Lipstick	Powerful
Providing breastmilk	

Yet the Ministry of Women's Empowerment and Child Protection, tasked with fighting gender equality hardly pays any attention to the role gender stereotypes play in sustaining gender subordination.

Although the gender gap in education has decreased, women continue to face discrimination in access to employment. Women tend to hold less secure jobs, receive less payment than men with fewer social benefits, possess fewer economic assets and participate less in government, political and societal leadership roles. Women also face a lack of access to land and credit. These factors do not play out evenly in the sprawling archipelago, which is a major reason why reliable data at the subnational level are needed.

A low level of legal literacy and a lack of understanding about inclusive development reduce the access to economic justice and make women's position in society and the family precarious. Gender based violence, especially domestic

violence, as well as early and forced marriages continue to be widespread problems. Legal pluralism that hinders women's access to justice is another obstacle. APIK responds to this problem by drafting a bill which will be proposed as an amendment of the 1974 Marriage Act, and by advocating a bill on the establishment of Family Courts. Even though the bill on the Amendment of the Marriage Act has been included in the National Legislation Program of the National Parliament, it was not put on the priority list of the 2014-2019 parliament, since most proponents were afraid of a conservative turn in the discussions. The hardliners suggested that the discussions about the amendment of the Marriage Law would prepare the way for a proposal of legalizing same sex marriage. However, not even sexual rights groups have ever made such a proposal, knowing fully well that it would only antagonize their adversaries. Since that dispute the bill on the Amendment of the Marriage Act has been shelved. The women's movement turned their attention to a new bill on anti-violence against women. Hardliners opposed that bill with the same arguments, effectively halting deliberations on that bill as well.

In short, poor women and members of vulnerable groups, including religious, sexual and ethnic minorities, as well as persons with different abilities and prostituted women, find it difficult to have their rights protected by the state.¹⁹ There

¹⁹ [http: pnpm-support.org/pnpm-peduli](http://pnpm-support.org/pnpm-peduli).

is a clear need to improve the accountability of government offices both at the national and local level, including the accountability of the Police Department.

A 2017 research project from the Ombudsman indicates that there are many shortcomings in the implementation of the 2009 Law on Public Service (No. 25).²⁰ In the 22 provinces that were investigated, the majority had not made any effort to provide services to people with special needs. In many cases no information was provided on either the available services or the complaints procedure in cases of non-performance, no special measures to improve access to buildings was provided for those who need that.

As many as 1392 public services had not been published, particularly on how clients could complain if they did not receive the services they were entitled to. The fees on 1233 services, amounting to 41,32% of the total amount of services provided for by law or regulation, had not been made public, even if they were gratis. At the district level public services that were most often violated were easy and suitable access for citizens with different abilities. The members of the paralegal post of the Village of Mrisen, Demak (near Semarang), confirmed this observation, as is discussed below. In the cities the same situation prevails.

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http://www.ombudsman.go.id/produk/lihat/193/SUB_BL_5a25a712a8fc9_file_20180202_113235.pdf

As much as 75,95% (in numbers 1914) of cases in 45 cities had not yet provided the special services that people with special needs (the elderly, pregnant women, the disabled) are entitled to. In 51,39% (1295) cases no special measures had been taken, such as making a ramp or railings, providing wheelchairs, special toilets, or spaces for lactating mothers or children. In 1377 cases, which amounted to 53,6% of the cases investigated no information was provided on the complaint procedures.

In the first years of the Reformation period the Ministry of Women's Empowerment (presently called Women's Empowerment and Child Protection) focused on the implementation of CEDAW and the Platform for Action of the Fourth World Women's Congress in Beijing in 1995.²¹ At present the emphasis on women's rights has been reduced and the Ministry has a more conservative profile.²² The Ministry has not even produced the report that was supposed to be submitted to the CEDAW Committee in 2016. The level of legal conformity in relation to the public service standard of this ministry has not improved since 2015. The Ombudsman put this Ministry into the Yellow Zone in relation to its service performance.

²¹ CEDAW, Convention on the Elimination of all forms of Discrimination Against Women, ratified by Indonesia in 1984.

²² Wieringa 2015.

In a democratic state ruled by law all citizens have the same rights. The State of Indonesia guarantees the fundamental rights of its citizens in Articles 27-34 of the 1945 Constitution. In the first amendment of the 1945 Constitution, discussed and adopted in the early years of the Reformation period a whole chapter on human rights was incorporated, as mentioned above. This new Chapter X on Human Rights forms a very significant contribution to securing human rights in the country. An example is Article 28H (2), which allows for affirmative action for women and members of other vulnerable groups. Another important addition is Article 28I(2) on the principle of non-discrimination.

Article 27, Paragraph (1) stipulates that 'all citizens shall have equal status before the law and the government and hold without exemption the law and the government in esteem'. While Article 28 reads that 'the liberties of association and assembly, the freedom of thought expressed verbally or in writing and similar rights are to be determined by law'. These two right are fundamentally important for only with freedom of association and assembly and freedom of expression a citizen can demand her or his other rights and demand that the government fulfils the legal requirements without exception. The National Commission on Anti Violence Against Women (Komnas

Perempuan) has made a list of 40 such fundamental rights (see Annex 6).

These fundamental rights have no meaning if the people don't know them and don't have the skills to use those rights. Therefore the objective of the program 'The Rule of Law and Citizens' Rights' is to ensure that all citizens, particularly poor women and members of vulnerable groups, understand their fundamental rights and have the skills to use them and to demand that their rights are fulfilled, particularly where it concerns public services. In other words, if women and members of marginalized groups have full access to human rights they can find a remedy for their complaints in line with human rights standards, either with the help of formal institutions or via informal means.

The right to have a legal identity and to enjoy social security (Article 34 of the Constitution) is the focus of this program. Concretely this means that citizens have to right to get an Identity Card, a Family Card, a Birth Certificate, and a Certificate of Marriage or of Divorce. On the basis of these cards other services can be enjoyed such as a Health Card, an Education (Smart) Card, a Social Insurance Card and a Poverty Card (which entitles the holder to get free rice), a Fishermen's/women's Card, an Elderly Card, a Card for Free Education and other programs, such as Family Welfare Assistance and the benefits from the Direct Cash Program.

It is often extremely complicated for poor or disadvantaged people to get a legal identity and all these cards. In the village of Saba on Lombok, for instance, in 2017 after great effort the villagers succeeded in demanding that the Religious Affairs Office registered 350 marriages which were not registered formally. As is detailed below not all those couples immediately received their Marriage Certificate.

The program also helps ensure that women and members of vulnerable groups have access to legal assistance in cases of conflicts and that they get land certificates. Land ownership is very important to achieve economic justice in villages. Access to justice also forms part of the Bappenas workplan (2016-2019). These economic components of the program are also in line with Article 28C(1) of the Constitution, which reads 'every person has the right to self-realization through the fulfilment of his basic needs, the right to education and to partake in the benefits of science and technology, art and culture, so as to improve the quality of his life and the well-being of mankind'.

In 2014 the government enacted the Village Law as an effort to shift power from Jakarta to the regions especially to the leaders of the more than 74,000 villages. This law which has a big budget, around 1 billion rupiah (approximately US\$75,000) per year per village, is part of the decentralization process that commenced in 2001 and is intended to empower villagers especially the disadvantage

peopled. This situation allows for the commitment of corruption at the local level by the misuse of these funds. Poor women and members of vulnerable communities often find that they have no access to them. In 2016 the Ombudsman put the Ministry of Village and Transmigration Affairs into the red zone meaning that their public service and transparency is very poor; in 2017 their performance had increased to the yellow zone.

APIK and the LBH APIK Offices: Our Herstory

The association APIK is a network of 16 legal aid societies for women, LBH APIK. It is a leading feminist organization that has been working since 1995 towards advancing women's human rights, justice and development. APIK is an independent, non-governmental, non-profit and officially registered organization. The association aims to bring about a just, prosperous and democratic society and promotes the Agenda 2030 of the United Nations, to which Indonesia has committed itself.

As a national network APIK lobbies to make laws and government policies more gender sensitive and to introduce specific laws, such as the 2004 Domestic Violence Law. LBH APIK lawyers also provide direct legal assistance at the national and local level. APIK empowers the LBH APIK offices at the local level, to use the law as an instrument of change for equality, justice and peace.

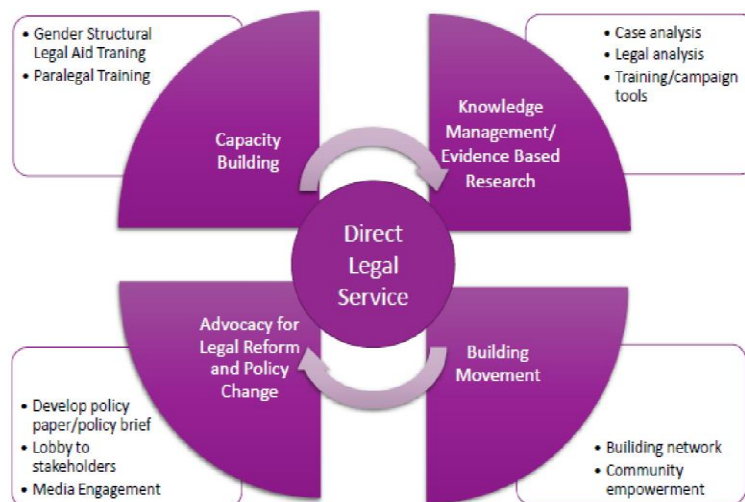
Presently APIK's National Secretariat is drafting three bills, an amendment of the Marriage Law, a Family Court Bill and it is involved in drafting an Anti-Sexual Violence Bill introduced by the National Commission on Violence Against Women, Komnas Perempuan as well as a chapter on Crimes against Decency. APIK is also involved with the Domestic Workers' Protection Bill introduced by JALA PRT (Jaringan Advokasi Pekerja Rumah Tangga, Network for Domestic Workers' Protection). Further, APIK is doing legislative advocacy work on the revision of the Criminal Code Bill, the Criminal Procedures Bill and the Gender Equality Bill. In addition, APIK is drafting the Standard Operating Procedures of the Domestic Violence Act and managed to draft the Supreme Court Circulation on the Guidelines for Judges on how to handle cases of violence against women with a gender perspective, to ensure that legal enforcers and service institutions for VAW victims and survivors of domestic violence deliver their duties according to the law²³. At the local level, APIK's National Secretariat is facilitating advocacy work to reform regional bylaws to be gender responsive and socially inclusive, including the regional bylaws on legal aid. Furthermore, APIK's National

²³ Supreme Court Circulation number 3 on the Guidelines to try cases Women (Surat Edaran Mahkamah Agung nomor 3 tahun 2017 tentang Pedoman Mengadili Perkara Perempuan Berhadapan dengan Hukum).

Secretariat facilitates cooperation and strengthens local, national, regional and international networking.

APIK realizes that the legal system can be repressive as well as transformative. APIK lawyers use feminist analysis to dissect, engage with and transform laws and legal practices. The nexus of patriarchy with militarism, fundamentalism and neoliberal economic globalization by which Indonesian society is characterized, is responsible for gross violations of women's human rights and fundamental freedoms. Equality, justice and the realization of human rights can only happen when women and members of marginalized groups are empowered to lead legal and policy change.

Figure 1: APIK Theory of Change



Gender-based Structural Legal Aid (GSLA) is the working concept of APIK. It is derived from APIK's main objective

in creating a fair legal system, viewed from both a gender perspective and a lens highlighting the power relations between workers and employers and between the state and its citizens in all aspects of economic, political and socio-cultural life. To achieve this goal APIK uses a gender-based structural legal framework based on CEDAW and feminist legal theory as well as the philosophy that both rights, recognition of identity, and redistribution of power and resources are critical.²⁴ All people must have access to their basic rights; the identities of all people must be respected and recognised including sex workers, people with HIV/AIDS, disabled people and members of the LGBT community. For this purpose APIK uses the concept of legal empowerment of the poor introduced by the UN (2009) which entails that poor people to use the law to advance their rights and their interests.²⁵ The third element refers to social justice, the redistribution of the highly unequal levels of income and economic resources in the country.

Methodologically APIK uses the concept of the Triangle of Women's Empowerment, consisting of activists, policy makers/politicians and researchers. When these three poles

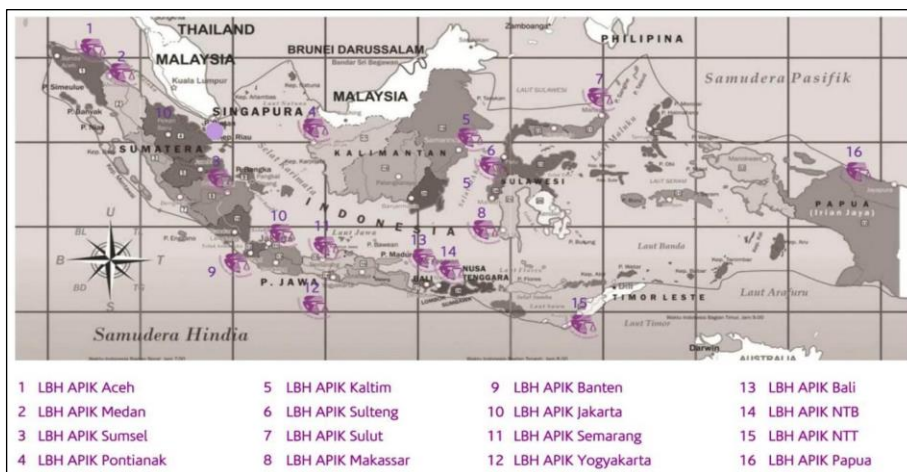
²⁴ Harding 1991. See also Wieringa and Katjasungkana 2012.

²⁵ 'Legal empowerment of the poor can be understood as the process of systemic change through which the poor are protected and enabled to use the law to advance their rights and their interests as citizens and economic actors. Strengthening the rule of law is an important contributor to the legal empowerment of the poor.' <https://www.un.org/esa/socdev/documents/reports/Legal%20empowerment%20of%20the%20poor.pdf>, page 2.

mutually reinforce each other women's empowerment is strengthened.²⁶ Concretely activists (APIK/LBH APIK) collaborate with the government and policy makers (such as the Ombudsman, and other socially motivated and gender sensitive officials and lawmakers) and academics, for example in discussing the methodology and in elaborating the AGJI.

APIK was founded in Jakarta on March 3, 1995 by seven women lawyers and legalized by Public Notary on 4 August 1995. Between 1995-1999, 12 legal aid offices, LBH APIK, were established and in 2010, five more offices were opened. All LBH APIK offices have their own legal entity and on May 20, 2010, they agreed to have a National Secretariat, coordinated by the Indonesian Legal Aid Association for Women (APIK). Due to internal problems, the office in Padang is no longer an active member of the Association even though legally they still exist. The presently active members in 16 provinces with their paralegals at the grass roots and village level are involved in developing policies and programs and providing legal aid.

²⁶ See for the Triangle of Empowerment, Wieringa and Vargas 1998.



Picture 4: The maps of 16 LBH APIK offices

Poor women and members of marginalized groups are prevented from enjoying their full rights not only because of the weakness and gender insensitivity of the justice system but also because they themselves lack an understanding of their legal and constitutional rights including access to basic rights and legal identity. APIK and its associated LBH APIK offices aim to ensure that also disadvantaged people such as poor women, especially female migrant workers, domestic workers, and victims of domestic violence as well as the elderly, people with disabilities and members of sexual minorities can enjoy their rights.

APIK is the project holder of this Rule of Law program, in which seven LBH APIK offices participate. APIK assists each LBH APIK office to establish a Justice Pioneer School (JPS), with the help of its trained paralegals, as well as a Citizens' Forum which drafts a Citizens' Charter that contains the

major issues the community in which the Forum is established wants to fight for.

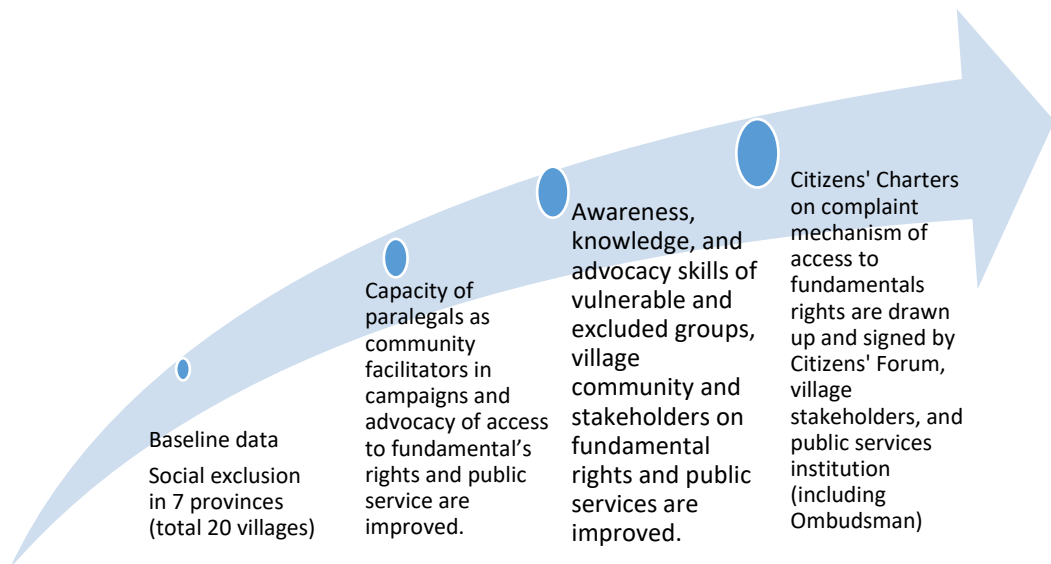


Picture 5: JPS in Saba Village, Janapria subdistrict, West Nusa Tenggara

For this project two tools were adapted, Feminist Popular Education (FPE) and Participatory Rural Appraisal (PRA). By way of FPE participants of the JPS are empowered to acquaint themselves with and advocate for their rights. Through the method of social mapping, a common PRA technique, the paralegals become aware of patterns of social exclusion and injustice. The program aims to ensure that citizens' rights in terms of access to justice, economic development and basic services for poor women and vulnerable groups are guaranteed. To this end government accountability, responsiveness and responsibility must be improved.

The following steps were taken. The first phase was designing the program, selecting the areas for intervention and drafting the curriculum for the training of the paralegals, and for the JPS. Next the paralegals were trained, and in collaboration with partners the JPS established. In the following phase Citizens' Forums were established which decided on the priorities in that village. In dialogue with village, traditional and religious leaders, and assisted by various officials, a plan of change was drafted which was legitimated in a Citizens' Charter. During this process the methodology of the AGJI was discussed and the data collected.

Figure 2: *The flow of change*



In the course of the program community-based legal aid/paralegal posts were established. The paralegals are LBH APIK partners at the grass roots level; they nurture a community based legal awareness in their communities. The paralegals mediate in selected cases for instance of domestic violence. They are acknowledged by the court as social workers/facilitators/mediators/bush lawyers/barefoot lawyers or assistants of LBH APIK's lawyers and can also function as witnesses in cases of violence against women (VAW). These volunteers cooperate with traditional and religious leaders as well as with the police, village bureaucrats and the Ombudsman. They also give substantial inputs to the organization in cases such as rape, kidnapping of girls, and child abuse.

A last objective of this program was designing a gender justice index that can be used as a tool to measure gender empowerment at the subnational level. The AGJI was designed in various workshops and piloted in the seven locations where this program was held.



Picture 6: Paralegal Training in Medan, North Sumatera

The Need For Reliable Subnational Data

Indonesia has committed itself to the 2030 Agenda for Sustainable Development (Agenda 2030) and its 17 Sustainable Development Goals (SDGs) which have been agreed by the UN on 25 September 2015. The 17 goals and the corresponding 169 targets should be reached by 2030. Gender equality is a standalone goal (SDG 5), but gender relevant issues are also contained in the goals of poverty eradication (SDG 1), health care including maternal and child health (SDG 3) and education (SDG 4). SDG 16 is of special interest to this APIK project, as it entails a commitment to peace, justice and strong institutions.²⁷ Reliable and inclusive gender statistics are required to monitor the progress towards achieving gender equality and justice and to identify key gender inequalities where policy interventions are necessary. Gender statistics should be

²⁷ See for the list of Indonesian gender relevant targets and indicators <https://pkbi.or.id/wp-content/uploads/2016/02/Usulan-Indikator-Pengarusutamaan-Gender-dalam-Pembangunan-Berkelanjutan-GPPI.pdf>.

collected not only in a quantitative way, also qualitative data are needed. Additionally, certain issues are women-specific, such as maternal mortality. These should also be reflected in a comprehensive statistical analysis. Box (1) provides the targets of SDG 5

Box 1: SDG 5 and its targets

SDG 5 is a standalone goal on gender equality and the empowerment of women and girls. The targets associated with SDG 5 are listed below:

5.1: End all forms of discrimination against all women and girls everywhere;

5.2: Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation;

5.3: Eliminate all harmful practices, such as child, early and forced marriage and female genital mutilation;

5.4: Recognize and value unpaid care and domestic work through the provision of public services, infrastructure and social protection policies and the promotion of shared responsibility within the household and the family as nationally appropriate;

5.5: Ensure women's full and effective participation and equal opportunities for leadership at all levels of decision-making in political, economic and public life;

5.6: Ensure universal access to sexual and reproductive health and reproductive rights as agreed in accordance with the Program of Action of the International Conference on Population and Development and the Beijing Platform for Action and the outcome documents of their review conferences;

5.7: Undertake reforms to give women equal rights to economic resources, as well as access to ownership and control over land and other forms of property, financial services, inheritance and natural resources, in accordance with national laws;

5.8: Enhance the use of enabling technology, in particular information and communications technology, to promote the empowerment of women;

5.9: Adopt and strengthen sound policies and enforceable legislation for the promotion of gender equality and the empowerment of all women and girls at all levels.

To effectively implement policies to achieve the Agenda 2030, accurate and comprehensive policy relevant gender

statistics are needed. This will allow policy makers to assess whether progress is being made towards achieving gender equality and justice and identify key gender inequalities where interventions are necessary. But also activists and human rights defenders such as the staff and volunteers of LBH APIK and other NGOs need data to underscore their work. They need to 'own' those data in order to be able to use them effectively.

To prepare the AGJI the major gender indices were analyzed.²⁸ The AGJI is developed on the basis of these earlier gender indices and incorporates the lessons learnt from an analysis of the major international tools. In 1995 the United Nations Development Program (UNDP) introduced the first global gender indices, the Gender-related Development Index (GDI) and the Gender Empowerment Measure (GEM). The slogan of the 1995 Human Development Report, 'human development if not engendered is endangered' has not been disputed since.²⁹ In 2010 the UNDP introduced the Gender Inequality Index (GII) which has also been computed for Indonesia, as is discussed in more detail in chapter 4 of this volume. The

²⁸ Wieringa collaborated with a team of the UN Economic Commission on Africa in designing the African Gender and Development Index (AGDI). Thanks to colleagues Thokozile Ruzvidvo, Jacques Charmes and others.

²⁹ See for a discussion on the GDI and the GEM for instance Klasen 2006 and Charmes and Wieringa 2003.

country's GII value is 0,467, ranking it 105 out of 159 countries in 2015.

Other relevant gender indices include the Africa Gender and Development Index (AGDI), introduced by the UN Economic Commission of Africa in 2004, the Gender Equity Index (GEI) introduced by Social Watch in 2005 and the Global Gender Gap Index (GGGI) first produced by the World Economic Forum in 2006. Besides the above mentioned Gender Inequality Index the UNDP introduced a new version of the GDI—ratio of female HDI to male HDI released by UNDP in 2014. Of interest is also the Social Institutions and Gender Index (SIGI), launched by the OECD in 2012.³⁰ It looks amongst others to such critical dimensions as a country's family code and physical integrity. Apart from the AGDI most other indices use complex computations. The GII as computed for Indonesia by the national Bureau of Statistics for example consists of seven steps with different formulae. This is statistics for statisticians, not a transparent exercise that regional policy makers and activists can easily replicate and assess. APIK wants to democratize statistics, it insists trained activists can become barefoot statistician accessing, computing and using the data they need.

³⁰ For a more comprehensive analysis of these indices see Technical Note to the African Women's Report and BPS 2018, chapter 2.

Given the sheer size and the wide diversity of the nation, country-level averages do not reliably represent the situation at the subnational level. This hinders the various regions to monitor the SDGs defined at the national level. The UNDP has argued for the importance of providing subnational data sets and has published a Subnational Human Development Index (SHBI) in 2018.³¹

Indonesia has produced both a provincial level Human Development Index and a subnational GII for 2015. For the seven regions of the APIK pilot project the following data are available:

Table II: Provincial Level HDI and GII in 2015³²

Province	HDI level	GI
DKI Jakarta	78.99	0,110
Central Java	69.49	0,331
Central Sulawesi	68.75	0,536
South Sulawesi	69.15	0,477
North Sumatera	69.51	0,481

³¹ <http://hdi.globaldata.org>

³² The subnational HDI data are taken from Ministry of Health 2016; Health profile of the Republic of Indonesia 2015, based on table 1.19. The GI data are from BPS 2018, p 63.

NTB	62.67	0,463
Papua	57.25	0,516

Judging from table II gender inequality is lowest in Jakarta and highest in Papua.³³ The value of these figures is further discussed in chapter 4.

Of particular relevance is monitoring the reduction of the high Maternal Maternity Ratio (MMR) in Indonesia. According to data of the Ministry of Health the MMR was 307 in 2002, decreased to 228 in 2007, but rose sharply again in 2012, to 359, after which it decreased in 2015, to 305.³⁴ Surprisingly, other sources provide other data. Soedarmono mentions an MMR of 370 for 2015, while the World Fact Book postulates an MMR of 120 for the same year.³⁵ This gap is inexplicable. The difficulties the APIK researchers faced in collecting reliable data for the MMR also indicate that there is a major problem in data collection. This is extremely serious as Indonesia's high MMR reveals that thousands of women die prematurely and unnecessarily in childbirth every year. In comparison, the MMR for neighbouring

³³ The Indonesian part of the huge island is divided in two parts, Papua and West Papua. In English the whole part is usually called West Papua. In this table the province Papua is meant, the eastern part of what is called West Papua in English. The low gender gap reported in the GII for 2015 for Jakarta is remarkable and needs further explanation. The score of the GSI in the AGJI, discussed in the last part of this report, provides a different picture.

³⁴ Ministry of Health 2016, table 5.1, p. 106.

³⁵ Soedarmono 2016; CIA World Fact Book 2016.

Malaysia in 2015 was 23.8.³⁶ The global target by 2030 is that no country should have an MMR that is higher than 140, while for Indonesia the goal is to reduce it to 70 per 100.000 births.

Apart from the MMR other critical issues related to women's empowerment and the achievement of the SDGs are women's economic rights, the reduction of domestic violence, the abolition of forced and child marriages (defined as below 18 years of age) and Female Genital Mutilation (FGM), an increase in the rate of male acceptors in reproduction and an increase in women's share in political power.

The AGJI that has been piloted in this project relies on provincial data sets, which should be readily available. It contains a quantitative and a qualitative part. The AGJI avoids complex calculations, to make it easily understandable by policy makers and activists at the regional level. This increases the sense of ownership of the data and results in a democratization of statistics. The quantitative part, the Gender Status Index (GSI), measures the gender gaps in health, education, income and political power. The second part is divided in two components. The Women's Progress Measure (WPM) contains women specific indicators, such as the MMR. Other indicators are the

³⁶ <https://www.statista.com/statistics/642032/malaysia-maternal-mortality-ratio/>.

domestic violence law, the marriage law, reproductive rights and FGM. The other part is directly related to the present project. This project impact analysis can be readily adapted to any gender project. In the present case two variables were measured, access to economic and to civil rights.

The specifications for the AGJI were that it had to be user-friendly. The users being defined as activists and officials at the local level. This involved a simple and transparent way of computation. As it is assumed that the data are based on sets that are collected according to the same (nationally stipulated) standards, harmonization of data is not necessary. No weighing procedures were introduced. The four blocks of the GSI (health, education, income and power) all receive the same weight, and the same goes for the indicators within each block. The AGJI was discussed in two meetings with APIK, LBH APIK's staff and paralegals. The overall structure was approved, and all participants suggested dimensions to the critical indicator of political empowerment. The indicators for the impact analysis for the Rule of Law Program flow from the experiences and suggestions of the participants.

CHAPTER 2

STORIES FROM SEVEN PROVINCES

The objective of the RoL program was to establish three Women's Schools (Sekolah Perempuan) in each of the seven regions, after which in each community in which a school was established a Citizens' Forum would be set up, which would negotiate a Citizens' Charter with the local authorities. Already in 2015 the name 'Women's School' was changed into 'Justice Pioneers' School' (JPS). There are several reasons for this name change. In the first place also men from disadvantaged groups attend the schools. Secondly various women's organizations also carry out training programs, for instance on peace or socio-economic empowerment, and this school is different, it deals with rights and gender equality. Thirdly the concept 'Pioneer' is alluring. After all, long term change is sought, for people who are traditionally excluded from social services, in a

bureaucratic environment which is not always conducive to assist people in difficult circumstances.

This long term change must be pioneered both among the excluded groups, who need to be made aware of their rights and to become knowledgeable about the procedures needed to overcome the hurdles in their path towards acquiring these rights. Secondly the bureaucracy, including village officials and higher level civil servants, must be taught to deliver services also under circumstances which require searching for creative solutions. The JPS are geared towards this double task: provide knowledge about issues of gender and legal literacy and help create a service-friendly climate in the bureaucracy. In this chapter the flow of the project is outlined, after which the specific circumstances of each region are summarized.

The Flow of The Project

A total of 224 paralegals were trained in this program who set up 19 Justice Pioneer Schools (see annexes 3 and 5) in which 305 women and 28 men participated. Almost 65% of them became active in the JPS and the Citizens' Forums. Most participants were poor women and members of vulnerable groups such as people with disabilities, domestic workers, small farmers, fisherwomen/men, or members of sexual minority groups. Not all JPS were established at the

same time. Those in Medan (North Sumatra) and Jayapura (Papua) were set up last.

The establishment of a JPS depends on the availability of a group of sufficiently trained and committed paralegals with a strong presence in their communities. The first step each of the participating LBH APIK offices took was to organize a workshop with paralegals. In these workshops participants were trained in the basic methods of FPE, feminist popular education (such as the difference between sex and gender) and they were asked to identify the major problems related to social exclusion in their area. In Lombok (Mataram), Makassar (South Sulawesi) , Semarang (Central Java) and Palu (Central Sulawesi) these conditions were already met by the beginning of the project, so the JPS could start there early on. The LBH APIK offices in Medan and Jayapura experienced problems at the time which had to be resolved first. In Jakarta other issues played a role, related to poverty and a shifting population. Both paralegals and other poor and marginalized people may move from one rented place to another. The link between paralegals and their communities is thus not always as close as in other places, where the population is tied to livelihood that is bound to their environment (peasants, people in the fishery sector). Another condition was that the JPS must be established in a community with a considerable number of poor women and members of marginalized groups. To determine a suitable

location for the JPS, the lawyers and paralegals of the LBH APIK offices in these cities had to map out the location of poor people and marginalized communities.

The methods used in the JPS were participatory discussions on the materials provided in the module that was prepared by the National Secretariat of APIK. Topics included gender equality, social inclusion, legal literacy and basic rights. To stimulate the participants, training in income generating skills were given as well, such as baking cookies that could be sold. Several competitions between JPS in one area were held. These were a fun way of testing what they had learnt. There was also space before or after the sessions to share problems with the facilitators. These mostly related to domestic violence, access to legal identity or shortcomings in the service delivery of their village leaders. Other methods used were field visits and role play. Good use was made of visits by resource persons. These might be staff belonging to the Ombudsman, or to the departments of Civil Registration, Health, and Education. Upon completion of the JPS the participants were expected to be equipped with the skills to ensure that every person in that village has a legal identity. They should also be able to empower women and members of vulnerable groups to get their basic rights in health, education, access to the government services they are entitled to, economic opportunities and justice.

Those who completed the whole course received a certificate of attendance. Participants in the JPS came from all ranks of the community. Many were housewives, others were small traders or small farmers. Some were illiterate, but others were teachers or leaders of community organizations, such as the government women's and family welfare organization PKK.³⁷ The paralegals made an effort to invite members of marginalized communities and elderly people, who are otherwise almost invisible in the public activities of their neighbourhoods.

After setting up Justice Pioneer Schools the next step in the program was to establish Citizens' Forums. A total of 18 Citizens' Forums were established. The members of the Forum consist of alumni of the JPS, paralegals, community leaders and village officials. These Forums discuss the spending of the village funds, and set up a village-based mechanism for the resolution of complaints and disputes for cases relating to the provision of basic rights and the delivery of public services. The basic rights dealt with in the Citizens' Forums included access to health services, clean water and education, the handing out of land and marriage certificates and the provision of economic opportunities. The issues specific for each community had already been mapped and then discussed in the JPS. Once established, the participants in the Citizens' Forums, in consultation with

³⁷ Pembinaan Pesejahteraan Keluarga. Established during the New Order regime.

village, traditional and religious leaders, drafted and signed a Citizens' Charter, a mechanism for complaints and problem resolution at the village level. They work via *musyawarah* (arriving at consent on the basis of discussions), a traditional Indonesian way of operating in the socio-political sphere.

Semarang, Central Java set up four Forums, but Medan, which started late has not yet established a Forum. In Papua one Citizens' Forum has been set up. In the other regions of the program three Forums were launched, as planned. The 18 Citizens' Forums consist of between 20 and of 50 members. They participate in political processes at the village level, and possess the skills to get access to and control over government budget/programs and economic development. They are also expected to make complaints to the Ombudsman, the Police and the Consumer Protection Association in the future. Ultimately the Forums will function as a watchdog detecting corruption and abuse of power. The Charter is used as the basis for advocacy work to get access to government budgets and programs. From the budget of the village funds the priorities of the village must be paid.

Citizens' Forums provide a space for members of a community to learn what their basic rights are and to empower them to fight for them. It is thus also a political space, in which people learn to strategize around their interests. The purpose of the Forums is to diminish the

distance between the state apparatus and citizens. It is built on the principles of transparency, justice, equality, independence and collectivity.

The paralegals of the seven participating LBH APIK offices and the alumni of the JPS take the lead in establishing a Citizens' Forum. They first establish contact with local leaders at village or neighbourhood level and with representatives of various offices. Other parties involved are the Ombudsman and the Public Information Commission. Then the Citizens' Forum must decide which critical issues in the community will be tackled and design a strategy on how to solve the problems identified. The basis of this step is the earlier social mapping implemented before the JPS started.

The Citizens' Charter is an agreement between citizens and policy makers that contains a commitment to improve public services. As part of this program all Citizens' Forums are encouraged to produce their own Charter. The first Charters were signed in 2017 in three villages in Central Sulawesi. As each Citizens' Forum has its own priorities, the Charters they conclude are different. The Charters in Lengaleso (Sigi, Palu) and Labuan Panimba and Toaya Vunta (both in Donggala, Central Sulawesi) contain provisions on extended working hours (so the public servants actually stick to the official working hours, instead of the very limited hours they had worked till then), a reduction of the time needed to

process the requests for their documents, clarity and transparency on tariffs, transparent and wide sharing of information and the regular evaluation of the above provisions. In Kediri, West Lombok, on the other hand the focus is on the prevention of child and forced marriages and the protection of the rights of victims of sexual violence. The Forum members first stimulated the drafting of *awiq-awiq* (village customary regulations) on the prevention of child marriages.³⁸ On top of that, the village administration supported the Citizens' Forum of Kediri with ten million rupiah (Euros 600) as seed money to organize a campaign against child marriages. The Forum succeeded to make the village administration produce a formal village regulation on the prevention of child marriages. Once the district administration has generated a number for this village regulation it can be published so that it becomes official. In Jakarta too three Charters have been drafted. They contain provisions on health facilities (Galur), access to free education to those kids who dropped out because they could not pay their school fees (Kalibaru) and land rights (Cipinang Besar Selatan). The Charters of Makassar, South Sulawesi emphasize the importance of the police providing correct public services, such as protecting victims of domestic violence.

³⁸ *Awiq-awiq* refer to traditional adat rules in Lombok and Bali. The regulations are contained in a kind of handbook, the *Pakem Adat Merariq*.



Picture 7: Citizens' Forum in Kediri Village discussing to draft a village regulation on the prevention of child marriages. The village regulation has been accepted by the village head and the law bureau of West Lombok in October 2018. In the last month of 2018, The Forum also successfully developed the Pakem Adat Merariq (adat/custom regulation) on the prevention of child marriages which has been accepted by the village customary leaders.

1. DKI Jakarta

LBH APIK Jakarta covers a wide area, including the capital itself, Tangerang which belongs to the province of Banten, and Depok, Bekasi and Bogor in the province of West Java. The paralegals in Jakarta are primarily victims of Violence Against Women (VAW), who have been assisted by lawyers of LBH APIK Jakarta. It was not easy to establish three JPS in Jakarta, as the links between paralegals and their communities are not as strong as in other regions of this program. The poorest communities for whom this project is designed have a shifting population. New migrants arrive, people may be evicted from their dwellings on riverbanks,

under bridges, beside railway tracks or on government land. Their income is unstable, they may move to a new neighbourhood in search of work, their living conditions are precarious. This also applies to the paralegals. The paralegals selected to participate in this program had all completed the ordinary paralegal training that focuses on case handling. Many participants in the JPS were victims/survivors of domestic violence, as one participant explained:

"I was regularly beaten by my husband. He also often cursed me. One day I was invited to join the Justice Pioneer School by a LBH APIK Jakarta paralegal. In this training I learned that women and men are equal, and that no one has the right to commit violence against women. After some time I dared to talk to my husband about how uncomfortable I was with his attitude. I also told him that violence against women is a criminal act that has been regulated in the Domestic Violence Law. Slowly his attitude changed and he stopped beating me."

In Jakarta three JPS were established, in Galur, Central Jakarta, in Kalibaru, North Jakarta, and in Cipinang Besar Selatan, in East Jakarta. The JPS in Galur, Central Jakarta, is the site of an urban slum that has never before been visited by any NGO. It was established in February 2016. A total of 13 participants completed the course, some of whom are illiterate. An important topic was gender-based violence.

Finding the time to attend their school was a major problem for many of the participants. They had children to look after, and many of them were small traders or they worked elsewhere in the informal sector.

Kalibaru in North Jakarta is a poor fishing neighbourhood. The JPS was first established in a mosque, but it had to be moved to a private residence, as the mosque prohibited it. Most participants make a living selling snacks or street food, and need technical advice to increase their meagre earnings, rather than training in civil rights, they decided. The paralegals helped them by providing training on economic empowerment, with the example of setting up a waste bank. Of the original 25 participants 15 followed the course to the end in spite of their busy schedule and precarious existence.

In East Jakarta (where the office of LBH APIK Jakarta is located) the first three attempts to set up a JPS failed. The first effort was made in a neighbourhood in which many prostituted women live (Ciracas, East Jakarta). As the irregular working hours of the women made it difficult to hold regular training sessions, the training could not take place. The next attempt (in the neighbourhood of Cipinang Muara, East Jakarta) failed as the participants wanted to have their transport costs reimbursed, for which no provision was made in the project budget. The next attempt, in the neighbourhood of Kebon Pala, East Jakarta also failed.

This JPS focused on gender-based violence. The participants were mainly housewives and cadre members of the PKK; it folded because of frequent miscommunication. Only in Cipinang Besar Selatan a full JPS was held. The participants included male and female neighbourhood officials, PKK cadre members, small traders and housewives.

To assess what the participants had learnt in their schools, LBH APIK Jakarta organized a contest between these three schools. Similar contests were also held in Palu (Central Sulawesi), Makassar (South Sulawesi), Semarang (Central Java) and Mataram (Lombok, West Nusa Tenggara Barat). It turned out that not all alumni had fully captured a basic understanding of their rights and entitlements, and the ideas of social inclusion and gender justice. A follow up program was designed. Both LBH APIK Jakarta and the alumni of these JPS are committed to continue with their work, empowering women and members of marginalized communities, even after this program is finished.

The three JPS in these different neighbourhoods in Jakarta faced several challenges. In Galur the Citizens' Forum faced resistance from a network composed of neighbourhood heads. They felt there was no need for the citizens to organize themselves as well. Yet the members of the Citizens' Forum in Galur were happy to learn about entitlements that they had never been informed about by these leaders, such as free access to education for children

of poor families. The Citizens' Forum of Kalibaru, in North Jakarta, on the other hand was attended by the leaders of their neighbourhood. Staff of the Ombudsman also paid a visit.

Not only local political interests affected the running of the Citizens' Forums. The highly politicized atmosphere in Jakarta prior to the election of its new governor in 2017 led to political tensions in the Citizens' Forums as well; several times meetings had to be suspended. During the 2019 general elections, the political climate had again become divisive. Party political considerations threatened the independence of the Citizens' Forums and temporarily paralyzed them. LBH APIK staff mitigated this problem by providing political training to the JPS and Citizens' Forums so they would not fall prey to political struggles but stick to their own agenda. In an evaluation meeting the participants concluded that access to basic rights and the provision of services should be seen as issues that affect all people, regardless of their political orientation, and that the Citizens' Forums should be independent and refrain from supporting particular candidates. This is now contained in a list of principles of Citizens' Forums.

2. Jayapura (Papua)

Setting up the first JPS in Papua was postponed as the director of the LBH APIK office fell seriously ill. It took

sometime before a new director could be appointed so the activities could be resumed. Another factor for the delay was that at the beginning of the project there were few trained paralegals. LBH APIK's staff and the paralegals also experienced difficulties to deal with the complicated relations of ethnicity, customary law and religion in Papua. Staff of the national office of APIK conducted various training programs to upgrade the skills of the paralegals in Papua.

The first JPS in Papua was set up in the village of Nimbokrang Sari in the district of Jayapura, called JPS Kidong Tane, which means 'empowered women'. Before it was established the support of various stakeholders was sought, both village, religious and traditional leaders. These stakeholders were later involved in the curriculum. LBH APIK and the paralegals took great care to make sure the majority of the participants were ethnic Papuans, as this is a sensitive issue in Papua; only 2-3 people were newcomers from outside Papua who had already lived there for a long time or even were born there. Law No. 21/ 2001 on the Special Autonomy for Papua stipulates that priority must be given to the interests of the Papuan people themselves.



Picture 8: Justice Pioneer School (JPS) in Iffar Besar Village, Sentani Kota subdistrict, Jayapura District

In the first period the curriculum focused on how to access the basic rights the inhabitants are entitled to and how the legal procedures work to get justice. With the help of the JPS Kidong Tane, the participants learnt how they could report village officials to the Ombudsman if these proved unwilling to help them access the documents they needed. the JPS participants and the paralegals of Nimbokrang Sari were very proud to receive a visit by the Netherlands Human Rights Ambassador and Brechtje Klandermans, Deputy of Political Affairs of the Embassy of the Royal Kingdom of The Netherlands.

In 2018 LBH APIK trained another batch of 18 paralegals in Jayapura. Among the participants were two transgender persons. Upon their graduation the paralegals set up another JPS in Yabasso, Ifar Besar, Sentani (Jayapura), in February 2018. This area was selected as many cases of

domestic violence are reported and women experience various cultural obstacles to bring forward their opinions.

As elsewhere in Papua, conservative traditional leaders had to be convinced to support these schools. This JPS was called Yo Hole which means protector of the community. Yabasso, Ifar Besar, is a semi-urban area in the city of Sentani. The participants of the JPS Yo Hole are all ethnic Papuan people. Generally they work in their home gardens, and sell bananas and other products of their garden to the city. According to LBH APIK Jayapura, there are often conflicts on ownership of the adat land between the inhabitants themselves. These horizontal conflicts can easily be fanned by outside forces, for the internal conflicts among Papuan clans are very fierce. This is why LBH APIK started with issues of basic and women's rights which the community can easily understand. The land issue was postponed as it is very sensitive.

After discussions in Nimbokrang Sari between the paralegals, the local traditional leaders and the Papuan Traditional Culture Women's Organization (Organisasi Perempuan Adat Papua, ORPA), it was agreed that two Citizens' Forums would be established in different neighbourhoods: an LBH APIK Forum and an ORPA Forum. The Forum launched on the basis of the training received by LBH APIK's paralegals focuses on access to civil rights and it supports the ORPA Forum with information and training in

this area. In August 2018 they held a joint training for paralegals.

The Citizens' Forum in Nimbokrang Sari, Jayapura was established in July 2018. A closer look at its performance gives a good insight into the issues confronted by rural communities. The following topics were discussed in the initial meetings: the use of the village funds,³⁹ the scarcity of nurses and drugs in the local health center, and the difficulties to get identity cards, family cards, the birth certificates of their children and their marriage certificates. Many couples are married only under cultural and religious regulations, and their marriages are not officially registered.

On the basis of the problems identified above a number of officials were invited to explain the situation and the Citizens' Forum decided on the following steps:

1. Examine the spending of the village funds;
2. Ensure that there are representatives of the Forum in the village planning meetings (Musrembangdes);
3. Ensure that reports on problems the village experiences reach the official channels; formal letters must be written and evidence provided;

³⁹ These include both those of the village (desa) as a whole and of the local community (kampung).

4. Ensure that the village health center has permanent medical staff and that the village health center has sufficient medicine;
5. Ensure that the minimum standards of the delivery of services to young children (under 5), adolescents and the elderly are upheld.

These issues have become the priority areas in the drafting of the Citizens' Charter. The official of the Health Department highly appreciated the results of the Citizens' Forum: 'We hope that all communities (kampung) in the District of Nimbokrang will establish such Citizens' Discussion Forums so that the problems the villagers experience can be known quickly and clearly via the villagers' Forums'.⁴⁰ The ORPA is also preparing a Citizens' Forum in the district of Namblong, Jayapura. They have already held a Focus Group Discussion to prepare the Forum and they have established a new paralegal post in Namblong. They have visited the adat leaders and the district government to discuss their intention to set up a Citizens' Forum. This initiative formally falls outside of the scope of this program; it is however firmly supported by LBH APIK Jayapura. So although the JPS in Jayapura had a slow start by the end of the project considerable progress had

⁴⁰ Mrs Sri Yatun, official from the Health Department in a discussion with the Citizens' Forum of Kampung Nimbokrang Sari.

been made. In 2018 LBH APIK trained another batch of 25 paralegals in Sentani, Jayapura. Among the participants were two transgender persons. In Wamena, a new area, 24 paralegals were trained.

3. Makassar (South Sulawesi)

By the start of this program LBH APIK Makassar had already trained 230 paralegals, but only 50 % of them were still active in their own communities; 53 posko had been established. From 17-19 November 2015 an initial workshop to establish three JPS in the region in and around Makassar was held. The 20 paralegals attending this workshop, who included teachers, housewives, religious leaders, students and activists, followed the regular curriculum of this program and were trained in the skills to teach their future students basic feminist concepts, social inclusion and citizenship rights.

The members of LBH APIK Makassar developed their own strategy in organizing paralegals and the three JPS. They divided paralegals and the JPS into three categories namely: urban (A zone), borderline (B zone) and rural (C zone). In zone A a poor neighbourhood on the outskirts of the city was selected, where many migrants live (Tamalanrea and Manggala in the subdistrict of Biringkanaya). The JPS in Sikapainga (B zone) consist of participants from the subdistricts of Panakukang, Rapucini and Tamalate. It is

located in a lower middle class area where mainly factory workers and clerks live. It also has one location in which sex workers ply their trade. This topic was discussed in the JPS, and the attitude of the participants became more open towards them. They engaged in discussions with them and saw them as victims of economic exclusion, rather than as immoral persons. In zone C a coastal area with a population of fishermen/women (Wajo and Talo in subdistrict Ujung Tanah) was selected.



Picture 9: JPS Sipakainga (left) and JPS Baji' Pamai (right) in Makassar, South Sulawesi.

In each zone the various problems faced by its inhabitants were mapped. These include the problems faced by survivors of the 1965 mass crimes against humanity and their families, newly arrived day labourers such as pedicab drivers and domestic workers, drug users and petty criminals. Some women in these areas do not hold a citizens' card as they don't have a permanent address, and so they

cannot access social services, such as health care or assistance with childbirth. Others are registered as not having paid their house tax, even if they don't own a house, but just rent it. In those cases they are not eligible to receive food aid, such as rice (*raskin*). The LBH APIK Makassar core team tried to include as many as possible members of the excluded groups themselves as teachers for the JPS, but few were confident enough to come forward.



Picture 10: JPS competition (3 JPS) in South Sulawesi on gender, social inclusion and access to public services.

These three JPS also provided training in income generating activities such as handicrafts and the baking of cookies. They gave extra sessions on sexual violence, on how to recognise various forms of corruption, on different kinds of disabilities and on HIV/AIDS. The paralegals themselves made *abon ikan tuna*, a dried fish product that they sold to be able to fund their expenses incurred in their efforts to ensure the civil rights of their constituency and their regular

handling of cases of VAW. At the end of the training cycle a competition was held to see who had remembered most of the lessons taught.

In each region where a JPS was held a Citizens' Forum was established. The major problem addressed was how to access the health card which would entitle the citizens to subsidized health care. Due to the delay in the outreach of the subsidized health care services by the government after the program was launched, people were worried that if they did not have the health card, they could not access other rights either. The next problem was that poor people could not afford to pay the monthly premium and are now indebted to the State.

4. Mataram, Lombok NTB, (West Nusa Tenggara)

On the island of Lombok with its capital Mataram three JPS were set up, in Kediri, Saba and Dasan Cermen.⁴¹ In Kediri, religious values are strong. Beside the occurrence of child marriages, the social mapping exercise also pointed to sexual violence, drugs and gambling. Some young religious leaders from Bogor had been active in the area and had been fighting against these 'vices'. They had charisma and it was hoped they could influence their peers. But they also

⁴¹ The province of NTB, Nusa Tenggara Barat, West Nusa Tenggara, consists of Lombok with its capital Mataram, Sumbawa and some smaller islands. It is the western part of what used to be called the lesser Sunda islands. Mataram is the provincial capital as well.

belonged to a fundamentalist stream in Islam, and local progressive religious leaders were wary of them. As many of the village, religious and traditional leaders had different approaches on child marriage, and many of them did not have a gender perspective (blaming the victims for rape) conflicting messages were released.



Picture 11: Ustadz Erwin (left), paralegal, facilitating JPS Kediri Village on making a social map (right).

The first Justice Pioneer Schools in Mataram were led by three respected male community leaders, two of whom were school teachers, the other was a religious teacher. In the trainings it had already become evident that the presence of male religious leaders boosted the standing of the JPS but also that women participants were intimidated by them and didn't dare to challenge them in a critical dialogue.

In Saba and Dasan Cermen the JPS senior participants regularly accompanied new members so they could learn from their experiences. Staff of LBH APIK in Mataram produced flyers and comic books which were distributed among the members of the JPS and the Citizens' Forums.

In Lombok three Citizens' Forums were set up in each area where a JPS had been held. In Saba the major issue was that many people didn't have a marriage certificate. This means their children do not get birth certificates either, so they cannot go to school. Legally their birth certificate could be registered under their mother's name, but that is rarely done. In both cases the children are stigmatized as *anak haram* or illegitimate children. As marriage certificates are in short supply, as will be discussed in the next chapter, the problem with the birth certificate persists. A mass wedding ceremony was held but only few couples received their certificates and only 35 birth certificates could be issued.

In the middle of 2017, the Citizens' Forum and the Justice Pioneer School in Saba were officially recognised as representing the community and were invited to attend the Village Development Planning Meetings. In 2018 the village of Saba won the provincial-level contest of best villages because of the performance of its Citizens' Forum. They have been invited to participate in the national level contest.



Picture 12: JPS alumni and members of Citizens' Forum attending a planning meeting for village development, Saba, Central Lombok-West Nusa Tenggara.

The Citizens' Forum of Saba also tried to find solutions to the unequal distribution of water for irrigation. Another issue discussed was the certification of land.

In the village of Dasan Cermen there was no need to establish a separate Citizens' Forum as the village already had a Forum called *kampong sakinah*, happy neighbourhood. The issues discussed in the JPS could be integrated in that Forum. Access to health facilities, including for differently abled people, was a priority. The Forum also discussed income generating activities. The Citizens' Charter in that village includes a commitment of village leaders to try to prevent child marriages.



Picture 13: Citizens' Forum in Kediri Village discussing with the village administration a draft regulation on the prevention of child marriages.

In the village of Kediri a progressive religious leader strongly supported the Citizens' Forum and the JPS. He faced considerable resistance from conservative religious leaders. These traditional religious figures also influenced the village administration, so initially the Citizens' Forum was not fully

endorsed by the village leaders. By the end of the project the resistance from cultural and religious leaders towards a program to prevent child marriages had been reduced. Discussions were held on the proper age for girls to marry. Conservative religious leaders insisted that girls can marry after their first menstruation. This argument was used to marry off girls at a very young age, by only holding a religious ceremony or an (illegal) contract marriage (*kawin sirri*). Others argued that this was a misreading of religion and against the Indonesian Marriage Law. The paralegals enlisted the help of officials of the district, who approached these influential conservative leaders.

In Lombok three Citizens' Charters were signed. In Saba the major issue was irrigation and land rights. The Charter stipulates clear regulations on the provision of irrigation and on a transparent process of acquiring land certificates. In 2018 the Charter was signed by the village head, the Citizens' Forum, and the Agricultural Department of Central Lombok.

Box 2

JPS and Citizens' Forum of Saba Village, West Lombok, NTB, registered as participants of Musrenbangdes in 2017. They managed to put crucial issues such as legal identity, access to health, education and social services and access to land rights. This also includes on water distribution (irrigation issue) where for so long it the landlord and the rich people of the village control.

Irrigation for us is a very crucial matter because from this water we grow and water the rice fields. This water is still traded, so we the poor, especially poor women, get only small amounts of water and we think that is not fair. Because of poverty, many men go abroad as migrant workers. Their wives make cows' food from paddy straw so they do not need to go far from home to look for grass for their cows. When their husbands return home, this cows' food will be a family business so their husbands do not need to be migrant workers anymore" (Mr. Zaenal, Citizen's Forum of Saba Village, West Lombok, NTB).

The Citizens' Forum decided to start with the issue of land registration when drafting the Charter, making use of the program on land registration, PTSL (Pendaftaran Tanah Sistematis Lengkap, Complete Systematic Land Registration) that the government had proclaimed.

Members of the Forum were afraid that there might be cases of abuse of this program and that it would take a long time before their cases would be handled. But the procedure went more smoothly than they had feared. By January 2019 already 490 land certificates had been issued.



Picture 14: People of Saba village receiving their land certificate as the result of Citizens' Forum advocacy in collaboration with village government.

Members of the Forum in Dasan Cermen, decided they wanted to focus on access to health, as many poor people cannot access health facilities. The Forum in Kediri, West Lombok emphasized marriage issues, including the prevention of child marriages and the issuing of marriage certificates. They wanted to change the local regulations which stigmatized victims of sexual violence, and issued new regulations prohibiting child marriage and dress codes for women.

5. Medan, North Sumatera

Apart from Papua, Medan also started late. This LBH APIK office had mainly dealt with cases of domestic violence and other issues poor women faced; they had not trained any paralegals. They were only able to hold their first training of paralegals in October 2016. Soon thereafter they established the JPS Kejora in Sei Mati, Medan. Apart from establishing contact with the Ombudsman in Medan, this JPS also trained its participants in waste management.

The JPS Kejora reached out to women motorcycle taxi drivers and to women living with HIV/AIDS. These are the two most marginalized groups of women in downtown Medan. The inhabitants of Sei Mati had lost their trust in government services. They have become very dependent on LBH APIK lawyers and paralegals, who they expected to solve all their problems with the authorities for them. This

culture of dependence and of instant help from LBH APIK staff had to be turned into a situation in which paralegals and inhabitants would be empowered to solve their own problems. The Citizens' Forum in Medan has not yet been established. LBH APIK staff members concentrated on case handling, advocacy on basic rights and the launch of the JPS.

6. Semarang, Central Java

In Central Java, the paralegals and staff of the LBH APIK office in Semarang, the capital, set up four JPSs. These are Mrisen (D'Sen) specially for people with disabilities, Kedungjangan, in the subdistrict of Gunung Pati, which caters mainly to domestic workers, the JPS Mekar Rahayu, in the village of Guntur and the JPS Puspita Bahari in the village of Moro Demak for fisherwomen.

The JPS Mekar Rahayu is located in the village of Guntur, in the district of Demak. In this poor rural village the major problems related to members of marginalized groups. Old people were ignored as they are no longer productive, LGBT youth because they are considered a social illness. In the JPS the rights of both groups were explained, and participants understood that LGBT people must be accepted as full members of the society. In Semarang communities in other villages than where a JPS was held, realized that they also needed the skills and knowledge taught in the JPS, so they asked LBH APIK paralegals to establish a JPS in their

villages as well. But due to a lack of funds these requests could not be met.

In Semarang four Citizens' Forums were established. The Citizens' Forum that focuses on people with disabilities, in Mrisen, lobbied to integrate the rights of people with disabilities into the work of the relevant authorities. In this city the alumni of the JPS who had joined the Citizens' Forum also successfully lobbied to participate in the Village Development Planning Meetings, where the allocation of village funds is discussed. They demanded support for the paralegals and income generating activities for the JPS participants. The Citizens' Forum in Moro Demak supports the lobbying of the JPS Puspita Bahari to help the fisherwomen get their fisherwomen's cards.

7. Palu, Central Sulawesi.

LBH APIK Palu is coordinating ten posko of paralegals : four in the district of Donggala, two in the city of Palu and four in the district of Sigi. In this area LBH APIK Palu established three JPS, in Toaya Vunta (district of Donggala), Lengaleso (district of Sigi) and Labuan Panimba (district of Donggala). After mapping out the specific problems of the areas selected each JPS designed its curriculum according to the needs of that region. In some areas there were many ex-migrant labourers, in other areas conservative customs (adat) or religious norms prevailed, again elsewhere land

rights were a major issue. Reviewing the curriculum, the LBH APIK paralegals concluded that attention must be paid to unequal inheritance patterns, as well as to the differences between national, religious and traditional laws.⁴² In rural villages the land reform laws must be studied. On land certificates the names of both the wife and the husband must be mentioned, so women do not lose out in cases of divorce or the death of their husbands. In discussions on domestic violence also the possibility of abuse of elders must be included. Another topic are decisions of the traditional leaders which are sometimes negative for women, or taken without the consent or presence of women. In this religious region the participants were also keen to add a gender dimension to their regular religious instruction.

Each JPS established a Citizens' Forum, in Sigi, Labuan Panimba and Toaya Vunta. Due to the smooth progress in this area, the Charters were already signed in 2017. All three are related to increasing access to legal identity. In Toaya Vunta the Citizens' Charter contains the commitment of the village head to allocate two staff members of the village office to assist residents in managing the legal identity of the villagers; the operational costs are covered

⁴² Conflicts on inheritance are frequent. Indonesia does not have one inheritance law that is valid for all people. Instead people may choose to adhere to secular inheritance regulations in which women and men get an equal share or to use their religious laws (for Muslims) and customary laws for non-Muslims. For Muslims this is sharia law, where female descendants are discriminated.

by the village funds. In Labuan Panimba the focus is on legal identity, land rights and clean water and they succeeded in getting all those rights.



Picture 15: Mrs Karmin, her daughter and Mr Lekman (number 2 and 3 from right) and paralegals show their land certificates



Picture 16 & 17: Paralegals: identified community social and legal problems

Box 3

On February 1st 2016, Liswanto, a resident of Desa Labuan Taposo, District of Labuan, Donggala Regency, the province of Central Sulawesi, a participant of Sekolah Pelopor Keadilan (SPK) Central Sulawesi, sent a letter of inquiry for disclosure of information on 2014-2015 Labuan Toposo Village's Expenditure Budget, Village Fund Allocation (ADD) and Village Fund, Regional Income from Sand Mining Companies (Mining C) and Provincial Aid Fund.

The letter was addressed to the head of village and requested to openly announce the direction of development in their village. Three days after the letter was received by the Village Secretary of Labuan Toposo, the head of village reported him to the Customary Council and he was summoned to a trial. Liswanto, on that trial, explained about Act Number 14 of 2008 concerning Public Information.

The disclosure of essential information was the basis for his action to write the letter. The Customary Council supported him. Unfortunately, the head of village remained unresponsive. On 24th February 2016, Liswanto sent an objection letter due to the unresponsiveness over his inquiry on the disclosure of information. After waiting for 30 days, there was no response from the head of village. Therefore, he filed for dispute settlement to public information to Commission of Information, Province of Central Sulawesi, Registration Number : 019/REG/PSI/KI-SLTG/IV/2016.

The adjudication trial began on 10th, 17th, and 23rd May 2016 and was never attended by the village head of Labuan Toposo Commission of Information summons was not heeded. They came and hold a hearing on 1st June 2016 at the office of Labuan Toposo village. During the hearing, the claimant of information and Commission of Information party were intimidated by the village apparatus of Labuan Toposo, so it was postponed. Liswanto won the case on 24th June and the village head got a chance to make an appeal to the Administrative Court in Palu

Conclusions

In the Citizens' Forums, most paralegals and alumni of the Justice Pioneer Schools have become actively involved in decision making processes in their villages. They have attended meetings in which development plans for their

villages were being drafted (Musrenbang) and the budget was discussed. They proposed solutions for problems poor people and members of marginalized communities face in accessing their rights to health, education and social services. For the first time the rights of people with disabilities were taken seriously at the village level when members of the Citizens' Forum of the village of Mrisen, Central Java were invited to such a meeting. Citizens' Forums have become a learning forum and a political space to formulate advocacy strategies for citizens to access their basic rights and their entitlement to public services. The Justice Pioneer Schools and the Citizens' Forums make the power relations between public service institutions and the citizens more equal. After many meetings and much lobbying, the corporate culture of public service institutions is changing gradually and public service at least on legal identity, education and health is being made more accessible to the poor and members of vulnerable groups.

The methodology of these Citizens' Forums differs substantially from that used in other village meetings. Generally a regular village meeting is a top down affair, in which officials provide the information and communicate their decisions while the citizens just listen. In a Citizens' Forum on the other hand a participatory methodology is used, in which participants share experiences and together design a strategy to lobby for their rights. Citizens' Forums

in the same region held meetings together in which they shared their experiences. The Forum in Kediri, West Lombok for example learnt from the Forums in Dasan Cermen and Saba (all on Lombok) how they could better advocate for their rights, even if the village leaders were not always very helpful.

The relationship between the Citizens' Forums, the paralegals and oversight institutions such as the Ombudsman have become stronger. This has resulted in a close collaboration with the Ombudsman offices in Palu, Central Sulawesi and Mataram, Lombok. In 2017 they were awarded as the Best Partners of the National Ombudsman. The Ombudsman has come to consider APIK as an important partner to increase the participation of citizens in the oversight of public institutions, and to fight corruption, lack of transparency and poor delivery of services.

Unfortunately the work in Palu and Lombok experienced a major setback. These regions were worst affected by the string of earthquakes and tsunamis that hit Indonesia in 2018. The Citizens' Forum continued to play a constructive role in helping survivors in the most marginalized communities to rebuild their lives and to access the assistance made available by the various donors to these regions. Other problems often faced were the difficulties of people with different abilities to access the health facilities they need. Transport is a major problem, buildings are not

accessible, though they are supposed to be, and roads are unsafe. The Citizens' Forum also helped elderly people to access the social services they are entitled to, and to assist the women of fishing communities with their identity cards, calling in the help of the department of fisheries. More details of this work are provided in the next chapter.

The Citizens' Forums established by this project have set up a complaints mechanism if villagers experienced obstacles in accessing their basic rights or if services they are entitled to were not delivered in a proper manner. Villagers are thus empowered to demand their rights independently of APIK, which ensures the sustainability of the project. They will not forget the advocacy skills taught them.

The Citizens' Forums fulfil a two-way communication role. On the one hand they bring the problems of poor people and members of marginalized communities to the attention of the village officials and staff of the Ombudsman and other civil servants. On the other hand they also make known to the villagers the existence of such institutions. The villagers have become aware that there are institutions out there prepared to listen to their problems, the staff of which is genuinely concerned when village funds are misused or officials do not provide willingly and efficiently the services and information the villagers are entitled to. They have specified the problems of distance, costs and sometimes of maladministration. Together with these officials they have

proposed creative solutions to these problems and helped to implement them.

The Citizens' Forums are characterized by their own dynamics and priorities. In Dasan Cermen, Lombok for example the Forum collaborated with a progressive religious teacher to give two inputs into the regular marriage course that the Ministry of Religion runs. They proposed that the course explains about the importance of gender equality in a marriage. And they warn against the negative consequences of child marriage. Lombok has the fifth highest percentage of child marriages in the archipelago, so this is a critical issue for the province. They insisted that the course should point out that the young girls are usually in a socially and economically weak position in such a marriage, which may translate into health problems during and after pregnancy, including maternal mortality and domestic violence. This may lead to ill health and stunting of the children born in such marriages and to a high divorce rate.

A problem is that conservative religious leaders maintain that a girl who has had her first menstruation is grown up enough to marry. Due to all this lobbying by the end of this project an agreement had been reached with all village, religious and cultural leaders that a course would be held for young people as well as for those about to marry, which includes sessions on the domestic violence law, gender

equality in a marriage and the importance of having the proper legal documents.

The Citizens' Forums experienced various challenges. These include the following:

The highly charged atmosphere in Jakarta around the gubernatorial elections led to political tensions in the Citizens' Forums, which was carried over into the national elections in 2019. Another challenge was the influence from conservative religious or cultural leaders. This became evident in discussions on violence against women, which conservative leaders still prefer to see as a private issue. They do not want to recognise it is a crime, regulated by the 2004 Domestic Violence Law. Cultural leaders also wanted to solve issues of domestic violence according to their customary regulations, which in most cases are not sensitive to the voices of the victims.

Another issue is that village leaders may want to use the Citizens' Forums for their own purposes, such as calling upon people to pay their taxes in time or to become their political machinery.

A continuing challenge is to push village and district leaders to provide information. Officials are generally not used to encounter citizens who demand their rights, including the right to information. Gendered power relations play a role

here as well. Men take up leadership roles more easily than women, it is expected of them, and they are respected for it. The voices of the active women in the Citizens' Forum are sometimes ignored. But the paralegals and alumni of the JPS who have been empowered to fight for their rights are not to be silenced.

The initial success of the Citizens' Forums in this program is not a guarantee for continued success. Sooner or later they will become the watchdog of the use of village funds, and other support from governments or NGOs. Conflicts of interest may occur and the members of the Citizens' Forum have to prepare for that. Strategies have to be developed to deal with the 'post-honeymoon'. The Forums may have to learn from the provincial or national anti-corruption bureaus and the Ombudsman, which also encounter such problems. After all once the Citizens' Forum is firmly established it will take up the role of a grass roots level Ombudsman and KPK (Corruption Eradication Commission).

The Forums have a great potential but they need solid and independent leadership, the membership must be gender-balanced and consist of open-minded people, who all have a basic knowledge of the rights citizens are entitled to.

CHAPTER 3

Challenges and Achievements

The previous chapter discussed the flow of the program Rule of Law for women and members of marginalized communities. For this constituency rule of law means more than access to justice and legal documents. They need all that, but their problems are compounded by socio-economic precarity, violence, patriarchal traditions particularly around marriage as well as stigma. These intersecting and imbricating issues are the topic of this chapter. LBH APIK's paralegals assisted by staff members of APIK's national bureau in Jakarta fought hard to overcome the barriers posed before the women and members of marginalized communities to access their rights and the services they are entitled to. In this chapter first the crucial role of the paralegals is charted. Then the major issues they dealt with are outlined, civil rights, services, precarity, traditional

patriarchal practices, unequal marriage relations, Violence against Women, and the stigma abjected categories of people face. In the next part of this chapter the progress the JPS and the Citizen's Forums made in empowering community members and in acting as a community watchdog is presented. After the natural disasters that struck Lombok and Palu the value of the work of the JPS and Citizens' Forums in these areas was demonstrated. The last section summarizes the role of the national secretariat of APIK in Jakarta.

The Role of Paralegals

In the beginning of the history of APIK and the associated LBH APIK offices the majority of paralegals were VAW survivors, but nowadays the circle has grown further to comprise community members (men and women), formal/informal local leaders including police officers as well as students who are concerned about gender justice and human rights violations in their direct environment. For these activists, the role of being an active paralegal means increased access to public services and participation in local leadership. Since the Legal Aid Law was enacted in 2011, paralegals are officially acknowledged by the justice system and the court, as long as they operate under the banner/wings of LBH APIK or under the direct supervision of another government verified legal aid organization.

Since 2000 APIK has trained more than one thousand paralegals in case handling and healing processes of victims of VAW and gender discrimination. They are volunteers helping the LBH APIK office under the division of legal services. They receive a basic training in legal advocacy and gender. Some of them subsequently have been recruited by other NGOs and government agencies. Between 1999-2003, in collaboration with the Indonesian Women's Coalition for Justice and Democracy (KPI), they also received training on gender budgeting, voter education and feminist leadership.



Picture 18: *Paralegals meeting in Jakarta*

In 2016, social inclusion, participatory rural appraisal (PRA) and feminist popular education (FPE) was added to the curriculum of the training of paralegals in order to be able to reach the poorest of the poor and other vulnerable groups. Community-based legal aid/paralegal posts (posko) were established after the training. They are a place for

consultations of community members with the paralegals on issues of legal and economic empowerment. These paralegal posts at the community level function as watchdogs for the delivery of government basic services and as centres for promoting diversity.



Picture 19: Mapping of land history in Labuan Panimba

There are roughly two categories of paralegals:

1. 'Formal' paralegals. They are linked to the Ministry of Village and Transmigration and various parts of the government and are encouraged by local government officials such as village heads to undergo a training of APIK;
2. Peer group paralegals, also called community-based paralegals, who experienced discrimination or violence

themselves and were assisted by LBH APIK's lawyers. Most of them were victims of various forms of VAW.⁴³

Those survivors of violence and injustice who are motivated to help other victims and underwent a training by APIK/LBH APIK also include the paralegals who support disabled people and domestic workers in Semarang and who belong to the disabled community themselves. In Palu an LGBT paralegal is active. In the same region members of customary communities have become paralegals to assist women affected by particular discriminatory practices.

The paralegals have various levels of involvement. Active paralegals participate in the activities of the LBH APIK offices. They are considered skilled if they have been involved with LBH APIK for at least two years, have proven themselves capable of handling cases of violence against women and are also active in various community organizations, such as religious or educational institutions, the government-based family welfare program (PKK), or in youth organizations.

After completing their training the paralegals get a formal card as proof of their status as an LBH APIK paralegal, so as to facilitate their dealings with government agencies. But

⁴³ See for more information on paralegals: <https://www.opensocietyfoundations.org/publications/community-based-paralegals-practitioners-guide> and <https://namati.org/resources/what-is-a-community-paralegal/>.

after graduation their training continues. The paralegals go through various cycles of training, dealing with the 2004 Domestic Violence Law, basic human rights, civil rights and the framework developed by APIK on feminist legal theory. They must also be aware of the religious and cultural impediments they encounter. In Papua for instance, cases of domestic violence are traditionally dealt with by all-male customary councils, which typically do not hear the victims. The perpetrators, if found guilty, only pay a fine. In strongly patriarchal communities it is risky for women to report domestic violence, they may get killed. Taking the initiative to report a case to the authorities can endanger the paralegals themselves, as well as the victims.



Picture 20: Mr Timotius (paralegal) and Mama (Mrs) Ribka (JPS alumni, trained as paralegals) from Papua, share their experiences with the participants of a national project meeting on case handling and community empowerment in their community..



Picture 21: Paralegals practicing to make a social map of excluded people in their village.

Thus paralegals working in such areas should not take the initiative to report a case to the authorities, if the victims themselves are too afraid to report it. The situation must be assessed carefully and in collaboration with the victims and possibly friends or sympathetic relatives first. The primary priority of the paralegals is to ensure their own safety, then that of the victims, by taking survivors to safe houses, or shelters, or by bringing them to trusted family members at a safe distance from the perpetrators. The paralegals mediate between relevant government agencies and victims who generally are unable to access justice otherwise. In trainings cases like the above are discussed extensively.

The first phase of the present project involved preparing a curriculum for the JPS and training the paralegals selected for this specific project to be facilitators in the JPS. In some provinces they established new posko where villagers can come for legal advice, in others the already existing posts were strengthened. In Semarang a coordination post was set up for people with disabilities, domestic workers and fisherwomen. In Makassar, 53 posko have been established in which 230 paralegals are involved, but only 50 % of them are still active in various activities such as case handling, community organizing, campaigns on the prevention of child marriage and income generating activities. While in Mataram, 630 paralegals have been trained since 2000 but only 125 of them are still actively involved in the work with LBH APIK Mataram. Some of them were recruited by other organizations and village administration as facilitators of various workshop and as trainers on gender budgeting in village development councils or livelihood skills.

A total of 224 paralegals were trained in this project, of who 65% became active in the ensuing JPS and Citizens' Forums. They increased their skills in handling specific cases, such as helping people in getting access to various legal documents, and accompanying them to the police and other institutions in cases of violence against women. Some paralegals gained the self-confidence to be nominated as

candidates for the post of village head. These positions are almost everywhere occupied by men.

As the paralegals have a wide variety of backgrounds, their skills and views on gender issues may vary considerably. APIK's staff adapted its training modules and workshops flexibly in relation to the divergent skills of the participants. The paralegals for the JPS in Mataram (Lombok) for instance included teachers and religious leaders. The religious leaders, used to preaching, found it hard to adapt their style to the participatory training techniques (FPE) that the module of the JPS requires. Also, they expressed the need that the conceptual sessions on gender and sex included an understanding of how these theories were related to Islam. Initially some held the view, which is sometimes expressed in conservative circles, that gender is a western concept. APIK staff incorporated these concerns in the curriculum and added the history of Indonesian feminism.

The paralegals selected to become the teachers of the JPS first received a training in gender theories and social inclusion. The curriculum included the right to basic services in health, education, legal identity and economic development.⁴⁴ This training was held in Makassar, March 2015. There they also learnt how to make a community

⁴⁴ For this element they were handed out a list of 40 basic rights that Komnas Perempuan, the National Commission on Violence Against Woman, has prepared, see Annex 6.

database assessment, a social map of areas in which marginalized communities live. And they discussed ways to build a network of stakeholders. They learnt how to collect information on the functioning of the institutions that are responsible for the rights and services to poor people and marginalized groups. The first discussion on the AGJI was held there as well.

The National Secretariat of APIK then finalized the curriculum for the JPS. This curriculum includes information on basic rights accorded by the Constitution, theories on gender and sexuality, advocacy skills including the writing of petitions and citizens' charters as well as other forms of lobbying and case handling at the village level.

Next social problems in the areas selected to set up the JPS were mapped. In each area the social groups which face most problems in accessing their rights were listed. The paralegals sometimes went from door to door to find out what legal problems the inhabitants faced. In some villages the major problem was the lack of identity cards, which blocked access to social services. In other areas special groups could not get the assistance they were entitled to, such as health facilities, payment of pensions, or a waiver of school fees. Or the inhabitants might not have titles to the land they had been tilling for decades. Other problems mapped included child marriages, not having a marriage certificate, drug use, the stigma members of the LGBT

community and people with disabilities face and youth delinquency. It was found that the groups which encountered most problems in accessing their rights were old people, illiterate poor people, people with no land titles, homeless people, members of the LGBT community, poor widows, people with different abilities and sex workers.

Social strengths and weaknesses had to be assessed as well. In some local communities conservative male traditional leaders excluded women from sharing in the decision making processes and applied sanctions which were gender biased. In other communities conservative religious leaders tried to prevent discussions on sex and gender. Elsewhere progressive religious or traditional leaders proved a great help.

Paralegals intimately know the region in which they work. They therefore are able to design activities that are specific to the community. The paralegals faced the difficult task to make the lessons in the JPS attractive, as they involved concepts that were hard to grasp by some of their students, particularly illiterate people. They used various methods, from adding practical skills to the curriculum, so the participants were happy that they had increased their income generating potential, to integrating various traditional or religious elements in the course. In some cases the JPS was presented as some kind of a religious teaching class, so as to diminish the distrust of husbands.

But this posed its own problems, for some participants objected to discussing topics related to gender and sexuality in a religious framework.

In the course of this project the paralegals with the assistance of the participants in the JPS supported elderly people to get their rights. They helped people with different abilities to access the services they needed. And they assisted poor people to complete all documents needed to ensure their children could attend school. In each project area specific issues were tackled, some of which are mentioned below.

An example of the difficulties the paralegals are confronted with is the following vignette from Papua:

The paralegals had no money to transport the victims of domestic violence who asked to be assisted to a safe location or to travel to far away locations. Victims of domestic violence are afraid to report their cases. They worry the police will not be receptive, and that they and their children will not be able to find a safe space. In one case the perpetrator threatened the paralegal to kill his victim if the case was brought to court. The customary councils dealing with domestic violence do not want to listen to the victims and just impose a fine. To solve these problems the paralegals decided to organize coordination meetings every two months to support each other and to

reduce their allowance for meals so as to be able to have money for transportation. LBH APIK cannot provide the funds for the paralegals to work as effectively as they wanted. The paralegals should have access to village funds. The distribution of these funds is decided in citizens' forums, so this became a demand in the Forums established under this program.



Paralegals from 9 District - Papua.

Picture 22: *Paralegals from 9 District - Papua*

During the project the paralegals also carried out their regular tasks, assisting victims of domestic violence. Their involvement in the handling of cases differs. Some support a victim through the whole process, until a conclusion is reached. In this trajectory both they and their victims are empowered. Others, particularly if they are community leaders, take more distance and just give advice to the

people who ask for their help. Some of them hold conservative values and try to mediate between a wife who is the victim of domestic violence and the abusive husband, advising against divorce ('think of the children').

In August 2018 LBH APIK Jayapura conducted a training for new paralegals from ORPA (Organisasi Perempuan Adat Papua, Papua Women's Cultural Organization). In a story telling session some of them shared that they had experienced sexual and domestic violence. Some of them had been subjected to sexual violence by the security forces, which were not dealt with in a judicial way. Several victims could not be assisted because their marriages were not registered and thus the definition of domestic violence was felt not to apply. As trainer Emma Rahmayanti explained: 'After we had explored at length the kind of violence they experienced during their marriage, we asked them about the marriage ceremony. They replied that they had been married according to the church and adat. They had not registered their marriages officially, as they felt that that only applied when one or both partners were civil servants. So then we realized that the police never registers these cases of domestic violence, as they consider these women are not married officially.'

The empowerment of paralegals is an ongoing process. They are the motor driving the process of consciousness raising at the grassroots level on people's legal and fundamental

rights. Their involvement in the JPS and the Citizens' Forum helps them to become more confident to fight for the rights and the interests of the poor and marginalized people in their communities. LBH APIK's paralegals, the participants of the JPS and the members of the Citizens' Forums regularly hold dialogues with the decision makers at village level such as the village head, members of the village council, of the legal bureau, and of the services for population control and family planning, protection of women and children, as well as with the social, education and health services. They also consult members of the community at large. These dialogues generally lead to proposals for policy change and points to be included in the Citizens' Charters. This way a commitment is forged between the Citizens' Forum and various stakeholders.

Accessing Civil Rights

The core of the program 'making rule of law meaningful for poor people and vulnerable groups' lies in empowering this group of citizens to get access to the rights and services they are entitled to. People first need a legal identity, presently in the form of an e-ID card to get titles of the land they have been tilling for many years or to get the cards that the government provides for access to social services. But getting an e-ID card is not always easy. A birth certificate is required which not all people possess. Children born in unions which are not officially registered do not get

a birth certificate, as will be detailed in the section below on marriage customs. In this section the difficulties people have to get land rights, a card as fisherwomen and the driving licenses for women motorcycle taxi drivers are discussed.

On their own people living in precarious conditions find it hard to access the authorities. Paralegals can help. The experiences of the facilitators of the JPS in the village of Lengaleso (Central Sulawesi) are a good illustration. The paralegals, alumni of the Justice Pioneer School and members of the Citizens' Forum collected data of those who could not get their e-ID cards. The Citizens' Forum invited officers from the local Population and Civil Registration Office and the Ombudsman to solve these problems. A month later, 48 people had been able to obtain their e-ID card.

For poor people, like communities in Labuan Panimba (also in Central Sulawesi), Saba Village (Lombok) and elsewhere, holding clear rights to access, use and own land is a crucial means to secure their livelihood and the future of their children. The Nawacita, the program President Jokowi launched when he assumed the first term of his presidency in 2014, contains a commitment to Agrarian Reform, and to strengthening the rights of local communities over their forest land. The program of handing out land certificates for free started soon after and provided the opportunity for one

of the project areas, the community in Labuan Panimba, which had been fighting for decades for their land rights, to get the certificates. This certification program is supported by the World Bank, called PTSL Program (Pendaftaran Tanah Systematis Lengkap Complete Systematic Land Registration).

Since independence, former labourers squatted on the land of the coconut plantations that had been deserted by the Dutch. Under colonial rule the planters had held the land under a long lease (Erfpacht) while the state owned it. After 1949, when the Dutch formally conceded independence, the ownership of the land fell to the Indonesian state and its status became ex-Erfpacht land. After the Dutch left, the about 300 hectares of land was rented out for 20 years to four businessmen, of Arab and Chinese descent. The new contractors planted kapok trees (local cotton) beside coconut trees. That contract expired in 1973. Since then approximately nine hundred villagers have worked the land without land certificates. As the official status of the land is Ex-erfpacht land, they can be evicted. Already the provincial government built two institutions on the land, the police school (2005) and a training centre for the Ministry of Health (2000). Due to their insecure status the villagers have not invested very much in the land, and have built only simple houses.

According to the 1960 Land Reform Law No.5/1960 juncto Government Regulation nr.10/1961 on Land registration and article 24 (2) Government Regulation No.224/1961 on Land Reform and Compensation, the peasants have the right to get official land titles as they or their forebears have occupied it for more than 20 years. Before 1965 many peasants had joined the Farmers' Union which fought for these rights. However, this union was prohibited in 1966 when all left leaning organizations were disbanded and their members killed or imprisoned.⁴⁵ Since then organizing farmers became a suspect and therefore dangerous activity. Only in 2002, another attempt at organizing was made, when the villagers joined the National Farmers' Association (*Serikat Tani Nasional*) to lobby for their land rights but no response came from the local government, while the government granted 17 hectares of land to the National Police School and 2 hectares to the Health Laboratorium. The peasants who had tilled that land lost their access to it.

Since 2015 LBH APIK of Central Sulawesi has tried to help the villagers to acquire their land certificates. LBH APIK lawyers and paralegals trained the villagers in advocacy and networking. In the JPS which started in 2016, the participants learnt about their rights and how to access a legal identity. For without an e-ID card, nobody can get a

⁴⁵ See Mortimer 1974 and Wieringa and Katjasungkana 2018 for more information on the Peasants' Union and the struggle for land rights.

land certificate. They also learnt how to map the history of the land, tracing family lines and inheritance patterns. They tapped into the memories of the old people for that. By that time LBH APIK had trained some paralegals who were able to contact the Ombudsman, and who invited the head of the land registry office of Donggala, the regency in which Lengaleso is situated. Both the regent (bupati) and the governor were invited to attend agricultural ceremonies, to make them aware of the problems the peasants faced.

In 2017 the Citizens' Forum was formed and other village leaders became involved. Already between 2000 and 2006 a draft list had been made in which future owners of certificates were listed, but that list had been discarded, as it contained many names of officials and businessmen who were unknown in Labuan Panimba. The measuring of land then was stopped. Some were descendants of people of Chinese or Arab descent who had inhabited the land a few decades ago and therefore had legitimate claims, but others were friends and relatives of government officials. This is not in line with the Land Reform Law and staff of LBH APIK Palu, together with the inhabitants of the plantations, participants in the JPS, fought the legitimacy of this list. Based on the social mapping exercise in 2016 a new list was drawn up, in which only the inhabitants of the land themselves were listed. One of the paralegals, Mrs Karmin, was invited to a meeting on land rights in Jakarta in March 2018, which

allowed her to contact representatives of the Ministries of Agriculture, the Environment and of Backward Regions and the Head of Land National Agency to whom she handed over the list of applicants and the application letter.

She found out that the land had already become state land since 1973 and that it was now controlled by the Governor of Central Sulawesi. It turned out that there were no obstacles any more to divide up the land and to hand out land certificates. This information was shared with the other members of the Citizens' Forum of Labuan Panimba and contact was taken up with the regent. It appeared that already in 2017 the decision was taken by the regent to solve the land registration issue. This decision had not been communicated to the farmers. Due to the intervention of the members of the Citizens' Forum the process was speeded up. As the list of beneficiaries was now complete, it was decided each family would get 500 m² to build a house and 2500 m² to till.

Village funds were used to assist the process and the land was measured. In September 2018 the first land certificates were handed out. The paralegals then faced a new problem, convincing those who were afraid that they now had to pay regular land taxes, so that they feared that the advantages of being the formal owner of one's land far outweighed the

possible negative sides.⁴⁶ The paralegals were able to convince the peasants that the advantages of having a certificate far outweighed the value of the tax they now had to pay.

President Jokowi had declared that no fees would be asked for land certificates. The President announced that he himself would attend some of the ceremonies of the mass handing out of land certificates, and the village of Labuan Panimba was preparing a request to host such a ceremony with their President. The tsunami stopped the preparation of the festivities. When the earthquake and liquefaction hit Donggala on 28 September 2018, most inhabitants of Labuan Panimba sought refuge but a month later they came to Donggala Land Agency asking for their certificates. This was successful; in November 2018 already 734 certificates had been handed out, both for agricultural land and for land to build their houses on, 87 on behalf of women land owners and 647 certificates for men land owners. In addition, 954 certificates were granted to inhabitants of other villages (154 land certificates for agricultural land and 796 land certificates for residential plots).

⁴⁶ This tax is called PBB, *Pajak Bumi dan Bangunan*, tax for land and buildings. Properties/landownership is divided in several categories according to land use. For example the PBB of land used for housing areas is higher from that of agricultural land. The land taxation is made by the BPN (*Badan Pertanahan Nasional*, National Land Registration Office). For poor owners of land that has greatly risen in value the taxation can be prohibitive.



Picture 23 & 24: Paralegals, Citizens' Forum representatives, (with land certificate in their hands)

So although the peasants had the right according to national laws to get their certificates, it took a long struggle and great determination of the paralegals and lawyers of LBH APIK to bring this process to a successful ending. When one of the men was detained after a demonstration for land

rights, the participants of the JPS went to the police to secure his release. Maladministration, corruption, illiteracy are some of the problems the peasants could only face when they organized in the Citizens' Forum, assisted by the paralegals trained by APIK. They had to take several steps to get their rights. First, they organized themselves by collecting the history of the occupation of each plot. At the same time villagers who had no legal identity such as the e-ID card and their Family Card had to be assisted to get them. Then they approached policy makers and the National Land Agency of Donggala and even went to the national capital to demand their rights. Thirdly they had to convince the peasants that it was worthwhile to have their land certificates, even if it meant having to pay land tax. An extra benefit of all this hard organizational work was that they also got access to clean water. The Citizens' Forum lobbied the local government which had just launched the PAMSIMAS program supported by World Bank (PAMSIMAS-Penyediaan Air Minum dan Sanitasi berbasis Masyarakat-Community based Clean Water and Sanitation Program). This program aims to achieve SDG number 6 on access to clean water and sanitation. However, the government support is limited to the building of the water tank and the pump and the rest has to be contributed by the villager (land and other costs). The water tank was placed at the back of Mrs Karmin's house and serves the whole community.

Elsewhere in Indonesia similar problems occur. In another project area, the village of Saba in Lombok, many peasants had no land certificate either. This led to various disputes among the villagers and family members. For that reason, members of the Citizens' Forum in Saba insisted that land certification be incorporated as a main commitment of government officials under the PTSL program. However, the implementation of PTSL at the village level was very slow and petty corruption occurred at every step. The Citizens' Forum tried to control the process. The land registration committee was established, budgeting arranged, and its monitoring strictly adhered to, so no illegal fees were levied any more and the whole process was speeded up. A total of 1350 proposals were made for land certification consisting of both rice fields and plots for residence. On December 4, 2018 the first batch of land certificates was handed over to 120 villagers (6 women and 114 men). The rest is still waiting for another occasion to receive their certificates.

The low number of women beneficiaries is caused by the fact that women only were allowed to register land they had inherited themselves. Land acquired during their marriage was registered in the name of the husband. Although these assets were officially shared assets according to the Marriage Law, the LBH APIK lawyers and paralegals could not break through the patriarchal mindset by which shared land was registered under the name of the 'family head'.

LBH APIK NTB still needs to work on the implementation of gender equality in the administration process. It is necessary to put the names of both the husband and the wife on the land certificates or other assets since many cases of fraud and manipulation of shared property occur. For instance a husband sells the land without his wife's consent.

Irrigation and land rights are other issues in the village of Saba. Irrigation rights are sold, consequently rich people are allocated more water than poor farmers. Water is also needed to produce fodder from straw for the cattle, which affects women's work who look after the animals. Particularly women who have returned from abroad as domestic workers are looking after cattle. If the cows can eat straw fodder the women don't have to cover large distances to collect weeds.

Land rights are an important issue in cities as well. In two urban project areas, in Jakarta and in Medan, disputes over land ownership occurred. The JPS Kejora in Medan is located in an area where much land once belonged to the Deli sultanate.⁴⁷ Officials of the Maimoon palace where the sultan and his extended family lived (mainly *hulubalang*, palace guards) got the right to build their houses on the land around the palace. They all received a letter from the Deli

⁴⁷ Official title sultanate of Deli Darul Maimoon

sultanate in which this right was established. Some inhabitants transferred or sold this right to other people. But the right to inhabit is not a property title. Presently the Deli sultanate wants to reclaim the land. This is contested by the inhabitants of the neighbourhood of Sei Mati, who are very poor; most of them produce rubber mats. They have nowhere else to go.

Another complaint they have is that they cannot freely cross the Deli river any more, or walk along its borders. Everywhere luxurious houses with big gates are springing up, blocking their access. Even while the owners of these houses violate the regulations on the green zone on the borders of the river, they are allowed to stay, while the poor inhabitants of the slums are threatened with eviction. So the poor inhabitants are faced with two injustices. The land on which they have lived and worked for decades is taken away from them, while rich people swoop up the best pieces of land along the riverbank, which used to be their area for recreation, gathering of weeds and from which they could cross to the other side of the river. This struggle is ongoing.

The Citizens' Forum of Kalibaru, in North Jakarta also had to deal with land rights. The citizens inhabit a piece of land that belongs to the harbour company Pelindo, which wants to use it. Yet the inhabitants have already been living there for more than 40 years, so according to Article 24(2) of the Government Regulation No.24/1997 on Land registration

they are entitled to a land certificate. With LBH APIK lawyers and paralegals the citizens have established a chronology of land use and mapped it, with the help of which they are lobbying the authorities to get their rights. After all, they have been paying their land taxes all these years. Evictions of poor people who have squatted for decades along riverbanks or other government-owned land are frequent and traumatic occurrences in Jakarta. When destitute people are squatting on government land, for instance on river banks, they are constantly afraid that they will be evicted without proper compensation or an alternative to keep living or working in an area where they can find a living. Lawyers of LBH Jakarta try to help where they can. In this case LBH APIK is helping the inhabitants.

There are other problem with registration of their occupation in which poor, often illiterate people find themselves helpless. Two cases are discussed here, that of women motorcycle taxi drivers and fisherwomen.

In Medan a group of women motorcycle taxi drivers are eking out a meagre existence. They are mostly migrants from the island of Nias (an island off the western coast of the province of Sumatra) . They don't own their houses, so shift from one neighbourhood to another, searching for the cheapest rented rooms. Consequently most of them are not registered anywhere, so they don't have identity cards; on top of that, many of them are illiterate. LBH APIK lawyers

and paralegals lobbied for the rights of these women drivers of motorcycle taxis. Indonesia is fast changing to online systems for taxis including motorcycle taxis, but the requirement is that the drivers have to be literate. APIK Medan helped the illiterate female drivers to get access to educational facilities so they could learn how to read and write to qualify for the licenses.

Fisherwomen too find it almost impossible to be registered with their occupation. If they are married the officials classify them as housewives. This means that they cannot get access to any form of social or economic assistance the government provides to fishermen. Yet as elsewhere in the world, the women in fishing communities work as hard as their husbands in the sector. Yet they cannot access a so called fishermen's card, which provides access to insurance, credit and assistance. Only men's activities in the fishery sector were qualified. Women, who clean, package and sell the fish, were not seen as eligible for such a fishermen's card. Particularly if the women were widowed, they had no access to social assistance provided to poor families working in the fishing industry.

LBH APIK Semarang helped the fishing community of Moro Demak in which they had long been active and set up the JPS Puspita Bahari. They produced a pocketbook containing the relevant legal rights of the fishing community, which also benefitted the men. As one participant of the JPS said

'my father was charged a fee for his license. From the Fishing Act in the book given to us by LBH APIK Semarang I learnt that these fees were illegal. So in the end he didn't have to pay'. In the period 2016-2017, The Citizens' Forum and the JPS Puspita Bahari helped 467 fisherwomen to get their cards.



Picture 25: Puspita Bahari Justice Pioneer School, Demak, Central Java discussed with local government about women's problems in accessing a Fishery Card. More than 400 fisherwomen were listed who couldn't access the fishery card because of their status not as fisherwoman but as *ibu rumah tangga* (housewife) on their identity card.

In the remote fishing village of Toaya Vunta in Donggala, LBH APIK lawyers and paralegals also helped the communities of fishermen and women to get a fishermen/women's card and a card that they were insured. With these cards they can access social assistance and credit. This process took two years. In 2016 the Toaya Vunta

Citizens' Forum invited officials from the Fisheries Service to discuss the problems around the cards for fishermen and women, but only in June 2018 they met the Fisheries Service officials. This person directly promised to provide the fishermen/women cards and other programs. This is an example of how village leaders are often not efficient in assisting their impoverished and marginalized communities. Access to higher level officials is necessary to expedite the process of accessing the rights community members are entitled to.

The distance to provincial or district capitals where these higher officials reside is often prohibitive. The bus between Toaya Vunta and the Population and Civil Registry office takes hours and costs about Rp.80.000,- (around 5/6 Euro). The other way to reach that office is by using a small boat but that is even more expensive. Additionally the Integrated Services Unit at the subdistrict level is not working well and the community members had great difficulties in accessing their legal identity. Consequently, brokers offer their services at the cost of Rp.50.000 (4 Euro) for each document. Members of this poor fishing community cannot afford that. So they opt not to have a legal identity.

The Citizens' Forum of Tuaya Vunta, the village administration and the Population and Civil Registry Office signed the Citizens' Charter in which easy and good access for community members to get their legal documents would

be guaranteed. The village administration assigned one staff member to help people to get the documents. The Civil Registry Office promised to be pro-active in collecting the required documents in order to speed up the process. However, a few months after the Charter was signed in 2018, the village staff still asked money from the people, though the service should be free. The Citizens' Forum, once again invited all parties to ensure that the village head implements the Charter.

Tackling Precarity

Poor people not only earn too little income to sustain themselves and their families, their situation is also characterized by precarity defined here as socio-economic insecurity and vulnerability. In Indonesia two processes can be detected. On the one hand development projects increase the precarity of the people whose land is destroyed or occupied. On the other hand the government has started to provide social assistance to those most in need. For that a poverty card is needed, the so called SKTM (Surat Keterangan Tidak Mampu- Poor People Cards/certificate). But not all poor people can access that card. First of all the definition of poverty poses a problem, as several definitions are used by various offices. So it is not clear who was entitled to a card to indicate the holder is entitled to social assistance for the poor. Officials may have other reasons to withhold a card from their poor villagers. In the fishing

village of Moro Demak, Semarang, for instance, the village head refused to issue the SKTM to the many poor inhabitants because he did not want his village to be known as a poor village. Based on advice from several experts APIK offered their definition of poverty in order to help the community to get their needs. This classification not only relies on economic criteria, such as minimum income, but also on gender-specific social criteria, such as divorce, trafficking, domestic violence, religious or social conflicts, the presence of elderly or disabled people in the household, or female-headed households.⁴⁸ After long discussions the village head accepted this definition. Finally the villagers could acquire the free legal assistance funded by the BPHN (Badan Pembinaan Hukum Nasional- National Legal Planning Body). Another reason why the village head had been reluctant to provide poor people with a SKTM, (Surat Keterangan Tidak Mampu, document to prove that one is poor) is that with this letter poor people can avoid paying lawyer's fees if they want to file a divorce. The village head was embarrassed both by the level of poverty in the village and the high incidence of domestic violence.

Another issue is that poor villagers and members of marginalized communities have learnt to avoid authorities, as rarely something good comes from that. Their experiences are that the service is poor, the fees are high

⁴⁸ Internal document APIK, called Kriteria Kemiskinan (poverty criteria), 2015.

and that transport costs are spent in vain. In Medan/North Sumatra it was reported that among themselves poor people say that when you go to the police to report a stolen goat you end up with your cow stolen as well. The JPS have to build the confidence that officials are there to help. A special effort must be made to protect members of stigmatized religious or sexual communities, as the stigma against them only seems to increase, also from official sides.

Development projects may increase the precarity of the inhabitants by destroying the environment. In Central Java, with its capital Semarang, LBH APIK lawyers and paralegals help members of the Samin community who are fighting against the cement factory which is degrading their environment. As elsewhere their economic poverty is compounded by legal complexities. They have great difficulty accessing their identity cards, as they cannot fill in their religion. The Samin belief is not recognized as one of the six accepted religions.

On 22 April 2016, the participants in the JPS held a discussion in the school with the women of Kendeng. This is one day after the birthday of the Indonesian major feminist role model, Kartini. The women of Kendeng call themselves 'the Kartinis of Kendeng'. In Semarang a monthly seminar particularly for the media was developed, called Warung HAM (Human Rights Shop). The discussions focused on

concrete human rights issues in Central Java, such as the struggle of the women of Kendeng.

In Central Sulawesi, with Palu as its capital, LBH APIK paralegals helped the community in lobbying to mitigate the adverse effects of the large scale sand mining in a district of this province, Donggala. The mining companies are responsible for the pollution of air and water, which causes detrimental health effects.

Their precarious situation affects the participation of poor women in the JPS. The participants of the JPS Baji' Pamai in Makassar include many women street sellers, who often could not attend, if their wares had not yet been sold for the day. In Papua the paralegals realized that some participants only attended the JPS because they expected to receive some money. This habit had been introduced by other NGOs to stimulate the participation of local villagers. Although the amount was small, it was expected by both the women and their husbands, who sometimes made it a condition for 'allowing' their wives to attend the school. Initially LBH APIK's paralegals refused to comply with this practice, as the school was within walking distance. It took some time before the paralegals could convince the women that this school was not for the benefit of LBH APIK but for themselves to empower them to get the rights they were entitled to. Yet this commendable policy had to be reversed in the end, as the participants in the JPS were all

breadwinners, not housewives as is the case in some other JPS. Their husbands did not accept their coming home empty-handed and would beat them. Ultimately it was decided to reduce the money available for snacks at the meeting and to hand out the rest of the money to the participants.

In some JPS the participants asked the facilitators to help them acquire income generating skills. In a coastal area near Semarang (Moro Demak), a very poor fishing community, the women were trained in more attractive ways to package fish products, so they could sell them at a higher price.

Another way out of precarity is migration.⁴⁹ In this project women, particularly from Lombok and Donggala, have migrated to become domestic labourers in foreign countries. Generally the most dynamic, courageous or desperate women take this route. When they return they may be emboldened through this experience. Former women migrant workers form a large part of the participants of the JPS in the village of Lengaleso in Donggala, apart from farmers, street vendors, cookies sellers, and farm workers. About 200 women in this village have a history of labour migration. Mrs Nurlian for instance, one of the most active and effective paralegals is a facilitator of the JPS Lengaleso.

⁴⁹ See also Paret and Gleeson 2016.

She is both a survivor of domestic violence and a former migrant domestic worker. The gender training in this JPS was an eye opener for her.

Access to Services

Another problem the participants of the JPS face is access to social services such as health services and education. New cards are being rolled out which should allow poor people to access services that would otherwise be beyond their reach. But getting those cards is not easy, as paralegals and lawyers of the various participating LBH APIK offices found. The result is that access to health services for instance for pregnant mothers and new born children is still not guaranteed, which is one of the reasons for the high MMR in Indonesia. People with disabilities encounter all kind of obstacles; they often have to pay bribes. Accessibility for wheelchair users is a major issue, as offices and public facilities are generally not accessible to them, so that they are forced to remain at home. Also elderly people who are entitled to social assistance cannot always get the cards that gives them access to these services. Below a few examples of such problems are presented.

Women motor taxi drivers in Medan reported that even though they were poor, they did not get the health insurance card they were entitled to (KIS, Kartu Indonesia Sehat) not did their children get the card with which they can get a

waiver of their school fees (KIP, Kartu Indonesia Pintar). New programs are being launched in various parts of the country. The Citizens' Forum in Dasan Cermen was informed that a program called Puskesmas Desa (Pusat Kesejahteraan dan Perlindungan Sosial Desa- Center for Village Welfare and Social Protection) was set up in 2017. The function of this new Puskesmas is similar to that of the Citizens' Forum, so the members decided to collaborate with Puskesmas in solving social problems including in accessing the Health/BPJS Card.

In the three Citizens' Forums in Makassar, the major problem addressed was how to access the health card which would entitle the citizens to subsidized health care. Due to the delay in the outreach of the subsidized health care services by the government after the program was launched, people were worried that if they don't have the health card, they could not access other rights either. The next problem was that poor people could not afford to pay the monthly premium and are now indebted to the State. Other LBH APIK offices, for instance in Jakarta, tackled similar issues.

Apart from the difficulties to get the cards, corruption or mismanagement are major problems. A case that came to the attention of the LBH APIK Semarang team was that of a school in the town of Demak. A school charged the parents for the costs of renovating the building. This meant that

children of poor parents could not attend the school any more. After lobbying of LBH APIK lawyers and paralegals the school agreed to reduce the contribution for children of poor parents. In Galur (Jakarta) LBH APIK paralegals helped kids who had dropped out of school because they could not pay their school fees to get their smart card which provides access to free education. Likewise in the village of Dasan Cermen, Lombok, students from poor families did not receive the help they needed to continue their schooling. The local LBH APIK paralegals, after holding several sessions of the JPS, created a synergy between the village head, who had to provide the legal proof that the student belonged to a poor family, and religious and social leaders to push the Ministry of Education at the local level to assist these students

In Nembokrang Sari, Papua, the community Auxiliary Health Center (Puskesmas Pembantu) has a shortage of nurses and medicine. The Citizens' Forum invited an official from the Health Department who explained that the main problem was that the Health Department had no idea of these problems. The officer conceded that there were indeed personnel problems, as all medical staff had short term contracts, so when their contracts finished they stopped working. In the regular village planning meetings this issue was never raised. As Mr Matiuw Sawa, Chair of the Adat Council of the community of Nimbokrang Sari explained: 'In

the village health centers we don't have permanent staff, so that doctors, nurses and midwives are not always there, and there are often no medicines. We need more staff who are willing to serve the society. We also need more medicine so that the villagers can get their drugs directly from the village health center and don't have to cover the large distance to the district health center of Nimbokrang'. The official promised to try hard to solve these problems.

Overcoming Barriers of Patriarchal Traditions

Indonesia is a nation composed of hundreds of ethnic groups, some of which have strongly patriarchal traditions. Since the 1980s conservative Islam has been gaining ground very swiftly. Some observers note an Arabisation of the majority Muslim population.⁵⁰ In this climate discussions on sex and gender can provoke strong reactions. The facilitators of the JPS in which this is a major topic, were confronted several times with resistance to the curriculum by conservative leaders.

When the JPS in Sentani, Papua, had been going on for some months the activities went very well and the participants enjoyed the atmosphere. But in September 2018 the participants stopped attending the JPS because the adat leaders had prohibited it. They had decided that the JPS

⁵⁰ See for instance Woodward 2017 and <https://theconversation.com/should-we-worry-about-islamism-in-indonesia-77480>.

taught the women to oppose their husbands. LBH APIK tries to overcome this misunderstanding but the influence of the adat leaders is very strong and a careful approach is needed. Another problem facilitators faced was when a religious teacher involved in the JPS Macca'ki in Makassar objected to discussing the issue of gender.

In Nimbokrang Sari the power of the adat head and of the adat system is very strong. So paralegals and the participants of the JPS had to be careful in communicating with the adat head and the village leader. These male leaders demanded that ORPA (Organisasi Perempuan Adat Papua/ Papuan Women Adat Organization) of Nimbokrang Village would lead the Citizens' Forum so they could control it. They were afraid that the JPS of LBH APIK would teach their women to rebel against their men. Tensions between ORPA leaders and paralegals and participants of the JPS arose especially when ORPA wanted to establish their own Citizens' Forum and did not want to collaborate with the Citizens' Forum established by the paralegals and the participants of the JPS. Many efforts were made to reconcile these tensions. Finally, with the agreement of the paralegals and the participants of the JPS, LBH APIK Jayapura agreed to provide paralegal trainings and capacity building for ORPA members and for the participants of the JPS, especially on case handling and the formation of the Citizens' Forum.

At the end of these training sessions, the participants agreed to establish a paralegal coordination post (posko) in Nimbokrang Sari, organized by ORPA. ORPA also agreed to establish a Justice Pioneer School based on their own budget. LBH APIK Jayapura was asked to be the facilitator and to assist the whole process.

In other communities too the paralegals and facilitators faced resistance from both village and religious leaders, as well as from male community members, who opined that the school turned their wives into rebels who speak out against domestic violence, something to which the men in Moro Demak for instance, were not used. In this very patriarchal and staunchly Muslim culture in Central Java it was difficult to discuss issues related to gender and sexuality, as it was seen as a topic that should not be discussed publicly. Some battered women asked for a divorce, which was blamed on the facilitators of the school. The village head and the religious leaders preferred to see this village as a pious Muslim community, in which divorce is rare. When cases of domestic violence were brought to their attention and they were asked to facilitate divorce proceedings, they were reluctant to do so, as they didn't want their superiors to know that the divorce rate in their village was rising.

Conservative culture permeates society in many places, drowning out traditional cultural practices. Paradoxically the

newly fundamentalist pious culture is promoted as Indonesia's 'traditional' culture, while the older cultural practices, in which certain sexual and gender diverse practices might be incorporated is seen as immoral (and sometimes even as western). In Saba (Lombok) the paralegals resolved the tensions that had arisen around a group of *kecimol*, itinerant musicians. Their performance included 'erotic' elements, in which female dancers invite men on the stage. Erotic dancing has long been a tradition in Indonesian culture (*tayyub*, *ronggeng*). It has been frowned upon by both colonial power holders and conservative Muslims. In this village too protests were raised. LBH APIK's paralegals managed to mediate. The *kecimol* were allowed to continue, thus their income was safeguarded, on condition that their performance would no longer include components deemed erotic. Obviously this small intervention will not stop the erosion of traditional culture.⁵¹

Marriage Customs

Indonesia's a marriage law was adopted in 1974 after enormous debate. Polygyny is permitted under certain conditions. Girls are allowed to marry at 16 and boys at 19, provided parents give their permission. Parents can also ask

⁵¹ The genocide and repression of everything smelling of leftist leanings after the actions of the 30 September group in October 1965, also deeply affected so called popular culture. See Wieringa and Katjasungkana 2018 for some background.

religious courts or local officials to authorize marriages of girls even earlier, with no minimum age in such cases. According to UNICEF, child marriage prevalence is the percentage of women 20-24 years old who were married or in union before they were 18 years old. Indonesia has the eighth highest absolute number of child brides in the world – 1,459,000. In 2017 14% of Indonesian women were married before they were 18.⁵² According to Indonesia's 2008-2012 Socio Economic Survey (SUSENAS) 2008-2012 in West Nusa Tenggara, of which Mataram on Lombok is the capital the average prevalence of ever married women aged 20-24 who have been married before 18 is 25.3%. West Sulawesi has the highest prevalence at 37.3%.⁵³ In this program the traditional communities in Lombok are severely affected by issues related to child marriages. With the help of the JSP and the Citizens' Forums mass weddings were organized, village regulations were amended and more information is provided to young couples.

A first step the facilitators of the JPS had to take was to reconcile Islamic teachings with the feminist methodology in the course. In Kediri for instance the role of adat leaders and also of the customary court is very strong. With the help of a patriarchal interpretation of Islam child marriage is legitimized. The paralegals had to train the participants in

⁵² UNICEF, SDG Baseline Report on Children in Indonesia, 2017.

⁵³ Government of Indonesia, Survei Sosial Ekonomi Nasional 2013 Kor Gabungan, 2014.

the JPS how to deal with those arguments. *Ustadz* (teacher at an Islamic boarding school) Erwin, an LBH APIK paralegal from the village of Kediri, incorporated Islamic values into the JPS curriculum. He found it was very well possible to explain issues like social inclusion and exclusion with Islamic teachings on equality.

In 2015 LBH APIK NTB found seven cases of forced and child marriage and two cases in 2017. Initially the informal and customary leaders did not back the establishment of a Citizens' Forum. Moreover they also did not support the elimination of forced and child marriage and girl elopement since they believed that custom is supported by religion and that it is to the benefit of the village to prevent the bad influence from sexual relations outside marriage. However two paralegals of the village of Kediri, Ustadz Erwin, and Mrs Sri Latifah as well as the Justice Pioneer School alumni and the members of Citizens' Forum managed to convince those informal leaders and government official/policy makers that it was important to have a forum for discussing all issues faced by the community. They also explained the dangers of forced and child marriage and the need to prevent the violations of the rights of children. After a long period of hard work in convincing the informal leaders, the head of village and its apparatus, finally both parties signed the Citizens' Charter to ensure that the Village Head will enact

a Village Regulation on the Prevention of Child Marriages and Rules on Elopement.

In the villages of Saba and Kediri, on Lombok LBH APIK paralegals have worked for over 10 years. In these Sasak communities the marriage customs, called *merariq*, include child marriages. Some religious leaders opine that girls who have started their menstruation can be married off, so they condone child marriage. From a marriage practice based on the consent of the partners, *merariq* has evolved to include cases of rape and forced marriages. Sometimes the family has been informed in advance and the family may even consider it an honor if their daughter has eloped. However, in recent years *merariq* is also practiced for trafficking purposes and it can lead to sexual violence. There are also cases of consensual child marriage. This concerns young people who cannot get married according to the age stipulations of the marriage law. The registry office refuses to give them a marriage certificate.

Yet young people only hold a religious ceremony. They have no marriage book and their children cannot be registered.⁵⁴

⁵⁴ However according to the Law 23/2006 on Administration of Population Act, a child born out of wedlock can be registered in its mother's name. However village officials often refuse to give a supporting letter to the mother for obtaining a birth certificate, as they feel that their idea of morality prevails over the law. As the parents are often embarrassed with the situation, they do not insist.

Many people do not have a legal identity. For when a couple elopes from a community, they have to pay a fine to be accepted back into the community. If they cannot afford to do so, the women cannot return home; they can get killed. In some cases their natal families strike them from the family cards. As they are socially dead, they cannot get a legal identity in their new place of residence either. This means that their children cannot get birth certificates, and thus cannot attend schools.

If an underage girl is forced to marry after an abduction, a teenage pregnancy can be the result. Even if the couple have agreed together to elope, the elopement is not always accepted by the bride's family and can lead to the estrangement of the girl from her natal family. The practice also affects school attendance, even if they are accepted back into the community, and thus the earning capacity of the young woman.

Village, religious and traditional leaders try to overcome the problems by promoting stricter social control and a more prominent role of religious and cultural leaders. The village hierarchy also poses a problem: women belonging to the village aristocracy (Lale Baiq) are not allowed to marry with commoners. They will be expelled from their families. Men are not punished in this way.

In the Sasak community of Dasan Cermen, of old many child marriages occur, usually among poor families. As girls after their marriage are forced to drop out from school, the cycle of poverty is continued. The following three examples are typical. Y is 18 years old, mother of a child. She dropped out of school when she had barely reached the first class of senior high school. She herself has no job, while her husband is a roadside snack seller, as is his father. This family of 3 live in great poverty, occupying a room of six m2. I married when she was 17 years old. Before her child was born her husband left her. She lives with her child in the house of her grandmother, who was also a child bride, as was her mother. I has only finished junior high school and is unemployed. Her grandparents are agricultural labourers. S also married when she was 17 years old, and promptly dropped out of school, so she did not finish senior high school. Hers was only a religious marriage (*nikah sirri*,) as she was already pregnant. S, who by now has two children, lives with her in-laws, but the family doesn't have a room of their own. Her husband does odd jobs, sometimes in the service sector. S herself is unemployed. None of the three young women had received any education about reproductive health or sexual rights.

In Kediri religious and cultural leaders issued a traditional regulation, *awiq-awiq*, which prohibits forced and child marriages. This involved a long process of negotiation in

which LBH APIK paralegals played an important role. This was the first time an *awiq-awiq* was produced at village level, usually it is done at the level of the whole ethnic group. A problem is that women are hardly involved in the traditional association. So women were not consulted when the sanctions of this *awiq-awiq* were set, which includes temporary banishment from the community as well as fines. This *awiq-awiq* will be incorporated in the body (*pakem*) of adat regulations. The village head then provided financial support to the Citizens' Forum to the amount of rp10 million (euro 600) to conduct a campaign on the prevention of child marriages. The regulation has already been approved by the head of the legal bureau of West Lombok.

This *pakem* actually strengthens the original philosophy of *merariq*: that every step of the *merariq* aims to protect and respect women's rights. Women used to have the full right on when and with whom to marry. It also reaffirms the need to comply with the national 1974 Marriage Law as well as adat law regarding eligible age of marriage. In Sasak tradition the woman's adulthood is determined by the number of fabrics she has made. She has to produce minimally 144 pieces of Seseikan fabric with various motifs. To make 144 pieces of fabric usually took almost 22 years. This means that the adulthood of a woman in the Sasak tradition is determined by her skills. The *pakem* stipulates the steps to take after the man and his family propose the

woman. The process is called *nuntut janji* (demanding the promise). The woman has the right to reaffirm whether she wants to continue to marry that man or whether she wants to reconsider the proposal. The marriage can only be conducted after the woman has reaffirmed her decision to marry the man she has chosen. As poverty is recognised as a main cause of forced and child marriage, the *paken* also contains provisions to alleviate poverty.

With the help of the Forum the paralegals in Dasan Cermen included information on marriage registration and issues of reproductive health in the course for marriage preparation that the religious authorities hold (*suscatin*). The subjects discussed incorporate issues such as how to build a harmonious family life, the duties of husbands and wives, and the domestic violence law. In the *suscatin* now the topic of how to prevent child and forced marriage is discussed. The Citizens' Charter in that village includes a commitment of village leaders to make an effort to prevent child and forced marriages. It contains a clause that schools fine the parents when their children contract a child marriage.

The village of Saba also knows a high number of couples who only contracted a religious marriage. In this district paralegals collected the names of 350 couples without marriage certificates (*buku nikah*). This topic was extensively discussed in the JPS. Ultimately in the village of Saba in 2017 a mass wedding for a first batch of 92 couples

was held to legalize their unions by the Ministry of Religion. Many couples could not attend, as one of the partners, usually the wife, had left as a migrant worker abroad. The Ombudsman's office had also helped to organize this event and oversaw its implementation. The registration was gratis, while it usually costs 750.000 to one million rupiah (Euro 45-60).



Picture 26: *Isbat Nikah (Marriage legalization) for 92 couples from 12 villages. It was conducted in Saba Village as a result of the advocacy of LBH APIK West Nusa Tenggara Paralegal, JPS and Citizen's Forum with the support from Ombudsman of West Nusa Tenggara.*

But only 10 couples received their marriage certificates; the rest have to wait until the KUA (Kantor Urusan Agama, the religious affairs office), will receive the budget from the central government to print more marriage certificates. The problem is that the KUA in Mataram is only allocated 35 marriage certificates a year from the central government for

the whole island. According to the director of the Indonesian Citizenship Institute each provincial level religious registry office only receives an allocation to hold 10 free marriage ceremonies, and 35 free marriage certificates, paid for by the central government. This caused the shortage of marriage certificates in 2017. In 2018 the Citizens' Forum of Saba got the promise of the registry office that it would hand out 10 marriage certificates per month, but so far no marriage certificate has been provided. So even if the villagers make every effort, supported by paralegals and their own Citizens' Forum to fulfil the requirements the state poses on them, the state itself is unable to meet the requirements it sets.

Violence Against Women

Violence against women is the core business of APIK and its 16 LBH APIK offices. After having successfully lobbied for the Domestic Violence bill which was finally adopted in 2004 the association has been heavily involved in training the legal apparatus. The police is often not aware of the implications of the 2004 Domestic Violence Act and may be unwilling to accept cases of sexual abuse. They may advise women not to pursue the case, as their husbands might end up in jail, and they themselves would be left without a source of income. Under such pressure the wife may withdraw her complaint and the violence can continue with impunity. Some victims of violence against women

experienced that even after they paid the police to have their case registered, the police ignored the report. Domestic violence and other forms of violence against women are omnipresent and women shared many such experiences in the JPS. Below just some examples of such stories are presented.

In the neighbourhood there are many cases of domestic violence. These are always dealt with within the family itself. Mrs Irma Sokoy noted that the violence is often caused because the men drink a lot of alcohol and get drunk. If their wife does only a little thing that the husband does not like he immediately hits her. (Mr Amos and Mrs Irma Sokoy, participants of SPK Yo Hole, Yabasso, Jayapura)

"I am the breadwinner of the family because my husband has no job. I am working as a vegetable seller in the market in my village. Because I go to the market every day, my husband suspects me to have an affair and he beats me up. I reported it to the police but the police asked me to be patient and to settle the case with the family. I tried to negotiate with my husband and family but he kept beating me up and asked me to leave home. I cannot stand this situation any longer so I decided to leave my home. I am still working as a seller because I have to feed my three children (as reported by Emma Rahmayanti, a paralegal in Jayapura)."

In some cases officials or members of the armed forces or police are the perpetrators. In such cases the victims are

helpless. Most participants in the JPS and the community at large do not know how to report violence and how the law can help them. This is an important topic in the JPS.

The Indonesian Domestic Violence Law is progressive in that domestic workers are defined as belonging to the household and thus are protected under this law. However domestic workers themselves generally are unaware of this, and if the perpetrator is a rich and mighty man would think twice of reporting him. In some cities unions of domestic workers may be an avenue towards help. One JPS in Semarang consists of members of the trade union of domestic workers in the village of Kedungjangan, in the subdistrict of Gunung Pati. This village is located on the outskirts of the city, with poor communication services to the city center, where most of them work. The trade union, Merdeka (freedom), already existed, and the JPS teaches them about their rights and how to fight for them. Neither the government nor their bosses welcome the demands of empowered domestic workers so they are faced with a lot of resistance. The curriculum included knowledge about the 2004 Domestic Violence Law, in which domestic workers are also protected. As a result the village head now takes complaints of domestic violence of the domestic workers seriously.

When women leave their children alone as they go abroad to work in households of other families, they can no longer protect them. In the village of Saba in Lombok a case was

reported of a 19 year old daughter who was left alone with her father; he took her as his substitute wife and repeatedly raped her. Since she is dependent, economically and psychologically, on her father, the only parent at home, she never could reject him. The father was reported to the police, but the male village elders evicted her from the village. This case was discussed in various sessions of the Citizens' Forum, with participants wavering between indignation at how the young woman was treated ('she is the victim'), and blaming her ('why didn't she reject him'). In the end she was allowed to return to the village.

In Kediri (Lombok) the LBH APIK paralegals had to face conservative religious leaders in another rape case. She was an orphan who had fallen pregnant and had nowhere to go. She had been raped repeatedly, as she had no protection and was literally fair prey to the young men of the village. The clerics found that the victim was no longer 'pure' and therefore a disgrace to the village, because she was pregnant out of wedlock. The woman had to pay a fine to purify the village and was banished. The young progressive religious teacher who was also active in the JPS lobbied for her return to the village. In the end she was allowed to return to the village after one year, as it was supposed that it would take one year for the village to be purified from this 'blemish'.

Fighting Stigma Of Sex Workers, People With HIV/AIDS, LGBT Persons And People With Disabilities

Paralegals are involved in fighting stigma. It is an important topic in the curriculum of the JPS. In Palu a member of HIWARI (Himpunan Waria Indonesia, Indonesian Waria Association) joined the training of the paralegals. This waria has since become active in her own community to help other waria acquire legal documents. The presence of this waria among the paralegals has helped them to overcome their own stigma in relation to the LGBT community. In Saba (Lombok) paralegals helped a person infected with HIV who was ostracized. This was also an important lesson for the JPS. In the same village a person with different abilities was locked up, as the family felt ashamed. Paralegals discussed the issue of shame in the community and helped the family accept their relative.

In Papua the involvement of two members of the LGBT community in the training of paralegals reduced the negative stereotypes the other participants had. Initially they regarded the LGBT persons as social trash, the filth of society, useless and sinful. Although these two participants actually had a deeper knowledge about gender issues than the other participants, it took some time before they were accepted fully. Help was provided by a vicar who is a member of LBH APIK Jayapura. Finally they recognized that

these transgender people were smart and had very useful experiences and skills.

Their colleagues started to respect the LGBT persons and the other participants realized that they were creative and clever people who could contribute a lot to society. In Jakarta the paralegals combatted stigma related to people living with HIV/AIDS, sex workers, members of the LGBT community and people with disabilities. In Semarang the stigma of people with different abilities was targeted.

In the JPS and the Citizens' Forums the issue of social stigma was extensively discussed. One way of reducing stigma was to change language considered offensive. As Mrs Atikah and Mrs Ida, participants of JPS Sipakainga in Makassar said: 'we use more respectable terms now. For instance we used to refer to widows as *janda*, but this has a negative connotation.⁵⁵ Now we speak of female household heads. We used to call disabled people *penyandang cacat*, literally "invalid, crippled persons"; now we say *penyandang disabilitas*, people who have different ability. That disability does not mean these people have no future, as is commonly thought. They just happen to have a disability that people should recognise and help them with, if necessary. They need their documents and rights, just as everybody else to

⁵⁵ *Janda* means a woman who has lost her husband, either through death (*janda mati*) or through divorce (*janda cerai*). As women who have known heterosexual relations they are often looked at with a 'pornographic gaze'. See for an analysis Wieringa 2016.

be able to function in society. For sex workers we now mainly use the word prostituted women (*pedila, perempuan yang dilacurkan*) which points to the process of violence or deprivation that led them to this life. Formerly we hardly ever communicated with them, and called them *wanita tuna susila* (literally: women without morals, sluts) suggesting they are immoral.'

In Medan the participants in the JPS also discussed their views about the gay men in their community. They agreed homosexuality was a sin, but that was something between God and the gay person himself. They did object however to gay men sharing intimacy along the borders of the river where this community is located, as this is also a place where children are playing. In the present climate of fast growing homophobia the above example illustrates how people at the grassroots level negotiate the pressure of fundamentalist groups who want to erase LGBT people from the community and earlier forms of limited acceptance of the presence of non-heterosexual people.

A major issue in Central Java (as elsewhere) was the situation of people living with disabilities. In the village of Mrisen a JPS was dedicated to the topic. The D'Sen Justice Pioneer School consists of a group of people with disabilities in Demak, Central Java. The Name D'sen for this JPS comes from 'disabilitas Mrisen' (disability in Mrisen). The facilitators are highly motivated, they are people with different abilities

themselves. The organization of this JPS is slightly different, as it does not cater to a particular location, but to people with disabilities from all over Semarang. They need a declaration indicating they are poor (SKTM, Surat Keterangan Tidak Mampu) to access the services they are entitled to, which was very difficult to get. Some neighbourhood heads are ashamed that some of their inhabitants are known as poor people, so they are reluctant to issue a SKTM.

Mr Syafi'i, a disabled paralegal and chair of D'Sen Citizen's Forum, a very active member of this JPS and the Forum, expressed the importance of this JPS and Forum for people living with a disability in the following words: 'We were ignored, perhaps even non-existent in the eyes of the government, but because of our JPS and the Mrisen Disability Forum (D'Sen), our voices were heard. All this time, we were treated as objects of various programs, but the JPS and the Citizens' Forum made a difference, we became actors and were *diuwongkan* (treated as human beings and full citizens). Now we have access to disabled persons' driving licenses, and are invited to participate in Village Development Planning Meetings for the first time in the Regency of Demak.

Empowerment

Empowering women and members of marginalized groups is a major objective of APIK and its associated LBH APIK offices. In this program at every level of the activities processes of empowerment took place, from the individual level, to that of the family and the community. In this section we discuss some examples, ranging from challenging the very unequal gender division of labour to political empowerment at the community level in the face of divisive national politics. The section closes with a list of the awards various LBH APIK offices received, in recognition for their work.

In the JPS, women could not always attend a session as they had to stay home to look after their children. The opinion was voiced that the JPS teaches wives to oppose their husbands. Gradually this situation changed, as the paralegals stimulated the participants to approach their husbands and families to make them understand what the JPS meant. Some participants reported that after discussing with their husbands the importance they attached to the JPS, these husbands became supportive and looked after the children. This taught both the paralegals and the participants that the gender division of labour could and should be changed. The same applies to discussions on household money. Husbands often control the money the women need to buy essential food items and give only just

enough money for that day's shopping. In the JPS the women learnt that they have a right to maintenance, *nafkah*, besides money to buy food. They understand that husbands who are not honest about their income or neglect their wife and children can be punished, based on the Domestic Violence Act. Yet pooling of economic resources, and open discussions on the income and expenditures of both partners in a marriage is still far off.

Several cases were noted in which paralegals were prohibited by members of their own families from dealing with cases of domestic violence. Such cases, they were told, belong to the private lives of people and should not be brought to the open. In their coordination meetings paralegals discussed tactics on how to deal with such cases of resistance from their own families to their work. The paralegals and the participants of the JPS persisted and increased their skills in dealing with officials and in demanding their rights which were finally recognized by their communities. Ultimately neighbours and family members came to them with questions for assistance and in the end several community members wanted to join the JPS in their neighbourhoods. The increased skills of the paralegals made the society realize that they could trust the paralegals to help them get access to their legal documents and to get assistance when they were faced with domestic

violence. The community members even stimulated some paralegals to become village officials.

An example is Palu. Male domination is strong in the region. In the beginning of the JPS, women found it hard to speak out about their concerns, as their husbands also attended the sessions. The paralegals who conducted the training consulted with the LBH APIK team in Palu, to find ways to discuss the principle of gender equality. Ultimately in the JPS issues like the gender division of labour and the equal division of household money were discussed.

Mr Syafi'i, the chair of the JPS in Mrisen, managed to produce a modified motor cycle suitable for persons with a disability. He lobbied at the police station to get driving licenses for the owners. With the help of the paralegals they received 15 driving licenses for their members, so these people could legally go out on the streets. This initial success led to an invitation for Mr Syafi'i by the local government to attend the district development plan meeting. He was encouraged to propose a program for people with disabilities and asked to organize the Disability Day celebration. This recognition motivated the group to learn about their fundamental rights and access to justice and government programs. The participants of JPS Mrisen had to go to great lengths to ensure that the interests of people with different abilities were included in the Citizens' Forum. They

advocated to make the space accessible for wheelchairs, and transportation had to be provided, which was costly. Deaf and mute participants required the use of sign language.

On 5 December 2017 the JPS of Mrisen organized an event commemorating the International Day for People with Disabilities. They demonstrated their products, held a dance of children with disabilities, blood could be donated and a demonstration of sign language for the deaf was held. Their families used to consider them *aib* (bringing disgrace), a blemish on their families, giving rise to shame and bad luck and would either isolate them inside the house or try to push them outside of the house never to return. Intimidated by the societal scorn they experienced, they found it hard to speak up for their rights. The JPS taught them what rights they are entitled to and how to deal with stigma. This public event helped to reduce the stigma with which people with disabilities are confronted. People who needed artificial limbs were also assisted via this JPS.

In Medan too people with disabilities had to empower themselves to get their rights. Mrs Florentina had a foot amputated following an accident. LBH APIK lawyers helped her to get her identity card, and health card so that she could get a free prosthetic foot. Mrs Florentina in her turn helped 25 neighbours get their identity and health cards. Spurned by the experiences of Mrs Florentina other people

with disabilities shed their apathy; they realized that through perseverance they could overcome their problems with the public services.

Another form of empowerment was experienced by the domestic workers in the JPS in Semarang. Most of them have little education and they found it hard to understand the more abstract material in the course. The facilitators and paralegals themselves were worried about how they could best help domestic workers who face abuse from their bosses. This is included in the Domestic Violence Law, but how could uneducated people like they ever hope to get their rights against their educated and higher placed bosses? They were very proud when they grasped the content of the law and could explain it to their colleagues.

The participants in the JPS were supported by their husbands, on the condition that the work in their own homes was finished before they went off to attend the session. The most successful sessions of the JPS were those in which an official from the health services came to talk about reproductive rights and in which they learnt about income generating activities. The participants realized they were legally, sexually and economically empowered in this JPS.

Migration can also be an empowering factor. In Toaya Vunta (Palu) several women have left the village to take up a job in a foreign country. Though the effects of their decisions on

their own families might be mixed and their higher income may be offset by disruption of their family life, or have negative effects on their children, the community profits from their courage and hard work. The money they send home is invested in building new houses or in productive work. Also, the migrant workers have come back as independent women with new, valued skills. Some of them have become very active and efficient paralegals.

The paralegals and participants of the JPS in Donggala (Palu) have become community mediators as well. In this region the high unemployment rate of young men (more women went abroad and got degrees) coupled with longstanding conflicts between villages, resulted in violent clashes between competing youth gangs. The JPS tried to find a solution to these rivalries.

A good example of the trajectory of empowerment that individual women traverse is the history of Mrs Nurlian. She is a paralegal of LBH APIK of Central Sulawesi and lives in the village of Lengaleso, in the subdistrict of Sigi. She herself suffered domestic violence, which made her so desperate that she decided to go to Saudi Arabia as a migrant worker. Because she could not stand her hard job as a domestic worker, she returned home before her two years' contract ended.



Picture 27: Mrs Nurlian, LBH APIK paralegal in Lengaleso Village, Sigi, Central Sulawesi. Facilitator of JPS and the Citizens' Forum.

She joined LBH APIK Palu's first training of paralegals and since then she has been very active working as a paralegal and as the manager of the Justice Pioneer School. After a slow start the JPS participants managed to get their identity cards and they encouraged the establishment of the Citizens' Forum. Mrs Nurlian, Mrs Hadiawati, another paralegal who had worked in Singapore and Malaysia and some graduates of the Justice Pioneer School, felt proud that via the Citizens' Forum they had not only obtained identity cards but had also successfully lobbied for the rights of elderly people and for land rights. The access to their e_ID cards had been blocked for many years without a clear explanation. At one time the registry officer said that they had run out of forms and another time other reasons were advanced. So the citizens also could not access birth

certificates for their children, nor a family card. They could not get a job, or get married. Neither could they access their entitlements such as Health Insurance, Health Cards, Smart Card and other government programs geared for the poor. After many requests registry officers attended the Citizens' Forum. They were provided with all data collected by the paralegals from the members of the community. Approximately 70 people came to that meeting of the Forum, most of them (around 50 people) did not have any papers and ID cards. The registry officials promised to settle the problem and provide the villagers with their ID cards within a week. Since this successful intervention other people who needed papers and ID cards could get their cards easily.

Prior to that success the paralegals had almost given up. But they realized that united women could not be defeated! Their next struggle was to make the village administration transparent and accountable in using the village funds. They demanded to be invited to the meeting of the planning council to draft the village budget and to make proposals to the District Government. They proposed that the JPS and the Citizens' Forum were included in the village planning and budget, just as other organizations were, which mainly deal with the construction of bridges and roads, not with empowerment and welfare, as the members of the Citizens' Forum do. Due to their involvement in the Forum the

participants now know how to report malpractices of public services. They are collaborating with the Ombudsman as the community oversight mechanism of public services.

Their sense of achievement lies in the improvement of their skills and self-confidence. They are empowered as members of the Citizens' Forum to advocate for their rights on their own. Due to these successes other women and men have become members of the Forum. This progress also ensures the sustainability of this program.

Jakarta as the national capital bears the brunt of divisive national politics. The highly politicized atmosphere in Jakarta prior to the election of its new governor in 2017, led to political tensions in the Citizens' Forums (in Central Jakarta, Galur, North Jakarta, Kalibaru and East Jakarta, Cipinang Besar Selatan), as well. Each side was suspicious that the other side would use the Forum as a way to attract votes for their candidate, as important community leaders belonged to different political factions. In 2017 the meetings of the Galur Forum had to be suspended for two months. As Mrs Sumiyati, a paralegal from Galur, explained: 'Elections are held every 5 years, but our concerns are forever. We are all family, we all are confronted with the same issues, whoever is elected'.

During the 2019 general elections, the political climate had again become divisive. Party political considerations

threatened the independence of the Citizens' Forums and temporarily paralysed them. At the local level, elections for the village head can also create tensions between different parties and their supporters.

LBH APIK staff mitigated this problem by providing political training to the JPS and Citizens' Forums so they would not fall prey to political struggles but stick to their own agenda. In an evaluation meeting the participants concluded that access to basic rights and the provision of services should be seen as issues that affect all people, regardless of their political orientation, and that the Citizens' Forums should be independent and refrain from supporting particular candidates. This is now contained in a list of principles of Citizens' Forums. It is important for LBH APIK offices to provide voter and political education and explain about affinity politics where everyone has the right to vote for their candidate based on their political interest. Too often Indonesian politics particularly at the level of civil society is steeped in solidarity tactics which demand the total dedication of its members. If one belongs to one group one accepts all the demands that group makes. With affinity politics, protagonists may decide on shifting alliances, depending on particular interests. So members of different identity groups or political parties may come together to struggle for particular issues, like access to health care while

they keep their allegiance to their original association or party.

In appreciation for the hard work of the paralegals and lawyers of APIK and the LBH APIK offices participating in this program they were recognised with several awards. The LBH APIK Offices in Palu (Central Sulawesi) and Mataram (West Nusa Tenggara) were awarded for their success in encouraging the participation of people to oversee public service institutions and received a National and Provincial Ombudsman Partner Award. The important role of the Citizens' Forum is recognized by the Provincial Government of West Nusa Tenggara by awarding Dasan Cermen as a Kelurahan Berprestasi (Outstanding Village). Dasan Cermen went even on to participate at the national level in a competition on the best village. Several paralegal posts have also been awarded as Civil Society Ombudsman Partners in monitoring public services and helping the community to draft a complaint mechanism at the village level.

Community Watchdog

At the national and provincial level several measures have been taken to assist poor people, but it is not easy to get access to the services offered, as has been explained above. With the help of the village fund, village leaders and their councils have a sizeable amount of money to spend on

behalf of their villages. Both the provision of cards and the spending of those village funds need to be done in a transparent and accountable way, by competent and honest officials. This is however not always the case. It is thus in the interest of the villagers themselves to demand good service and to check their leaders. The Citizens' Forums fulfil this function of a community watchdog. They encounter many problems.

A major challenge is the lack of political will of the village administration to adhere to the principles of accountability and transparency and to improve service delivery from the side of responsible government officials, policy makers and village leaders. The Citizens' Forums established in this program and the villagers have to fight hard to be allowed to participate in the Village Planning Council. This council decides on the spending of the allocation for each neighbourhood (Alokasi Dana Kampung, ADK) and the budget for the whole village (Alokasi Dana Desa, ADD).

The district level officials are not always aware of corruption or mismanagement at the local level. They are therefore happy if the Citizens' Forum can act as their eyes and ears, as the following case illustrates. Muhammad Nurdin, the head of the district of Nimbokrang (Jayapura) was invited to explain about the usage of Village/Kampung Fund. The head of the Cultural Council (Dewan Adat) and the chair of the Citizens' Forum attended this meeting. He said that he

realized that the problem is that most villagers are not present when the funds were discussed in the Musrenbang (Village Development Planning Meeting), so they have not been able to propose a program for their community. In 2017 both the village and the neighbourhood had received funds. No funds had yet been spent in 2018. As there was no report on how the funds had been spent in the village, the district head did not know anything about the ADK/ADD and promised that he would check it. He asked the members of the Citizens' Forum to look for further information on the spending of the available funds. Now that he had been informed of the problems he would crosscheck with the village head and the police. Illegal fees had been levied and money has been stolen as fictive projects had been budgeted. The district head insisted that it was the task of the local police officer (Bhabinkamtibmas) to supervise the spending of money of the village funds.⁵⁶ The villagers were asked to make sure that whenever village funds were used, it was supervised by either the local military officer (Babinsa) or the Bhabinkamtibmas (of the police force). 'Only then can we be sure the legal procedures are followed',

⁵⁶ Bhabinkamtibmas is the acronym of Bhayangkara Pembina Keamanan dan Ketertiban Masyarakat (Police officer tasked with guiding the society in matters of safety and order). They work at the community level, guide, protect and educate the villagers and collect their opinions. The military counterpart of this officer is the Babinsa, Bintara Pembina Desa, Officer guiding the villagers.

explained Mr Nurdin during the discussion with the Citizens' Forum.

The Citizens' Forums are also trying to make public servants deliver the services they are obliged to deliver. Paralegals encountered many cases in which people who should receive certain services, such as a card to get rice, never were even informed of this entitlement. Or they did receive a card, for instance the Indonesia Smart (*Indonesia Pintar*) card promising assistance to children of poor parents, but that assistance never materialized. In one case a child entitled to a waiver was told to clean the school after hours, so that he would be able to attend school without paying the school fee. Or farmers who should have access to the farming fund could not do so as they never received any information on that fund. The insistence by paralegals on the full compliance of the services the village and other officials have to deliver sometimes earned the paralegals the wrath of the officials, who considered them to oppose the state (namely themselves) rather than to help the state to achieve its own objectives. The resistance of the officials against the work of the paralegals became most pronounced when the paralegals demanded transparency of the village fund.

Corruption eradication was an important issue. The participants of the Justice Pioneer School in Labuan Panimba (Donggala, Palu) reported the head of the nearby village of

Labuan Toposo to the Public Information Commission. The Citizens' Forum had encountered a case of bad administration in the Village Office in relation to the spending of the village fund. When the villagers sent a letter to seek explanation from the village head, he rejected the request and tore up the letter in front of the villagers. Mr Liswanto, a participant of the Justice Pioneer School had been made aware about the right to know and the right to information, so he reported the case to the Provincial Information Commission. The case became an information dispute and Mr Liswanto and the villagers won the case. However, the village head kept refusing to be transparent about the village budget. The village then reported the case to the police as a corruption case. The police followed it up. Ultimately the village head was forced to release an expenses report of the village funds.

This case is an example of how legal empowerment of the poor enables poor people to use the law and their constitutional rights to protect their interests against corruption by the village apparatus. Direct participation of villagers in decision making processes especially when it concerns the village budget is very important so the villagers not only can propose programs based on their interests but they can also control the expenses of the village fund. This way they can endeavour that the funds are used for the benefit of the whole community and not only

for the village elite.⁵⁷ It is clear from the case of Mr Liswanto that the Justice Pioneer School and the Citizens' Forum can make an important strategic contribution to create an anti-corruption culture and to strengthen the movement fighting corruption. This case may only be the tip of the iceberg. It was reported that in 2017 already 900 village leaders were accused of mispending the village fund and that 141 village heads were charged of corruption because of misuse of the village fund.⁵⁸

An issue discussed in the Citizens' Forum of Toaya Vunta (Palu) was the high illegal tariff the village officials charged to process the legal documents the villagers needed. Another problem they faced was the high costs of transport from this small village to the Population and Civil Registration Office. This problem was exacerbated as they had to go more than once to get their proper papers. After discussions in the Citizens' Forum a special desk was provided in the village office where the villagers could process their papers. The coordinator of the paralegals in nearby Labuan Panimba helped the participants of the Forum in Toaya Vunta to push the village leaders to become

⁵⁷ <https://tirto.id/dana-desa-hanya-memberdayakan-elite-desa-bukan-petani-dawv>.

⁵⁸ See <https://www.thejakartapost.com/news/2019/01/21/five-years-village-funds-program-still-problematic.html>

A case study on corruption in the construction of roads in remote areas is <https://www.thejakartapost.com/academia/2019/06/10/why-infrastructure-projects-prone-to-graft.html>. On the 900 village officials charged with corruption see <https://www.liputan6.com/news/read/3132088/jokowi-sebut-900-kades-tersangkut-penyalahgunaan-dana-desa>.

more transparent. The Ombudsman was invited, who was also helpful. The Citizens' Forum succeeded in cutting out the middlemen, as the district's office extended its business hours (to finally work the regular hours), and reimbursed the transport costs of poor villages from the village fund.

The problem of illegal tariff has been pointed out by the Ombudsman in their research on legal conformity since 2013. Their 2017 research put Donggala District in the Red Zone, meaning that the level of legal conformity is very low. The members of the Citizens' Forums in Tuaya Vunta and Lengaleso continue to work toward the implementation of the principles of good and clean governance. The understanding of the principles of good government and accountability among the government officials, village heads and the community at large still needs to be improved. The Citizens' Forum can play an important role there but a culture of zero—corruption has to be built in the country: systematic anti-corruption education has to be included in the school curricula at all levels.

Disaster Relief

Indonesia is prone to natural disasters due to its location on the 'Ring of Fire'. Earthquakes, eruptions of the many active volcanoes and tsunamis regularly cause great havoc. In this program two project areas were heavily struck by two such natural disasters. An earthquake caused great damage and

loss of life in Lombok (NTB) on July 29th 2018 and in Central Sulawesi a strong earthquake, accompanied by a deadly tsunami and the liquefaction of a large area in Palu and Donggala on September 28th 2018 devastated the coastline and several villages, with thousands of dead and many thousands displaced. The houses of many inhabitants of Lengaleso and Toaya Vunta were destroyed and most of them ended up in refugee camps. A few paralegals were wounded, but they soon set up a relief post to help their villagers cope with the disaster. The mud waves caused by liquefaction that sucked up a whole neighbourhood, houses, people and all, triggered by the massive earthquake, had stopped just at the edge of the neighbourhood of Toaya Vunta.

Because of these natural disasters both LBH APIK office staff members, participants in the JPS and the Citizens' Forums were deeply affected. Many were wounded and displaced, offices, houses and posko were ruined. Those who could were directly involved in the emergency response to help their affected communities and only after the basic needs were fulfilled, the LBH APIK's Program Officers and staff members could discuss the continuation of the activities set out in the work plan as well as in the Citizens' Charter.

LBH APIK Central Sulawesi coordinated the work of the Jaringan Mitra Kemanusiaan (Humanitarian Partners Network). This network is supported by Oxfam

Humanitarian Aid, as a response to the earthquake and liquefaction. An Oxfam team visited the posko in Lengaleso and was impressed by the work of the paralegals who had already mapped out the social problems of the village. For that reason, Oxfam agreed to support the paralegal post in Lengaleso Paralegal Post to build a Multi Purpose Community House to continue the activities of the paralegals. LBH APIK Central Sulawesi got support to rebuild their office. Oxfam Humanitarian Aid awarded both LBH APIK West Nusa Tenggara and LBH APIK Central Sulawesi a Post Disaster Recovery funding support for a one year program. The program was implemented in six affected areas and the support went to the paralegal posts, alumni of the Justice Pioneer Schools Alumni and the Citizens' Forums. The main focus of the program was economic empowerment and capacity building for LBH APIK's staff members, paralegals and members of the Citizens' Forums member in responding to gender based violence in disaster situation. An exchange program of paralegals was set up where paralegals from South Sulawesi (LBH APIK Makassar) who have experience in economic empowerment were invited to come to Palu to train LBH APIK Central Sulawesi. A group of paralegals from Central Sulawesi visited South Sulawesi to learn from the activities of the paralegal post in Makassar.

LBH APIK lawyers and paralegals from Makassar did all they could to help their colleagues in Palu and Donggala, even sending a boat with relief goods to the beach of Donggala, as the region could not be reached by road any more. They themselves had another case to attend to. A young girl from Palu, sole survivor of her family, had been sent to family in Makassar. When she was playing in front of the house she was abducted by a group of young men, who had spotted this defenseless girl, and gang raped her.

Because of these natural disasters in two program areas APIK requested the Netherlands Embassy to extend the program until May 2019. This was necessary as new problems had cropped up and the ongoing program had been disrupted. The Citizens' Forum had to collect the data of the residents who lost their ID cards after the disaster. Without an ID card they are also not eligible for disaster relief. These names had to be submitted to the village head and the Civil Registry Service Office.



Picture 28: LBH APIK Makassar and Palu Joint Team



Picture 29: Disaster Refugee Camp

Strengthening APIK's National Secretariat

APIK's National Secretariat and the members of the association as a whole have expanded their scope of activities to include advocacy of civil rights. From a focus on individual advocacy and the training of paralegals, lawyers, and members of the judicial apparatus on the 2004 Domestic Violence Law, APIK now also tackles the broader topic of strengthening the rule of law in Indonesia. In the last phase of this project they were also involved in legal aspects of disaster relief. In so doing they have widened their network in policy and academic circles. In recognition of the success of this Rule of Law Program, APIK has been invited to join the Working Group on Legal Identity led by Bappenas (National Planning Bureau in Jakarta) and the

University of Indonesia, launched on 21 February 2018. This working group aims to ensure that all citizens have a legal identity so they can access basic rights and social services. The Group also promotes the provision of inclusive and non-discriminative public services relating to legal identity which are accessible to all people and aims to stimulate that service providers are working efficiently and transparently. Thirdly the Groups aims to guarantee that all Indonesian citizens belong to an integrated, accurate, and safe legal identity system.

Provincial chapters have been formed in several regions, including Semarang, Central Java, Bali, Makassar, South Sulawesi and Mataram, NTB, in which LBH APIK groups are involved.

APIK Staff no longer primarily deal with legal enforcers and politicians, their partners now include the Ombudsman, the Information Commission and staff from the Departments of Health and Education, and the departments of Law and Human Rights at the provincial level. At least eight government institutions have been involved in this project, namely: Population and Civil Registry Office, Social Service, Education Service, Health Service, Legal Bureau, Religious Registry Office, Police Department/Station, Prosecutor Office and District/Religious Court, Village Office, Head of District Office. They are dealing with broader issues related to legal empowerment, such as social inclusion of the rights

of people from marginalized groups. The Association's legal approach has been widened. To prevent child marriages in Kediri, West Lombok for example, it is not enough to only quote the Marriage Law. A dialogue with progressive Muslim leaders had to be built and local regulations adapted.

Especially with the office of the Ombudsman a strong relationship has been built. After the Ombudsman has awarded the offices of LBH APIK NTB and LBH APIK Central Sulawesi offices in 2017 Ombudsman the Participation Award, the Ombudsman provided capacity building for paralegals in order to build a long term-partnership. The Ombudsman also encouraged the paralegal posts of LBH APIK Central Sulawesi and West Nusa Tenggara to become Sahabat Ombudsman (Friends of Ombudsman) as it consider these posko places where the community can voice their concerns.

After the public discussion on the results of the AGJI in April 2019, the Ombudsman promised that they would advocate for the collection of sex-disaggregated data and for the collection of better and more data at the subnational level. As will be detailed in the following chapter data collection to support gender policies is a major problem.

Other skills APIK staff learnt include to collect and analyse the data required for the AGJI and to deal with biases at the level of village and community leaders. The capacity of its

staff to manage projects has also increased; they conducted several missions of technical assistance to the provincial level groups. Senior board members assisted in these visits.

The National Secretariat of APIK produced various training modules, booklets and information sheets and has been spreading information on various media outlets, such as radio and social media. A 24 minutes film on the program with English subtitles was produced by WatchDoc, a well known documentary filmmaker.

CHAPTER 4

APIK Gender Justice Index (AGJI) ⁵⁹

Reliable and inclusive gender statistics are needed to monitor progress towards achieving gender equality and justice and to identify key gender inequalities that require policy interventions. Indonesia has committed itself to the 2030 Agenda with 17 Sustainable Development Goals (SDGs) which were approved by the United Nations on September 25, 2015. Seventeen objectives and 169 related targets must be achieved by 2030. Gender equality is an independent goal (SDG number 5), but gender related issues are also contained in the goal of poverty alleviation (SDG 1), health care including maternal and child health (SDG 3) and education (SDG 4). SDG number 16 concerns a commitment to peace, access to justice and strong institutions. Both quantitative and qualitative data are

⁵⁹ Helpful comments on this chapter were given by Jacques Charmes.

needed. In addition, certain problems are specific for women, such as maternal death. Given the wide diversity in gender relations and socio-economic conditions of the Indonesian archipelago subnational data are required.

In this program the AGJI was designed and piloted. The purpose of this exercise was twofold. In the first place the reliability of the AGJI had to be assessed. This was done by comparing the outcome of the GSI with the GGGI. In the second place the availability of sex-disaggregated data at the subnational level was tested. After all, these data are the bedrock on which gender-sensitive projects must be based.

The AGJI consists of three parts, the quantitative Gender Status Index (GSI), the qualitative Women's Progress Measure (WPM) and the project-specific Project Impact Analysis. The GSI, which consists of four blocks gives an overview of the status of gender relations in a particular region, and can be used for various policy purposes of both regional administrations and NGOs. The WPM provides information that is woman-specific, such as maternal mortality, FGM (Female Genital Mutilation) and child marriages and measures socio-legal progress of women. The third part is specifically adapted to the needs of the present project of APIK and measures women's access to economic and civil rights. The underlying philosophy of the

AGJI is that all parts of the Index and all blocks are interrelated.

The AGJI was specifically designed for this program on Rule of Law, on the basis of an analysis of existing gender indices, as explained above. In a participatory process with APIK and LBH APIK staff and paralegals the design was adapted and the methodology tested and refined. APIK and LBH APIK members suggested many of the indicators, particularly on women's empowerment and civil rights. This participatory process ensures that the most relevant indicators are used for both parts. The AGJI is based on a barefoot methodology, in which the most relevant data can be collected by NGO activists from provincial-level institutions and relevant duty bearers. The philosophy of the AGJI is that the users of the index must also be able to collect the data and compute the results. This ensures ownership of the data compiled in the AGJI. Ultimately the tool will present in three pages the most relevant gender statistics, while the GSI has the added advantage that it can rank the regions for which it is computed. It is a flexible and comprehensive tool that can help gender activists and policy makers alike to design and monitor their policies and programs.

As discussed above in 1995 the UNDP presented its first two gender indices, the GDI (Gender-related Development Index) and the GEM (Gender Empowerment Measure), in preparation for the 1995 Fourth Women's World Conference,

held in Beijing. These indices were revolutionary; they tried to break through the dependence on the GDP and to measure capabilities and opportunities of human beings (following the work of Amartya Sen)⁶⁰ rather than national income. Yet they also had many shortcomings. It turned out that national income was still dominant, meaning that rich countries (barring some outlier countries) still ended up higher, as a block, than poor countries and thus that progress on domestic welfare measures that poor countries had made were not considered sufficiently.⁶¹ Secondly variables considered relevant for higher income countries still dominated. Third several indicators had flaws (longevity for instance is a stock indicator and slow to change). Fourth as the GDI and the GEM depended on international data sets (such as those of ILO or UNESCO) the data were outdated by the time they were presented, as these international organizations first had to collect the national data and harmonize them for international comparative use. Fifth, women-specific indicators could not be collected, such as the Maternal Mortality Rate. Further, much national specificity got lost due to the complicated harmonization processes required to compare various national data sets. Last, these indices could only be computed, and thus

⁶⁰ See Sen 1985 and 2001.

⁶¹ Charmes and Wieringa 2003, Dijkstra 2002. See also Beteta 2006.

checked, by statistical experts, due to their complex formulas. They were not transparent.

In later years various other indices were developed. The best known are those by the World Bank and the World Economic Forum (GGGI, Global Gender Gap Index). The UN Economic Commission for Africa (UNECA) developed its own index, the AGDI (African Gender and Development Index), based on national data. This index combines a quantitative part and a woman-specific qualitative part. This last part is called AWPS (African Women's Progress Scorecard). This measure focuses on policy performance, in four areas, women's rights, economic and social aspects and political power. The methodology of the AGDI has informed the methodology of the AGJI, though the design of the second part of the AGJI is significantly different.⁶² The methodology of the AGJI is further simplified and adapted to use for Indonesia, in the context of the Rule of Law Project of APIK.

The Indonesian GII, Gender Inequality Index

As discussed above, Indonesia calculated the HDI for the subnational level. In 2016 the BPS (Badan Pusat Statistik, Central Statistical Bureau) adapted the GII for the Indonesian context and calculated it for the subnational

⁶² The AGDI and the AWPS have been designed by S.E. Wieringa and J. Charmes at the request of the UN Economic Commission for Africa. At present 42 of the 54 African countries have implemented the Index. Instrumental in its creation and implementation were Josephine Ouédraogo, Thokozile Ruzvidzo, Tacko Ndiaye. Beatrice Duncan and Gonzaque Rosales and their teams, as well as the many members of the country teams.

level.⁶³ As it entails a gender index with a similar focus as the AGJI, the Indonesian GII will be discussed here in some detail. The GII has only one quantitative part. It consists of three blocks with a total of five indicators. The first block is the reproductive health index, which consists of a proxy indicator for the MMR which will be discussed below and the adolescent (15-19) birth rate. The second block is empowerment, consisting of two indicators. The first one is the education rate up till the end of lower secondary level. The second one is the sex-based composition of parliament. The third block relates to the economy and calculates the labour participation rate.

The GII has several advantages. The outcome is a single figure which can be used for the ranking of gender inequality at the subnational level. Secondly it combines women-specific indicators (MMR, fertility rate) with gender statistics. Thirdly its use of the adolescent fertility rate gives a strong indication of the prevalence of child marriages.⁶⁴ Fourthly it uses only a limited set of indicators. These characteristics make it suitable for comparisons at the macro level but limit its use for policy purposes.

⁶³ The design of the Indonesian GII is discussed in BPS 2018. The subnational calculations are presented in BPS 2017.

⁶⁴ But this relation is not as direct as is suggested in BPS 2016 (P. 69). After all, not all married women give birth immediately after the marriage is consummated. The high adolescent fertility rate is a matter of concern. In 2016, 26% of babies were born to young women under the age of 20 years (BPS 2018: 69).

The GII has several limitations, the major ones are listed below. In the first place it is not transparent. Computing it must be done by statisticians. The process entails seven steps each with different formulae. Secondly its very simplicity, in number of indicators, is also a major setback. The paucity of indicators means that a lot of information is not taken into account. This includes family laws and other regulations, that the SIGI focuses on and important dimensions of political, economic and civil rights. Third its use of a proxy indicator for the MMR is highly troubling. Reducing the high MMR of Indonesia is a major component of its SDG program. The proxy indicator, the proportion of women who don't give birth in medical facilities is insufficient. As will be discussed below the high MMR is not only related to the availability and use of trained midwives and health facilities.⁶⁵ Fourthly the GII is limited in relation to the measurement of political power. Only the share of women lawmakers is measured, while power at the lower levels, up to that of the village as well as in the judiciary is ignored. Lastly the gender gaps in wages and income, and in education level from the junior high school upwards are ignored.

⁶⁵ Zaluchu 2018.

Part 1. The Gender Status Index

The Gender Status Index of the AGJI measures the gender gap in health, education, income and political power at the provincial level. It consists of four blocks, which each have the same weight. Each block consists of a number of indicators which again have the same weight within their blocks. Health is measured by the gender gaps in child mortality and HIV and sexually transmitted disease (STD) rates. Education is measured by the gender gaps up to the first level after the completion of secondary school. Income is measured by the gender gap in the formal sector. The last block, political power, counts the largest number of indicators, nine, from the gender gap in members of provincial councils, to the village level, and includes judges in both religious and national courts, prosecutors and the police.

Table III: Composition of the Gender Status Index

Indicator	Scores	Average	Gender Status Index
Child mortality			
HIV/ STD			
Primary school			
Junior high school			

Senior high school			
Diploma/university			
Formal sector income			
Provincial council			
Regency			
Judges religious court			
Judges national court			
Public prosecutors			
Police			
District head			
Village head			
Village council			

The AGJI is a one-sided scale which only measures the difference in achievement of women in relation to men. The score is set at 100 when gender parity is reached or when women overachieve. Only one reverse indicator is used, HIV/STD when higher rates for women do not mean women are more empowered, quite the contrary.

Table III gives the overall score of the index and the ranking of each province/region. The data demonstrate that within Indonesia the gender gap differs widely and significantly. In the annexes the scores for each province are given.

Table IV: Overall score of GSI for 7 provinces

Province/region	Score
Central Sulawesi (Palu)	72.2
Central Jawa (Semarang)	70.9
South Sulawesi (Makassar)	70.6
DKI Jakarta	69.8
North Sumatera (Medan)	66.6
Papua (Jayapura)	63
NTB (Lombok, Mataram)	61.9

The low score of NTB (Lombok) is partly caused by the fact that the level of STD/HIV infection of women in comparison with men is high. Its score on political power is low. All over gender parity has almost been reached in education; here the exception is Jakarta, with a score of 58. This is primarily caused by a big gender gap at the university level. In provinces which could not provide figures for the diploma/university level a proxy of 80 is used. As will be explained below a proxy was also used for the income variable, which was uniformly set on 69.2. The major differences between women and men are related to the very low level of power women have in relation to men. Here Jakarta scored considerably higher than the other regions. It has a score of 52, as compared to NTB which only scored almost 10.

Due to several technical problems in data collection, some of which will be discussed below, the figures are not always comparable. They are derived directly from the sources, such as the provincial Departments of Education and Health. Thus the difficulties the APIK teams had in collecting the data must be taken seriously. The provincial Departments of Education, Health and Manpower are the primary data sources for the national and thus for the international level. Other sources are census and survey data which are collected. If data are needed which are only collected by

nationwide surveys, such as the DHS (Demographic and Health Survey) they must be shared with the provincial level statistical bureaus, but these were often not made available to the APIK teams.⁶⁶

A comparison with the GII is interesting. In 2015 the GII for Indonesia as a whole was 0.466. As the GII measures inequality, a lower score means higher levels of equality. Table V provides the GII score in relation to the GSI score per province in which the Rule of Law program was implemented:

Table V: GII and GSI per ROL province in 2015

Province/region	GSI score	GI score
Central Sulawesi (Palu)	72.2	0.536
Central Jawa (Semarang)	70.9	0.331
South Sulawesi (Makassar)	70.6	0.477
DKI Jakarta	69.8	0.110
North Sumatera (Medan)	66.6	0.481
Papua	63	0.516
NTB (Lombok, Mataram)	61.9	0.463

Source GII score BPS 2017, p. 63

⁶⁶ Several tables in the DHS are disaggregated by region, but this information was not always made available to our researchers at the provincial level.

From the above table it is clear that the GSI and the GII measure different issues and rely on different data sets and indicators. Some anomalies are apparent. The GII score of DKI Jakarta for instance, pointing to a high level of gender equality, needs further exploration. Remarkably, for 2017, two years later, the GII score has jumped up to 0.230, more than double (BPS 2017: p 63). As in the GII the value of the individual indicators are invisible, it is not immediately clear what factors cause the discrepancies in scoring between the GSI and the GII.

1. Health

The health variable of the GSI consists of two indicators. Longevity, which is used in some other indices (such as the GDI) was not used, as it is a stock indicator; it also needs adjusting for biological differences between women and men. Preference was given to two flow indicators which are more sensitive to changes in the short to mid term. The gender gap in child mortality (under 5) was elected as it may indicate a preference for children of a particular sex. In five of the seven regions under review a score of 100 was reached, which means that there are few indications of son preference in these regions in Indonesia, for children of this age. In North Sumatera the score was 94.6, which is close to parity. This indicator seems to be more relevant for countries with a clear son preference, such as in South Asia. It is recommended to replace this indicator with stunting.

The other indicator selected was infection with STDs and/or HIV. HIV and STDs usually affect people who engage in high risk sexual behaviour. People engaging in such risky sexual behaviour are most often sex workers (male and female, in Indonesia condom use is notoriously low),⁶⁷ people with multiple partners, MSM and women who would like to get pregnant. Usually the infection rate of men with STDs/HIV is higher in the stage of a beginning HIV/AIDS epidemic. The group at the lowest risk consists of those women and men who engage in a monogamous sexual relationship with a non-infected partner. In Indonesia (as in other countries) men more often have multiple sexual partners than women have. Yet women are more at risk due to biological factors. When the epidemic is reaching the stage of a full blown epidemic also monogamous heterosexual women are becoming at risk. This indicator is a reverse indicator, in the sense that a higher rate of women with STDs/HIV indicates that the epidemic has reached a more advanced stage. It is also a reference to sexual empowerment. High infection

⁶⁷ On the low level of condom use and the relation with HIV infections see for example <http://www.asiaone.com/health/low-condom-use-blamed-new-hiv-cases-indonesia>. Yet contradictorily influential conservative clerics denounce what they call the ‘condomisation’ of society, for fear it might lead to ‘free sex’. They promote abstinence and aim to restrict condom use only among married couples. <https://qz.com/433657/indonesian-lawmakers-want-to-fight-aids-by-restricting-access-to-condoms/>.

rates of women usually correlate with low bargaining power of women to engage in safe sex practices.⁶⁸

In two regions (Palu and Makassar) the infection rate of men is higher than that of women. In Central Java, North Sumatera and Papua the infection rates of women are higher than those of men, indicating that the AIDS epidemic there is at a more advanced stage. In NTB more than twice as many women are infected than men indicating a full blown epidemic and a low level of sexual bargaining power of women. Surprisingly the data for Jakarta were not available.

2. Education

Apart from Jakarta, the other regions all report near parity in educational achievements between women and men. Both Papua and DKI Jakarta score lower in all indicators of this variable. In Jakarta there is near parity for those who only have finished primary education, but at higher levels the gender gap widens. In SLTP (Sekolah Lanjutan Tingkat Pertama, junior high school) the gender gap is reported to be at 64.2, at the level of SLTA (Sekolah Lanjutan Tingkat Atas, SMA, senior high school) the gender gap has widened to 44.9. While at the lower university levels (S1, Sarjana 1,

⁶⁸ On the relationship between women's sexual empowerment and HIV rates see for example

<https://www.theglobalfight.org/empowering-women-girls-shrink-global-hiv-epidemic>.

BA) the gender gap had reached 32.5. For NTB the data for university level education were not available.

3. Income Variable

The indicator selected for this variable was the gender gap in income in the formal sector. This is generally the most accessible and reliable figure, as income derived from informal sources is not always computed in a uniform way. It turned out that it was hardest to collect data on this indicator. No team was able to access reliable data, though they visited the provincial level statistics bureau. Although the income variable has been criticized in relation to the HDI, GDI and GEM (Charmes and Wieringa 2003) the team decided that it was an important variable. To overcome the problem in data collection it was decided to use a proxy. Taniguchi and Tuwo, in a 2014 report on the gender wage gap in Indonesia for the Asian Development Bank, computed the overall gender gap in formal wage labour as 69.2. Interestingly they conclude that urbanization tends to benefit male workers more than female workers. In our case that might mean that in Jakarta the wage gap might be higher than in other more rural regions. Unfortunately we don't have those data. Taniguchi and Tuwo posit that the gender wage gap in Indonesia is due to non-market reasons, and must be attributed to gender discrimination. In our study we note that almost everywhere (Jakarta is the exception) women have reached parity with men in

education up to the tertiary level. This however does not lead to women's equal chances on the labour market, underscoring the conclusions of Taniguchi and Tuwo.

The GII uses labour participation rates. For Indonesia as a whole the labour force participation rate for the period in which the GSI was calculated, is provided in table VI. The BPS has the data on the labour force participation rate at the regional level, as it also has data on the gender wage gap. But these data are not available at the provincial level, where they would be very useful. Or the relevant officials did not provide them to the barefoot statisticians of this program.

Table VI: Participation rate of women and men in Indonesia, in 2010 and 2015.

Year	Men	Women	Rate
2010	83.76	51.76	0.617
2015	82.71	48.87	0.590

Calculated after table 5.4, BPS 2016, p 74.⁶⁹

For both men and women the labour force participation decreases in the period for which it is calculated, but the decrease in the women's participation in the labour force is steeper. Hence the total rate declines. As this is a sensitive and available indicator it is recommended to add this

⁶⁹ The BPS has more recent data, but these were not used here as we preferred to take the same years as for which the GSI is computed.

indicator to the AGJI. But it is important to keep the indicator of income in the formal sector, to press the relevant departments to collect those data or to provide them if they have them. The information would be even more complete if reliable sex-disaggregated data on the informal sector and on time use were available.

4. Political Power

With near-parity in education at least up to senior high school level (for four regions) and generally high scores in the health variable, besides the income component, the major component of the gender gap in Indonesia is the variable of political power. This variable of the GSI consists of nine indicators, which together constitute the score in the political power block. The only exception to the generally very low scores is Jakarta. This may be a rather optimistic picture however as the researchers could not easily find the performance of women in relation to men in a number of indicators in which women in other regions score relatively lower than in other regions, such as the percentage of police officers and neighbourhood heads. The scores of judges (in state courts) and prosecutors are available in Jakarta, indicators in which the score of women in relation to men is often higher in relation to other indicators. The lowest score was reached by NTB, indicating that men dominate in all areas of public life.

In relation to members of regional councils, with the exception in DKI Jakarta (with 37%), women occupy between 7.9% (Papua), 10% (NTB) and 29% (Central Java) of the seats. At the regency (*kabupaten*) level women's score is generally lower, only in Papua it is higher (11%). Two kinds of judges are included in the index, judges in the religious (Muslim) courts and judges in state courts. The percentages of women who are judges in religious courts vary widely. In Central Sulawesi women occupy 40% of the seats, with a slightly higher score in Northern Sumatera. In NTB however there are no women judges in the religious court, while the score in Central Java is around 8%. For the remaining two regions there were no data available. In both DKI Jakarta, Central Java and in Central Sulawesi women occupy half of the seats of judges in the state courts. In NTB the score for the same indicator is 22%. In DKI Jakarta and in Central Java women outnumber men as prosecutors. The number of women police officers in contrast is remarkably low. In three regions women occupy less than 10% of the total police force (Central Java, North Sumatera and NTB). There are no figures for DKI Jakarta. In Papua 16.2 of the police officers are women. In Palu, Central Sulawesi, women make up one third of the police force, in Makassar 13%. Two indicators are included to capture the lowest levels of governance, subdistrict (*kecamatan*) head and village head. In both indicators the gender gap is very wide. For the two provinces where data are available for subdistrict heads the

score is below 15%. The percentage of women village heads is even lower. Three provinces reported a score of around 5%, while in NTB and Papua no woman regional or village head was reported. In Makassar the score is slightly higher, with 15% of the village heads being women. These nine indicators together give a comprehensive picture of women's political power, including in the judiciary.

5. Methodology

The data for this index should be widely and easily available in the various relevant governmental offices. They are simple primary data that are critically important for any provincial government to plan its policies. NGOs too need access to these data to help assess their priorities. However the researchers engaged in this pilot project faced numerous difficulties in accessing the data they sought. In some cases they were not available at all. In several cases it was reported that complicated and time consuming procedures were needed to access the data. In other cases the officers responsible for those data seemed to consider them their personal property and they appeared loath to share them. These problems indicate that either provincial departments or bureaus only report to the higher, national levels and do not consider colleagues in other provincial departments or staff at NGOs in need of reliable data. Or they indicate even deeper problems of data availability which throws doubt on the reliability of national data collection. Data should flow

both ways. Many data have to come up from the provinces and are processed at the national level. In other cases data are centrally produced, for instance on the basis of nationwide surveys. Regional data are then produced at the central level and they should go to the subnational level for further analysis. From this pilot project it appears there are serious shortcomings in the flow of data between the national and the subnational levels.

At the start of the data collection process it was also assumed that the data would be easily comparable so that it would not be necessary to implement complicated harmonization exercises. After all the project relates to regions within one country. There surely should be a national policy in relation to data collection in which definitions and methods of collection and presentation are standardized? This assumption did not always hold. Maternal mortality (see below) and HIV/STD may be areas in which the process of data collection is probably not the same nationwide; this needs further research.

6. Relevance

It is striking that the gender gap in the various regions in Indonesia is relatively wide. A second conclusion is that the differences between the regions are wide. The gender gap in Papua and NTB, the regions that score lowest in this exercise is around 10 points lower than the highest scoring

region, Central Sulawesi. There are also, as noted above, interesting provincial differences in relation to the various indicators. More analysis is needed to find the background of these significant differences. A policy scorecard such as the AWPS of the AGDI, used by the Economic Commission on Africa (ECA) may be interesting, to assess how various policy indicators correlate with the output indicators of the GSI. Comparison with more detailed economic indicators is also important.

Overall Conclusion

In relation to other indices which are complicated and can only be computed at national or even international level, the simple GSI component of the AGJI comes to similar conclusions. The most widely used global report on gender relations, the Global Gender Gap Index (GGGI) Report of the World Economic Forum (WEF) ranks Indonesia on the 92nd place (out of 146 countries), with a total score of 0.681.⁷⁰ If we calculate the overall score of the GSI for these 7 regions, the outcome is 67.8. As in the GSI, the variables of health and education of the GGGI indicate there is almost gender parity for women and men. The economic variable of the GGGI consists of two indicators, economic participation (0.60) and income (0.48). The Asian Development Bank proxy used in the GSI (income of formal sector) is thus

⁷⁰ The 2015 report, the same year as the GSI.

higher than the gender gap in income in the WEF reports (which means a smaller gap is reported by the Asian Development Bank).

The major difference between the GSI and the Global Gender Gap report is that the GSI is much more precise in relation to political empowerment. As this indicator counts for the largest share in the overall gender gap, it is interesting to see how Indonesia scores in the WEF report. The overall score of the indicator on political power is 0.17, similarly very low. The indicators the WEF uses however are much more simple, consisting only of share of women in parliament and ministerial positions, and the number of years with female heads of state (over a period of 50 years).

The advantages of the GSI of the AGJI are thus that the GSI can be collected at the subnational level, providing more detailed data to indicate gender gaps within Indonesia. Secondly it is much more detailed at the most worrisome variable, political empowerment. It can be computed easily and cheaply. As discussed above it is recommended to add the indicator labour force participation. Another recommendation is to upgrade the process of data collection at the provincial level. On income for instance not even the sex-disaggregated data in the formal sector are collected. Data on the informal sector should also be made available. And preferably time use data should be collected, they are

a very useful indicator to measure the gender gap in a region.⁷¹

Part 2. Women's Progress Measure (WPM)

Part 2 of the AGJI is called the Women's Progress Measure. It focuses on general issues that are directly relevant for women's empowerment but cannot be inserted in a gender analysis, such as the Maternal Mortality Rate (MMR) and Female Genital Mutilation (FGM). The Women's Progress Measure consists of five variables: it measures women's progress in MMR and FGM, the domestic violence law, the marriage law and reproductive rights. As progress is measured, a time span of 5 years has been taken. The most recent data available are those of 2015 (or sometimes 2014), and the data 5 years prior to that, 2010 (or 2009).

Table VII: Maternal Mortality Rate

Province/region	GSI score	MMR 2010	MMR 2015
Central Sulawesi (Palu)	72.2	611	619
Central Jawa (Semarang)	70.9	na	na
South Sulawesi (Makassar)	70.6	1123	967

⁷¹ Charnes 2015 has analysed time use data for 65 countries. Among ASEAN countries, Thailand and Cambodia are included.

DKI Jakarta	69.8	na	74 (year 2014)
North Sumatera (Medan)	66.6	577	352
Papua (Jayapura)	63	130 (year 2009)	106 (year 2014)
NTB (Lombok, Mataram)	61.9	37	239

Maternal mortality is a huge problem in Indonesia. It was as high as 359 in 2012, much higher than in neighbouring countries. Indonesia failed to reach the MDG goal of reducing its MMR.⁷² Indonesia is one of the few countries in the world where the maternal mortality rate has actually risen over the last few years, while there was no war going on. The SDG global target on maternal mortality reduction to 70 per 100 000 live births seems impossible for Indonesia to achieve, as the WHO estimates (in Asia Indonesia is in the company only of North Korea, Myanmar and India).⁷³

⁷² See Mundayat, Arif, Noerdin, Agustioni, Aripurnami and Sri Wahyuni, 2010. The MDG 5 target was to reduce MMR in 2015 to three quarters of its level in 1990. For Indonesia that would mean reducing it from 390 per 100.000 live births to 102. (Zaluchu 2018: 44-46). Zaluchu cites Bappenas 2014.

⁷³ WHO 2018, Regional progress in survival of newborns, children and mothers: Moving towards Global Strategy targets apps.who.int. See also Hyre 2016.

Although Indonesia has made progress in training birth attendants and in providing medical facilities, the MMR has not decreased. Traditional gender ideology and practices, in particular the highly skewed gender division of labour seem to affect the efficacy of the measures taken. The high MMR is therefore related to women's gender subordination in general and measures to reduce it can not only rely on medical progress.⁷⁴ This is a major reason why the proxy used by the GII for the MMR (namely proportion of births attended by skilled health personnel), is not sufficient to indicate the seriousness of the problem.

Collecting the data for the MMR did not prove easy to the APIK researchers, a major reason why BPS chose the proxy. In general data collection on maternal mortality is uneven and prone to various biases at the local level.⁷⁵ Only Central and South Sulawesi and North Sumatera have provided data indicating a change in the MMR which can be considered moderately reliable. In North Sumatera the rate went down in the period studied from a high 577 to 352, which is close to the national maternal mortality rate. In Central Sulawesi the rate went slightly up in this period, from 611 to 619. In NTB it was low in 2009 and increased for unclear reasons in 2014. The figures for the two provinces in Sulawesi figures

⁷⁴ This is why Zaluchu 2018 proposes to hold a gender audit, beside the regular maternal audit.

⁷⁵ See Zaluchu 2018 for a more detailed discussion of the possible biases in data collection of the MMR.

are almost double the national rate. The APIK researchers in Central Java (for both years) and DKI Jakarta (for 2009) were not able to collect these data. As decreasing the MMF is one of the commitments the Indonesian government has made to reach the SDGs in 2030, serious efforts must be made to stimulate the provincial health departments to collect reliable data on the MMR.

1. Female Genital Mutilation (FGM)

Female genital cutting is widespread in Indonesia, it is often done right after birth: the majority of circumcisions (over 75%) is performed on babies before they are five months old (Ministry of Health 2013: 207). It is estimated that some 60 million women have undergone FGM.⁷⁶ Data on FGM is hard to come by at the provincial level. The most reliable data are those collected by the Ministry of Health in 2013. These data were collected in a nationwide cross sectional survey in which the answers of 115.000 respondents were collected in relation to FGM: more than half of all girl children below 11 years old were circumcised in 2013 (Ministry of Health 2013: 207). Yet the topic is hardly discussed in national level policy documents. When the KPI and APIK held a sexuality training in Ciloto in 2002 a large number of participants were not aware of the issue and

⁷⁶ UNICEF 2016, Female genital mutilation/cutting, country profiles.

several participants, to their great surprise, discovered they had undergone FGM themselves.

Indonesian official policy on FGM is inconsistent. Indonesia attempted to ban the practice in 2006. But religious clerics issued an edict declaring that it was part of Muslim religious practice, even though it is not explicitly mentioned in the Quran. In 2010, the Indonesian Health Ministry released a regulation that allowed medical personnel to perform female genital cutting on young girls. In this way the state condoned the practice it earlier intended to abolish. The argument in favour of the medicalization of FGM is that it is better to have trained medical personnel perform the procedure than risking severe infections if it is performed by traditional circumcisers. However, medicalization may actually be even more dangerous. Trained midwives tend to use scissors. Hence, they actually may cut the skin, which may include removing the inner labia, and harm or remove the clitoris. Traditional circumcisers, meanwhile, use penknives for more symbolic acts of scraping or rubbing. Practices vary, though. While in some regions a relatively mild form of incision is used, in other areas routinely the inner lips including the clitoris may be excised. In 2014 the Ministry lifted the regulation. But medical establishments and small private health clinics continue to carry out the procedure.

Table VIII: Percentage of girls below 11 years who had undergone FGM in 2013

Region	Percentage
Central Sulawesi	53
Central Java	28
South Sulawesi	38
Jakarta	70
North Sumatera	55
NTB	71
Papua	3

Source: Ministry of Health 2013: p 207. The percentages given in the table above are estimates based on table 3.13.15.

The high percentage in Jakarta may be caused by the fact that in general the level of FGM is higher in urban than in rural areas.⁷⁷

2. Domestic Violence Law

As elsewhere, domestic violence is a huge problem in Indonesia.⁷⁸ To measure the progress on the implementation of the 2004 Domestic Violence Law, five

⁷⁷ See for a further discussion on FGM for instance <http://theconversation.com/female-genital-cutting-common-in-indonesia-offered-as-part-of-child-delivery-by-birth-clinics-54379>.

⁷⁸ See Katjasungkana 2013 and Lianati 2009. See also Mohamad and Wieringa 2013.

indicators were used, reports to the police and to APIK, reports to the state bureau P2TP2A,⁷⁹ requests for divorce from women at the religious and state courts. It is assumed that a higher number of women reporting the domestic violence they experience to the police is an indicator both of women's empowerment and of the knowledge of officials of this law, as well as of its level of enforcement. Variations in reporting to APIK may be related to relative strength and quality of APIK staff, but also to external factors, such as a higher number of people reporting to the authorities. Likewise it is assumed that a higher number of women asking for divorce is an indicator of women's empowerment, as in situations in which women have a low level of empowerment, they may be too scared or too intimidated to divorce their husbands. It is clear that the figures presented below are no indicators of the prevalence of domestic violence.

Table IX: Implementation Domestic Violence Law

Province/region	GSI score	Domestic violence law	2010 (b2009)	2015 (b2014)
Central Sulawesi	72.2	Report to police	543	1345

⁷⁹ P2TP2A, Pusat Pelayanan Terpadu Pemberdayaan Perempuan dan Anak, Integrated Service Center for the Empowerment of Women and Children.

		Report to APIK	163	349
		P2TP2A	370	564
		Divorce state court	50	123
		Divorce religious court	129	296
Central Java	70.9	Report to police	632	1971
		Report to APIK	75	51
		P2TP2A	373	1971
		Divorce state court	21	228
		Divorce religious court	9914	41150
South Sulawesi (Makassar)	70.6	Report to police	455	352
		Report to APIK	19	461
		P2TP2A	-	48

		Divorce state court	951	1499
		Divorce religious court	-	-
DKI Jakarta	69.8	Report to police	4 (b)	35 (b)
		Report to APIK	793	579
		P2TP2A	950	1612
		Divorce state court	4	61
		Divorce religious court	4655	7904
North Sumatera	66.6	Report to police	276	881
		Report to APIK	65	60
		P2TP2A	-	-
		Divorce state court	1424	4631
		Divorce religious court	6275	9607

NTB	61.9	Report to police	-	126 (b)
		Report to APIK	-	19
		P2TP2A	-	336
		Divorce, state court	-	56
		Divorce, religious court	4002	-
Papua	63			

In general the level of reporting to the police goes up. This may be related to a greater trust in the police due to greater gender sensitivity. It may also be related to the hard work and growing expertise of APIK's paralegals, who as peer councillors help abused women to report. It might be interesting to compare these figures with the total number of inhabitants in each province, to get a balanced view per region. The numbers reporting to P2TP2A indicates the effectiveness of this new state institution. In some regions religious courts handle considerably higher numbers of cases than state courts. It is therefore important that there is a high percentage of female judges in these religious courts. This issue is reported in the GSI of the AGJI.

3. Marriage Law

The 1974 marriage law allows for polygyny, but only under certain conditions. The first wife has to give her consent. The issue of polygyny has led to long debates in the women's movement, in which traditional Muslim groups were pitted against more moderate Muslim, nationalist and Christian organisations.⁸⁰ Recent debates on *nikah sirri* indicate that men still engage in polygynous relations in which women have very few rights. A *sirri* marriage is only registered by a Muslim religious official. In many cases of polygyny first wives have not given their consent, as is stipulated in the marriage law. They may not even have been informed. The 'secondary' wives themselves also may not know that their new husband is already married.⁸¹ There are problems with inheritance rights and with the rights of children from such marriages.

Another big problem is the consistently high level of child marriage, at around 23% of all marriages contracted. Each year 340.000 girls marry below the age of 19, and 50.000 of them even before the age of 15. Indonesia ranks seventh in the world and second in ASEAN, after Cambodia. Child brides face health risks, and usually drop out of school.⁸²

⁸⁰ See Wieringa 2002.

⁸¹ On such forms of marriage deceit see for example Wieringa 2015.

⁸² See Marcoes and Hidayat eds 2018. See also Woodward, and Rohmaniyah 2014. See also <https://www.asiasentinel.com/society/indonesia-child-marriage-problem>.

UNICEF and the Central Statistics Agency (BPS) published a report in 2016, which showed that the prevalence of early marriage stood at 22.82 percent in 2015, slightly down from 24.17 percent in 2013.⁸³

One in five women aged between 20 and 24 said they had been married at least once before they reached the age of 18 years; many of them had married when they were 16 or 17. In 2015, the prevalence of women marrying before 16 was 3.54 percent, and the prevalence decreased to 1.12 percent when it comes to marrying before 15. The prevalence of child marriage is higher in rural areas, with 27.11 percent, compared to 17.09 percent in urban areas, according to data in 2015.⁸⁴

Article 7 of the 1974 Marriage Law sets the marriageable age for women at 16 and for men at 19, even though the 2002 Child Protection Law defines children as anyone 'under the age of 18'. Religious courts, however, have been granting minors as young as 15 years old dispensation to be legally married, especially in regions where child marriage

⁸³ Other figures are provided by KPPPA and BPS (2013). This report found that the percentage of age of first marriage below 15 was 11.13, below 19 stood at 32.10, and above 19 at 56.76 (2013: 65). These are for the whole country. In the countryside more girls of minor age get married than in the cities. In both cities and the countryside an early marriage age is related to a low level of education (2013: 66). Remarkably in this profile of Indonesian women of 2013, data for MMR are not included.

⁸⁴

https://www.unicef.org/indonesia/UNICEF_Indonesia_Child_Marriage_Research_Brief_.pdf.

is considered the norm. The court's discretion to give dispensation is stipulated in Article 7 of the Marriage Law. 'Each individual has the right to get married. That's a human right. We can't prohibit them as long as they are not violating any laws,' Supreme Court justice and spokesman Suhadi told *The Jakarta Post* in November 2018 . 'If the children wish [to marry] then you can't prohibit it'.⁸⁵

The Constitutional Court ruled early December 2018 that the 16 years' old minimum age requirement for women to marry, as stipulated in the 1974 Marriage Law, was unconstitutional. The court granted a judicial review petition filed by three child bride survivors and their lawyer from the Indonesian Coalition to End Child Marriage (Koalisi 18+), challenging Article 7 of the law, which sets the minimum age requirement for women to marry at 16.⁸⁶ In a hearing presided over by Chief Justice Anwar Usman, the court argued that the rule was a form of gender-based discrimination since the minimum age for requirement for men to marry was 19, and therefore contradicted the 1945 Constitution.

The court, however refused to grant the plaintiffs' demand to raise the minimum age for women to marry to that of the age for men, arguing that such a change was the authority

⁸⁵ <https://www.thejakartapost.com/news/2018/11/23/children-have-right-to-marry-supreme-court.html>

⁸⁶ APIK is part of this coalition.

of lawmakers and that the court did not want to make a decision that could prevent any future law revisions.

'[The court] orders lawmakers to revise the 1974 Marriage Law, particularly in regard to the minimum age for women to marry, within a maximum of three years,' Justice Saldi Isra said. The provision in article seven would remain valid until the deadline of three years. Should there be no revision prior to the deadline, the minimum age requirement would be harmonized with the 2002 Child Protection Law, which defines a child as someone below 18 years old.⁸⁷

The United Nation's Sustainable Development Goals (SDGs) state that child marriage is a violation of children's rights. Goal five, point three of SDGs requires nations to eliminate all harmful practices of early and forced marriage.

This variable of the WPM has three indicators, two of which deal with child marriage - marriage below the age of 15 and marriage between the ages of 15-19. The third indicator is the number of polygynous marriages contracted officially. In an official polygynous marriage the junior woman/women have more rights than in a *sirri* marriage. In an official secondary marriage the first wife has to consent to her husband's marrying another wife. So the assumption is that this indicates a lower level of marriage deceit by the

⁸⁷<https://www.thejakartapost.com/news/2018/12/13/breaking-court-orders-revision-of-minimum-age-for-women-to-marry.html>

husband and a higher level of empowerment of both (or more) wives. However it is likely that sometimes women were under pressure to give their consent.

Table X : Implementation Marriage Law

Province /region	GSI score	Marriage law	2010 (b2009)	2015 (b 2014)
Cnetral Sulawesi, Palu	72.2	Marriage below 15	-	-
		Marriage 15-19	-	-
		Registered polygyny	-	-
Central Jawa, Semarang	70.9	Marriage below 15	-	
		Marriage 15-19	190	3876
		Registered polygyny	-	-
South Sulawesi, Makassar	70.6	Marriage below 15	-	-

		Marriage 15-19	-	-
		Registered polygyny	-	4
DKI Jakarta	69.8	Marriage below 15	-	-
		Marriage 15-19	-	-
		Registered polygyny	-	-
North Sumatera, Medan	66.6	Marriage below 15	-	-
		Marriage 15-19	2897	1195
		Registered polygyny	26	79
NTB, Lombok, Mataram	61.9	Marriage below 15	-	-
		Marriage 15-19	-	-
		Registered polygyny	-	-

Papua, Jayapura	63	Marriage below 15		
		Marriage 15-19		
		Registered polygyny		

No data were collected of girls marrying below the age of 15. This is not surprising as it is both illegal and generally not accepted. It does not mean however that such marriages do not occur in the regions of this project. Some data were available on women marrying below the age of 19 which is also illegal but generally better accepted. Lower figures for 2015 as compared to 2010 such as in North Sumatera are good news. It is difficult to interpret the data for Central Java.

Because of the unreliability of the data, the BPS uses a proxy for its GII, children born before the mother has reached the age of 19. On the one hand this seems justified, as child marriages are often contracted because the bride-to-be is already pregnant, and women are supposed to bear children straight after being married.⁸⁸ On the other hand not all

⁸⁸ See also Rifka 2011.

marriages result in pregnancies. It is recommended to improve data collection on this topic.

Whether a rise in the number of registered polygyny cases means polygyny in general is on the rise, or men shift their illegal *sirri* marriages to registered polygynous marriages must be further researched.

4. Reproductive Rights

For this variable two indicators were selected after extensive discussions; increase in the number of men who are acceptors of contraceptives and decrease in the percentage of unmet contraceptive needs. The first indicator shows whether men too are taking their responsibility for contraceptives, and the second indicator points to the overall performance of the (regional) governments' reproductive programs.

Table XI: Reproductive Health

Province /region	GSI score	Reproductive Rights	2010 (b2009)	2015 (b 2014)
Central, Sulawesi Palu	72.2	Increase male acceptors	70283	80264

		Decrease unmet needs	-	-
Central Jawa, Semarang	70.9	Increase male acceptors	45430	36322
		Decrease unmet needs	-	-
South Sulawesi, Makassar	70.6	Increase male acceptors	5004	5849
		Decrease unmet needs	8,10%	20,37 %
DKI Jakarta	69.8	Increase male acceptors	1593(b)	1436 (b)
		Decrease unmet needs	13,69%	13,20 %
North Sumatera, Medan	66.6	Increase male acceptors	1429414	16044 57
		Decrease unmet needs	18,57	16,22

NTB, Lombok, Mataram	61.9	Increase male acceptors	20.614(b)	23.67 5 (b)
		Decrease unmet needs	-	15,34 %
Papua, Jayapura	63	Increase male acceptors	-	11701
		Decrease unmet needs	-	29,70 %

In Central and South Sulawesi, as well as in North Sumatera and in NTB the number of men who have joined the family planning program has increased, although the number in South Sulawesi is very low. In Jakarta the number of male acceptors is likewise low, and has even decreased. In Central Java the number of male acceptors has declined and remains low for such a heavily populated province.

The percentage of couples with an unmet need for contraceptives varies. In two regions no data were available. In NTB and Papua only data for 2015 were available. The interpretation of these data is not always clear. In general the ideal situation would be that there are no unmet needs. From that perspective a decrease in unmet needs such as reported in North Sumatera and to a lesser

extent in Jakarta is good news. On the other hand an increase may also show that more couples have become aware that they would like to join a family planning program while before they had not considered this possibility and had thus not reported they had an unmet need. Further research may give answers.

Part 3. Project Impact Analysis of Program Rule of Law

This third part of the AGJI is composed of two variables, economic and civil rights. It is the most flexible component of the tool, and can be adapted to assess different gender-related policies and projects. For the needs of the Rule of Law program it was important to collect data on access to economic and social rights and entitlements. These data were collected at the provincial level. APIK's paralegals know the situation in their own areas and were able to map out specific neighbourhoods inhabited by people who experience difficulties in accessing their rights and entitlements. The provincial –level data were meant to get a general idea of the scope of the problem. As was the case with collecting data for the other components of the AGJI, data were not always available, and LBH APIK researchers faced serious problems in accessing them.

1. Economic Rights

The variable of economic rights has three indicators, the number of women who have land titles (as compared with men,) the number of women who have certificates of their houses and the number of women who have access to credit. Unfortunately no team was able to collect these data. This is highly disappointing as it means that these critical data are not available at the provincial level and thus not at the national level, unless they are collected through national surveys. Yet they are essential data to assess the progress of women's empowerment, both in relation to the SDGs and to CEDAW, which Indonesia ratified.

2. Civil Rights

This block forms the core of APIK's project on the Rule of Law for poor women and vulnerable groups. On the basis of close observations of their target group the APIK teams identified 12 indicators (see list in annex 3. They refer to documents that everybody should have such as an identity card (KTP), a birth certificate, a family card, a marriage or divorce certificate, and that people for these groups find hard to access. Secondly there are documents that are made available to members of groups who have a specific right to them, such as a health card, a card that entitles poor people to a ratio of rice, a card that provides education to children of poor families, a card on family welfare, and

cards for fishermen and –women, for old and/or disabled people. Ideally this variable should show the progress made for the time period indicated earlier, but very few teams have been able to collect data for 2010 (or 2009). This is also related to the fact that some of these entitlement cards have been introduced relatively recently.

Where these data are available the progress is significant. Table XII provides the data on the civil rights variable which can be compared between 2010 (2009) and 2015 (2014).

Table XII: Civil Rights

Province/r egion	GSI score		Civil rights 2010 (b 2009)	Civil rights 2015 (b 2014)
Central Sulawesi Palu	72.2	Civil rights	no data	several data
Central Jawa, Semarang	70.9	Civil rights	no data	several data
South Sulawesi (Makassar)	70.6	Civil rights	No data below 2013	Several data

DKI Jakarta	69.8	Identity card	520630 8 (b)	690673 6(b)
		Family card	226513 1	298872 3
		Marriage certificate	-	332159
		Divorce certificate	226513 1	298872 3
North Sumatera, Medan	66.6	Health card	6723	20173
		Senior citizens' card	88	932
NTB, Mataram, Lombok	61.9	Identity card	1.848.5 53 (b)	2.289.8 14 (b)
		Birth certificate	1.316.7 14	2.531.4 82
		Senior citizens' card	651	139.39 0
Papua	63	No data	No data	No data

Jakarta and NTB have the best registration services. These data should be compared to the number of people who should have these cards, but those data were not available. Thus annex 7 on the results of this APIK program in providing assistance to people achieving the documents they need has to be read without knowing the needs of the population. In this case too the availability of statistical data leaves much to be desired.

CHAPTER 5

Conclusion and Way Forward

Indonesia has become a lower middle-income country with an annual GDP growth of over 5 percent. The rising middle class is expected to reach 135 million people by 2020. But income inequality is a major issue. There is a danger that the poor and vulnerable will be left behind. The four richest people have more wealth than the poorest 100 million people, and about 50 percent of the country's wealth is in the hands of the top one percent.⁸⁹ With growing national wealth and glaring poverty the imperative to provide a safety net for its most marginalized part of the population has become obvious. Both at the national and the provincial level social services are being provided. There is a proliferation of cards – for health, rice, education, disabilities and for other reasons. But to get access to these

⁸⁹ <https://theaseanpost.com/article/southeast-asias-widening-inequalities>

cards first a legal identity in the form of an e-ID card has to be attained – for which a birth certificate is mandatory. And this is a major problem for large groups of people. They have to be helped to access these documents, for if one step in the process gets derailed other cards cannot be forthcoming. This became obvious when people who had lost their documentation in the tsunami and liquefaction of September 2018 in Palu, could not open a bank account and were not eligible for disaster relief.

Another problem lies in the gaps between programs of the national or provincial government and the local level where the beneficiaries are located. A long line of officials are planted along this route, some of whom are incompetent, and others may ask illegal levies. On top of that the intended beneficiaries have to deal with an enormous bureaucracy leading to confusion and providing scope for misuse, manipulation and corruption. APIK and its local LBH APIK offices designed the program 'making rule of law meaningful for poor women and for members of marginalized and vulnerable groups' to address these issues. On top of their regular work of fighting domestic violence the lawyers and paralegals of APIK and seven of its associated LBH APIK offices tackled issues of social inclusion, stigma of marginalized groups and gender equality.

The program trained paralegals, set up JPS and Citizens' Forums and negotiated Citizens' Charters in which members

of the community specified their demands with the local officials and reached a conclusion on priorities and implementation.

Due to the great variation in local conditions, the results of the program varied. In regions in which APIK already had established an extensive network of trained paralegals such as in Lombok, Central and South Sulawesi and Central Java, progress could be made more rapidly than in other regions. The phases of the project involved the building of a curriculum, the training of paralegals, the establishment of Justice Pioneer Schools and of Citizens' Forums. These Forums negotiated with village leaders and officials on the issues to be tackled, after which the agreements could be ratified in a Citizens' Charter. Target groups have acquired a better understanding of their basic rights and of the procedures and mechanisms on how to access these rights.

In this program 224 paralegals from the pool of LBH APIK's paralegals received further training (see annex 5). Their role was expanded from handling legal cases to become facilitators in the JPS and motivators of their community in discussing public service issues. Their effectiveness was increased by setting up Coordination Posts (posko), where villagers could ask for assistance, both in cases of litigation and for other reasons. An example is the Coordination Post for people with different abilities, in Semarang. The Coordinator, Mr Syafei, provides assistance for those who

need a special driving licence for people with a disability. The paralegals handled a total of 3040 cases, with 6832 beneficiaries. The work is ongoing; the cases of 3792 beneficiaries are still being processed.

All 19 JPS have concluded their regular curriculum. Some have continued with special sessions on particular topics. These sessions are either self-funded, by income generating activities the paralegals undertake or because the coordinators have managed to access village funds. For details see annexes 5 and 8.

Through the Citizens' Forums which were set up by LBH APIK's paralegals and alumni of the JPS whole communities have been able to profit from the insistence on higher levels of transparency and the perseverance of their fellow villagers to have their right to information honoured and to receive better service delivery. The project succeeded in establishing a productive link between poor village women and members of marginalized groups with oversight institutions of the government such as the Ombudsman and the Public Information Service. This resulted in increased public participation to oversee public service institutions. For the hard work of the paralegals and staff, the LBH APIK offices of West Nusa Tenggara (Mataram) and Central Sulawesi (Palu) were awarded as The Best Ombudsman Partner in encouraging public participation to oversee the

work of the public service agencies. LBH APIK Central Sulawesi even got a second award from the Ombudsman of Central Sulawesi.



Picture 30: Center: Nuryanti (director of LBH APIK West Nusa Tenggara), And right :Gifvent (staff of LBH APIK Central Sulawesi)

Other Coordination Posts have also established stronger links with the authorities, for instance with the religious courts and police stations. The APIK office at the national level has also expanded its network with the Ombudsman, the Public Information Commission, the National Development Planning Agency, the University of Indonesia, the Pekka (Perempuan Kepala Keluarga, Female-Headed Households), IKI (Institut Kewarganegaraan Indonesia, Indonesian Citizenship Institute) and other public services agencies. The APIK office has become the National Secretariat of a Working Group on Legal Identity, with Ms

Khotimun Sutanti acting as the Secretary of this Working Group.

The Citizens' Forums established by this project have set up a complaints mechanism to report cases where villagers experience obstacles in accessing their basic rights, for instance if services they are entitled to are not delivered in a proper manner. Villagers are thus empowered to demand their rights independently of LBH APIK, which ensures the sustainability of the project. The Citizens' Forum in Kediri Village of West Nusa Tenggara got financial support from the head of the village for an anti-child marriage campaign. This is another basis for the sustainability of the project.

The project will have a lasting effect in the communities in which it was piloted due to the increased awareness of officials and public servants that all citizens need to access the basic rights guaranteed in Indonesia's Constitution and in the relevant national laws. In some cases village officials were turned from authoritarian leaders into transparent and accountable officials. The JPS participants of Tuaya Vunta reported a Head of Village who did not adhere to the principle of transparency in managing village funds to the Commission of Information. This village head was ultimately charged with corruption. This and similar initiatives is the beginning of an anti-corruption movement at the grass root level in which the Citizens' Forums act as watchdogs.

Through the Citizens' Forums certain discriminatory policies at the local level could be tackled. Sensitive topics dealt with in the JPS and the Citizens' Forums were the stigma of people with disabilities or members of the LGBT community. Other issues that were dealt with are the wide acceptance of child marriages in Lombok and the granting of land titles in Central Sulawesi and West Nusa Tenggara as well as the empowerment of fishermen/women in various coastal villages. Cases of domestic violence were also widely discussed.

Major constraints the project encountered are related to the conservatism and biases of traditional and religious leaders. They sometimes felt that the participants of the JPS were trained to rebel against their husbands. Traditional culture (adat) can have strong patriarchal tendencies. The challenge is to respect the importance of traditional culture, yet mitigate and ultimately abolish its gender and other biases. Lengthy negotiations with traditional leaders may be needed to resolve such tensions. Though the paralegals and alumni of the JPS often have taken the lead to establish the Citizens' Forums, they may be marginalized by such conservative, patriarchal village, religious or cultural leaders. To prevent this from happening the concepts of gender equality and social inclusion must be upheld strongly in the Forums; targets may be set on for instance gender parity in the leadership, and participation of poor women

and members of marginalized communities. The lessons learnt in the JPS must be shared in the meetings of the Forums. Some conservative religious leaders objected to discussions on sex and gender. It took a lot of energy to negotiate with wary husbands or suspicious leaders. In many cases husbands came to appreciate the skills their wives learnt and conservative leaders began to understand the importance of gender equality.

Lack of understanding of the difficulties poor women and members of marginalized communities face in getting access to their legal identity formed a major problem. Insufficient knowledge of laws and legal procedures from the side of officials entrusted with the implementation of such laws and procedures also at times caused misunderstandings and obstructions in service delivery. Another impediment was the lack of political will to adhere to the principles of accountability and transparency from the side of responsible government officials, policy makers and village leaders. These constraints hamper the implementation of the principle of rule of law and good governance and allow for a culture of corruption. This, in turn, endangers the achievement of the Sustainable Development Goals Indonesia has committed itself to.

The political climate has become more divisive, after the fiercely contested election of the governor of Jakarta, in 2017 and the 2019 national elections. Party political

considerations threatened the independence of two Citizens' Forums, temporarily paralysing them. LBH APIK Jakarta staff tried to mitigate this problem by providing political training to the JPS and Citizens' Forums so they will not fall prey to political struggles.

Other constraints are of a more practical nature, including the sometimes large distance between a registry office and a village, the high costs of transport and the lack of infrastructure. Low levels of education, at times illiteracy, also hampered the participants of the JPS in their efforts to understand the curriculum offered. Time constraints posed another problem. For these problems various solutions were found.

Definitions were also not always clear. The definition of poverty was contested in some cases, so that it was not immediately evident who could receive a card to indicate the holder is entitled to social assistance for the poor. As a way out APIK provided its own definition of poverty. Many paralegals, as peer councillors, also belong to the poor segment of society. They had to struggle to survive and needed training in income generating skills. The same applies to members of the JPS.

Not only the knowledge about basic rights of the paralegals had to be upgraded. It was found in several villages that the village officials or religious and traditional leaders did not

have the knowledge required to provide relevant information to the citizens. Sometimes they were not prepared to be approached by poor women or other people they consider of low status, such as widows or disabled people or members from religious or sexual minorities asking for their rights.

The curricula of the JPS have a core, consisting of the various laws and regulations that are relevant for all citizens belonging to vulnerable groups. They also have a part that is particularly relevant for special groups, such as members of the fishing community, groups with strongly patriarchal traditions or people with disabilities. Therefore a JPS can only be set up when the socio-economic and cultural context is well known to the organizers. The curriculum of the JPS could be expanded if participants and paralegals thought it necessary, or extra sessions could be added, as happened in Saba, Central Lombok. The level of education of the inhabitants of most communities is very low. In those cases the LBH APIK office facilitated requests for more information. In Makassar, South Sulawesi the LBH APIK staff helped to add material on issues that were very much in the news, such as on sexual abuse, various forms of disabilities, various methods of corruption and the stigma related to HIV/AIDS. They offered skills training for making handicraft out of recycled plastic, drying tuna and baking of cakes for sale. While LBH APIK Semarang, Central Java included

material on Acts that were very relevant for the lives of their constituents, such as the Village Act and the Act on the Protection and Empowerment of people working in the fishing industry. They also provided materials on the Disability Law. Based on this law they demanded that the educational department provide facilities for children with disabilities to attend schools. This is an important development for generally the assumption is that children with disabilities have no future anyway, so why give them an education?

The JPS lasted 6 months in each village. During this period not all women managed to attend all sessions and a few dropped out. The reasons cited for their absence included village festivals, harvesting, petty trading or other work, urgent family matters, bad weather or having no one to look after the children. In very few cases it was reported that participants did not agree to the content of the course, notably the discussions on gender equality. This mostly concerned conservative religious teachers. The paralegals tried to make the sessions attractive by adding sessions on vocational skills and religious matters. Some also organized quizzes or family gatherings.

The participants gained the courage to speak out in public forums and to point out inconsistencies between what the village leaders said and what the participants had learnt in the JPS. They don't need the help of middlemen any more,

they now process their identity cards themselves. These middle men charge a high fee for their services. They also learnt a lot about social exclusion, and accepted the new terminology, on sex workers and widows (prostituted women and female heads of households). Instead of shunning contact with people with different abilities, they helped them with medical visits. In general the participants gained a broader perspective, from inward-looking people, only concerned about household affairs, to outward looking citizens, interested in public issues.

The JPS also attracted media attention. Local activities were generally reported in the local press. But also the national Jurnal Perempuan (Women's Journal) demonstrated interest. They published an article on the struggle of the fishermen and -women to get their legal identity card, as well as an article on the AGJI.⁹⁰ The Central Java NetTVJateng made a documentary film about the same JPS.⁹¹

This pilot project demonstrates the possibilities and the challenges to increase the rate of legal literacy and to make the rule of law possible for vulnerable people. To be effective and to reach larger segments of the population several lessons learnt from this project must be incorporated into

⁹⁰ Wieringa 2019.

⁹¹ [https:// www.youtube.com/watch?v=ptuV BCEQcQ](https://www.youtube.com/watch?v=ptuV BCEQcQ).

regular government programs. Training for paralegals and for members of the Citizens' Forums must become an integral part of the village funds. Training of village leaders and civil servants must be integrated in regular government- coordinated training programs. In the course of the project it regularly appeared that civil servants were not oriented towards service delivery, but rather enjoyed the power they had over poor communities. Even staff of health centres may have an authoritarian attitude; they may not realize that they are actually paid by the taxes of the people.

This is particularly urgent in view of the very high level of maternal mortality in Indonesia, as analysed in the section on maternal mortality of the AGJI. It appears the staff involved often lack a gender perspective as stipulated in the outcome documents of the 1994 ICPD (International Conference on Population and Development) and of the 1995 Fourth Women's World Conference in Beijing (the Platform for Action). Yet the government signed these documents and this commitment includes the obligation to disseminate its content. As a result the health services do not take the needs of women sufficiently into account, even though both the MDGs and the SDGs to which Indonesia also committed itself, demand that. Similarly, the prevention of FGM is not sufficiently integrated into the health services.

The Citizens' Forums in this project noted many cases of a lack of service delivery, in the field of education and health. These were often the result of a lack of or mismanagement of funds. Yet the government readily makes funds available for village -level security officers both from the police and the army.⁹² The contributions of these officers to the welfare of the villagers were not immediately clear as they have no skills in the medical or educational field, or in any other field, such as agricultural extension services or other income generating activities.

Some of the direct problems this project revealed the Indonesian government must tackle. These include:

- To provide basic services according to the regulations stipulated in the relevant laws, including the hours on which services must be delivered. National, provincial and regional departments must insist on inspections of the lower level administrations and regular reporting, including transparent financial accounts;
- To provide correct and transparent information, both on the procedures and on the fees involved;
- To ensure that village leaders and lower level officials are sufficiently equipped with the correct knowledge

⁹² On Babinsa, and Bhabinkamtibmas, see note 56.

- about the basic rights of their citizens and the relevant laws and regulations to be able to deliver the services they must provide in a timely, efficient, polite and transparent manner;
- To train the judiciary and the police on the implications of the 2004 Domestic Violence Law if it is found that many officers do not yet grasp them;

To instil in officials a spirit of serving the people, instead of directing them from above. Leaders and officials should treat all people equally, and not disparage requests or comments from people who they consider to have a low status, for example because of poverty, illiteracy, their status as widows or as members of a religious or sexual minority.

Other recommendations arising from this pilot project concern the organization and implementation of the JPS and the Citizens' Forums. The paralegals are the backbone of the JPS. Their legal and communication skills must be regularly updated and they must have regular meetings to share their experiences. The JPS are a critical mechanism to increase the legal literacy of the poorest and most vulnerable citizens. They should be established wherever poor women and members of vulnerable groups live. Village funds and facilities must be made available for JPS and for meetings of the Citizens' Forums.

Community leaders involved in the Citizens' Forums who have not gone through a JPS may harbour various kinds of gender biases. Basic concepts such as women's land and inheritance rights as well as gender equality in wages and opportunities should be explained to them and they must know the basics of the 2004 Domestic Violence Law. It is recommended that all members of a Citizens' Forum must at least have a basic understanding of gender issues and of the concept of social inclusion. Training of members of Citizens' Forums should be ongoing and should be facilitated by LBH APIK's trained paralegals or by other trained facilitators. People with special needs must be facilitated. Each community should have a complaint mechanism.

Citizens' Forums are a space for community empowerment in which the members can learn from each other and encourage each other to come up with collective strategies to acquire their rights. The local government also benefits from the existence of a Citizens' Forum since it can become very effective in helping the administration to solve problems faced by its citizens. This means that collaborative engagement through citizens' participation could create a more democratic, accountable and transparent government.

Citizens' Forums potentially play an important role in bringing a community's critical concerns to the attention of village leaders and government officials. In the initial stage a Citizens' Forum is often perceived as a help for the village

administration. But as the Forums demand greater transparency and accountability of the village and other funds, the participants may encounter cases of corruption. In such situations help of the Ombudsman or other anti-corruption agencies is needed. The Forums need to discuss these strategies in advance. In addition, as the Citizens' Forums become better known, there is a danger they will be controlled by the village elite. Or that they will be drawn into various power struggles, both within the village and originating from outside, including national politics. In two cases (Galur, Jakarta, and Lengaleso, Sigi, Central Sulawesi) this has led to the temporary annulment of discussions, until such a time as the elections would be over.

The AGJI was designed and piloted in this program. It proved to be a reliable and comprehensive index that can potentially assist NGOs and government institutions to design gender policies. Designing the AGJI was done in a participatory manner, in two meetings. This process in itself was empowering as participants, mainly lawyers and paralegals, learnt how to break down elements of socio-economic gender relations. While the discussions on the first three blocks of the GSI mainly focused on selecting the various variables from a long list of indicators usually featuring in other gender global indexes (GDI, AGDI, Global Gender Gap) the discussions on the block on political power were particularly rewarding. Here a list was made of

positions that directly impact on women's power, in the specific context of Indonesia. If the AGJI will be adapted to other contexts the cultural specificity can be best expressed in this variable. The second, qualitative component both provides women-specific data and includes information relevant to this project. The third part is project specific. The two latter parts can easily be adapted to other topics and to other contexts, by selecting the relevant variables and indicators

The participatory, barefoot methodology of the AGJI is designed as a tool for the empowerment of women. But the barefoot statisticians of this project could not always collect the needed data. This is largely due to the reluctance or perhaps incompetence of various government offices which should make these data easily available. Here too, great regional differences can be noted. The data the researchers asked for were simple data that should provide no difficulties in collecting them. Particularly worrisome is the fact that no data for income were available, nor on land titles and other economic variables.

Sometimes the unavailability of data was related to the unwillingness of officials to share data with citizens, rather than with their bosses at higher levels. Or the data were seen as private rather than as public property. At other times data had not been collected or they were not disaggregated by sex. This weakness of data collection at

the subnational level is translated in weak national data so this is a serious national concern and needs to be tackled at the national level, both by the BPS (Badan Pusat Statistik, National Statistical Agency) and the relevant ministries (for example of Health and of Manpower)

Although this was a modest pilot project, the data this exercise yield are interesting. The fact that its quantitative part, the GSI, compares well with the Global Gender Gap Index report, while the methodology is so much simpler and cheaper, and the indicators used are much broader in scope, suggests that it can be used more widely. After all the regional differences detected can be relevant for policy purposes. If the AGJI can be collected on a wider scale it may be possible to carry out more sophisticated analyses, correlating data of the quantitative GSI with information on the qualitative WPM. The AGJI can be improved. The indicator on child mortality can probably be replaced by an indicator on stunting. In the economic block an indicator on labour force participation can be added.

The sophisticated GII that the BPS computes is able to rank regions at the subnational level. It is a complex tool which also suffers from the low availability of relevant data. The absence of the indicator for the MMR is significant in this respect. The AGJI is a much simpler and more transparent tool. Although ranking is an interesting exercise in itself, a lower or higher place does not immediately tell activists and

policy makers what particular problems in a specific region need to be addressed. At this moment, and with the current state of disarray of data collection it is not very well possible to compare the GII with the AGJI.

The activities carried out by the paralegals and members of the Citizens' Forums in this project surpassed the original objectives. Local circumstances often dictated the pressing needs of the moment and the skills of the paralegals proved very relevant when problems emerged. This is particularly apparent when the two natural disasters struck, the earthquake on Lombok and the earthquake, tsunami and liquefaction in Palu. The paralegals and lawyers of LBH APIK not only dealt with their own problems, they were immediately involved in disaster relief. People who had lost their ID cards were assisted efficiently, but other problems were also tackled, such as clean water and support for the refugees.

In a hierarchical society like Indonesia the JPS and the Citizens' Forums showed great initiative and perseverance in challenging the lack of transparency of their village heads and the other problems they encountered to strengthen the rule of law in Indonesia. APIK National Secretariat and LBH APIK's offices just provided the general plan and trained them on the issues at stake. It depended on the community to determine what specific aims had to be achieved and what kind activities had to be implemented. The first needs

assessment carried out by paralegals was very important in drafting the subsequent plans. For example the problems faced by the citizens of Labuan Panimba and Saba on the rights to land had never been discussed at the beginning of the project. The success of the villages of Labuan Panimba and Saba to get their land certificates is also the success of the government policy and program on land certification that is supported by the World Bank. Land ownership, certainty and legality are the keys for a better life of villagers. Securing one's legal identity is a key to get access to the government services including health, education, rice and nutritional support for the elderly and infants.

The success of the Kediri Citizens' Forum to advocate for the Village Regulation on Child Marriage Prevention and Pakem (Rules) on Adat Merariq, also has to be attributed to the good technical assistance provided by the National Secretariat of APIK and the lawyers of LBH APIK West Nusa Tenggara.

This pilot project revealed the many obstacles Indonesian citizens, particularly poor women and those belonging to marginalized communities face to access their rights and entitlements. Indonesia is developing and expanding its system of social security – also to those who are the victims of economic development processes. Those living under conditions of precarity or people faced by the social stigma they carry – as people with disabilities or members of sexual

minorities find it hard to access their rights. In this program the paralegals and lawyers of APIK and the various LBH APIK offices provided assistance and laid the groundwork for struggles to end corruption and mismanagement at the local level.

The project Making Rule of Law Meaningful for Poor Women and Vulnerable groups used two approaches: legal aid and legal empowerment for the poor. The first approach was implemented by dealing with individual cases on discrimination and gender based violence especially domestic violence, the objective being to gain access to justice (see annex 7). However, APIK staff believe that case handling alone is not enough to support and uphold the rule of law enshrined in the Indonesian Constitution. For that reason, APIK also implemented a legal empowerment approach where APIK lawyers and paralegals used the law to empower the community as the center of development. By understanding the law and having the necessary legal awareness and skills to exercise their constitutional rights, people can have access to justice and public services. They can also advocate for legal reform so that the legal system will serve their needs and interests. In the view of APIK, the two approaches form the implementation of the main framework of APIK, called Structural and Gender Legal Aid.

In Indonesia, there is little research on legal empowerment for the poor and vulnerable groups and the rule of law. It is

important to discuss legal empowerment from the eyes of poor women and vulnerable groups. APIK believes that this Rule of Law Program for Poor Women and Vulnerable Groups is a starting point to understand why so far the law is not functioning as a tool for social transformation and how the law can contribute to end the discrimination against women and vulnerable groups especially for members of sexual minorities and people with disability. Expanding the same approach to other regions and considering factors such as ethnicity and religion is very important to be able to understand the discrimination against women and their impoverishment. This program compiled harmful traditional beliefs and suggested ways to eliminate these as a key approach to eradicate all kinds of discrimination against women. Working with men/boys in eliminating discrimination and gender based violence is also very important.

APIK was also supported by the Netherlands Government via IDLO (International Development Law International) to implement the program on structural and gender legal aid. One of the important activities was to advocate regional bylaws on legal aid where each LBH APIK can secure financial support from the local government to be able to continue the program. APIK will continue using the experiences and best practices of this project to implement this rule of law program in the future.

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Annexes

Annex 1

GSI Scores

Gender Status

NUSA TENGGARA BARAT (NTB)

Indicator	Scores	Average	Gender Status Index
Child mortality	70.3	85.1	61.9
HIV/AIDS	100.0		
Primary school	95.0	90.7	
SLTP	96.0		
SLTA	92.0		
Diploma/S1*	80.0		
Income	69,2	69,2	
Provincial council	10.0	9.9	
Regency council	9.0		
Religious court judges	0.0		
National court judges	22.0		
prosecutors	34.0		
Police	3.7		
Regional heads	0.0		

Village heads	0.3		
Village council			

*For Diploma a proxy of
80 is used

Gender Status

DKI Jakarta

Indicator	Scores	Average	Gender Status Index
Child mortality	100,0	100,0	69,8
HIV/AIDS			
Primary school	90,9	58,1	
SLTP	64,2		
SLTA	44,9		
Diploma/S1	32,5		
Income	69,2	69,2	
Provincial council	37,3	52,1	
Regency council			
Religious court judges			
National court Judges	55,7		
Prosecutors	63,2		
Police			
Regional heads			
Village heads			
Village council			

Gender Status

Central Jawa Semarang

Indicator	Scores	Average	Gender Status Index	
Child mortality	100,0	96,9		
HIV/AIDS	93,7			
Primary school	95,3	98,8		
SLTP	100,0			
SLTA	100,0			
diploma/S1*	80			
income	69,2	69,2		
Provincial council	29,8	23,8	70.9	
Regency council	23,0			
Religious court judges	7,8			
National court judges	50,4			
prosecutors	54,9			
Police	5,2			
Regional heads	12,9			
Village heads	5,2			
Village council	25,0			

- proxy

Gender Status

Papua

Indicator	Scores	Average	Gender Status Index
Child mortality	100,0	94,7	63
HIV/AIDS	89,4		
Primary school	83,4	60,8	
SLTP	79,8		
SLTA	79,8		
diploma/S1*	80		
income	69,2	69,2	
Provincial council	7,6	7,3	
Regency council	11,7		
Religious court judges	0,0		
National court judges	15,8		
prosecutors			
Police	16,2		
Regional heads	0,0		
Village heads	0,0		
Village council			

- proxy

Gender Status

Medan

North Sumatera

Indicator	Scores	Average	Gender Status Index
Child mortality	94.6	90.6	66.6
HIV/AIDS	86.5		
Primary school	93.2	85.9	
SLTP	80.5		
SLTA	90.0		
diploma/S1	80.0		
income	69.2	69.2	
Provincial council	17.6	20.6	
Regency council	11.5		
Religious court judges	41.8		
National court judges	41.4		
prosecutors	23.7		
Police	5.1		
Regional heads	0.0		
Village heads	23.6		
Village council	0,0		

diploma/BA 80 is proxy

Gender Status

South Sulawesi (Makassar)

Indicator	Scores	Average	Gender Status Index
Child mortality	100,0	100,0	70,6
HIV/AIDS	100,0		
Primary school	100,0	98,4	
SLTP	100,0		
SLTA	100,0		
diploma/S1	93,4		
income	69,2	69,2	
Provincial council	21,4	14,9	
Regency council	19,0		
Religious court judges			
National court judges	35,2		
prosecutors			
Police	13,4		
Regional heads	0,0		
Village heads	15,3		
Village council	0,0		

Gender Status

Central Sulawesi (Palu)

Indicator	Scores	Average	Gender Status Index
Child mortality	100,0	100,0	72.2
HIV/AIDS	100,0		
Primary school	95,7	98,9	
SLTP	100,0		
SLTA	100,0		
diploma/S1	80		
income	69,2	69,2	
Provincial council	19,4	25,8	
Regency council	9,3		
Religious court judges	40,0		
National court judges	50,0		
prosecutors	27,7		
Police	31,2		
Regional heads	15,3		
Village heads	4,3		
Village council	35,3		

Gender Status

Indicator	Scores	Average	Gender Status Index
Child mortality			
HIV/ sexually transmitted disease			
Primary school			
Junior high school			
Senior high school			
Diploma/university			
Formal sector income			
Provincial council			
regency			
Judge religious court			
Judge national court			
Public prosecutor			
Police			
District head			
Village head			
Village council			

Annex 2

Women's Progress Measure

Maternal Mortality Rate

FGM

Implementation Domestic Violence Law

Report to police

Report to APIK

Report to PT2P2A (Integrated Service for
the Empowerment of Women and Children)

Divorce State Court

Divorce Religious Court

Implementation Marriage Law

Marriage below the age of 15

Marriage 15-19

Registered polygyny

Reproductive rights

Increase male acceptors

Decrease unmet needs

Annex 3

Project Impact Analysis

Economic rights

Women's land certificates

House ownership

Women's access to credit

Civil rights

Identity card

Family card

Birth certificate

Marriage certificate

Divorce certificate

Health card

Rice card

Education card

Family welfare card

Elderly card

Disability card

Fishermen/women's card

Annex 4: Products

1. Campaign tools on basic rights/public service by APIK National Secretariat and LBH APIK Offices

- T-shirt with tag-line : "*Hak Dasar Perempuan dijamin oleh UUD 1945*" (Basic Rights of Women Guaranteed by the 1945 Constitution). This T-Shirt was distributed to paralegals;
- A booklet entitled *Know Your Rights, Public Services Series: Access to Legal Identity and Health Care*;;
- The other booklet is *on Access to Legal Identity. It contains the procedure to obtain birth certificate, marriage and divorce certificate , ID Card, Family Card etc.*;
- The third booklet on Access to Health Care contains the legal basis of health services (BPJS) and a legal basis and how to get access to health care that currently exists within the umbrella of the national health insurance, one of the most popular is the BPJS;
- The fourth booklet describes the definition and scope of public services, the basic laws, problems related to 'mal-administration' and the complaint procedure to Ombudsman and the Information Commission;
- Bulletins and News Updates from Community on the website;
- Since April 2016, APIK published the APIK Bulletin that was distributed to LBH APIK Offices and paralegals and the community in general.

2. Eight policy advices were drafted and advocated:

- Village regulation on the Prevention of Child Marriages in Kediri village, NTB;

- Pakem or Awiq-awiq (Adat Rules) on Adat Merariq to prevent child marriages in Kediri Village, NTB;
- Policy advice on Suscatin Program; this has been adopted by Dasan Cermen, village government, Mataram, NTB, Citizens' Charter on transparency and villagers' participation to access land certificates through PTSL government program in Saba village, Lombok Tengah district, NTB was launched and implemented;
- Policy advice by paralegals and Citizens' Forum members on ownership access to ex-Erfpacht land to Agrarian Ministry and Provincial Land Agency (BPN) in Labuan Panimba village, Labuan subdistrict, Donggala district, Central Sulawesi;
- Policy advice by paralegals and Citizens' Forum on legal identity access in Toaya Vunta, Donggala District, Central Sulawesi;
- Policy advice regarding improving the quality of services at the 'Pattigalong sub – district Health Service (Puskesmas), Ujung Tanah District, Ujung Tanah, South Sulawesi;
- Policy advice regarding Prevention and Handling of Children Conflict with the Law in Tamallate subdistrict and Tamalanrea subdistrict, South Sulawesi.

1. Publication of book Lessons Learnt of Rule of Law in the Eyes of Poor Women and Vulnerable Groups.
2. APIK Paralegal Training Manual on Gender, Public Services and Social Inclusion.

Annex 5

Total Results

Indicator	Result (Dec 2014-May 2019)	Detail
No. of beneficiaries (F/M) with access to justice (including women who present cases of sexual violence and domestic abuse)	Access to Justice on sexual abuse and domestic violence: 146 beneficiaries (F: 144, M: 2)	<ul style="list-style-type: none"> • 27 sexual abuse cases (F: 25, M: 2-children) • 119 domestic violence cases (F)
	Access to legal identity : 531 beneficiaries (F: 273, M: 258).	Consisting of cases on birth certificate, family card, marriage certificate, ID-card, residential letter, etc.
	Health Service for poor and vulnerable groups: 93 beneficiaries (F: 59, M: 34)	<ul style="list-style-type: none"> • BPJS card/KIS (government insurance card and challenge on access to health service using the card.
	Education: 53 beneficiaries (F: 40, M: 13)	<ul style="list-style-type: none"> • Access to Kartu Indonesia Pintar (KIP)
	Economic rights : 2.638 beneficiaries (F: 1.048, M: 1.590)	<ul style="list-style-type: none"> • Land rights (include land certificate) : 972 beneficiaries (F: 97, M: 875) got their certificate out of out of 1.350 in Saba, NTB and out of 1.688 in Labuan

		<p>Panimba, Central Sulawesi, successfully got 954 certificates.</p> <ul style="list-style-type: none"> • Access to irrigation water (approximately, accounted by family-based): 700 beneficiaries (F: 350, M: 350 – approximately). • Government program on economic empowerment for the poor, ex migrant workers) and family hope program (PKH): 184 (F: 119, M: 85). • Rice for the poor (data beneficiaries advocacy) – government program (approximately because the beneficiaries is counted by family-based) : 600 beneficiaries (F: 300, M: 300). • Inheritance rights : 1 beneficiaries (F)
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		<ul style="list-style-type: none"> • Fishery card for women and insurance for fishery: 181 beneficiaries (F)
	Elderly rights : 247 beneficiaries (F: 163, M: 84)	<ul style="list-style-type: none"> • Elderly card, nutrition for elderly program, etc.
	Dissability rights : 78 beneficiaries (F: 34, M: 44)	<ul style="list-style-type: none"> • Driving license, wheel chair, prosthetic limbs, blind-help equipment, access to cash fund program.
	Children's rights (homeless) : 65 beneficiaries (F: 30, M: 35)	<ul style="list-style-type: none"> • Economic empowerment, shelter, etc.
	Public information dispute: 1 beneficiaries.	<ul style="list-style-type: none"> • Access to village budget transparency to village government and through Komisi Informasi (regional Information Commission), and also reported the head of the village to the police regarding corruption indication.

	Poor People Declaration letter (Surat Keterangan Tidak Mampu/Surat miskin) : 20 beneficiaries (F: 15, M: 5)	<ul style="list-style-type: none"> • This letter required by government to access government program, such as legal aid fund, economic empowerment program for the poor, rice for the poor, cash fund, health insurance, etc.
No. of beneficiaries (F/M) who have improved awareness of their rights and/or of how to address justice problems (claim, defend, and or recover rights)	Total beneficiaries : 5.529 (F: 2.446, M: 2.425)	<ul style="list-style-type: none"> • Member of Justice Pioneer School (JPS) in 7 provinces (20 JPS) : 368 (F: 343, M: 25) • Member of 18 of Citizens' Forum in 7 provinces : 793 persons (F: 470, M: 323); • Multistakeholder meetings, participants of Citizen's Charter : 879 persons (F: 554, M: 325) • Other public campaign on citizen's rights (approximately-received pocket book, online,

		media, etc): 3000 persons.
No. of paralegals trained to inform people about their rights and how to address justice problems	224 paralegals (F: 168, M: 56)	In 7 provinces, namely Papua, South Sulawesi, Central Sulawesi, West Nusa Tenggara (NTB), Central Java, Jakarta, North Sumatera.
No. of policy advices on informal justice, sharia or gender issues given through the project	The number of village regulations, village stakeholders commitment (citizens' charters) and adat regulations as an impact of the legal awareness in that area.	<ol style="list-style-type: none"> 1) Village regulation on Child Marriage Prevention in Kediri village, NTB 2) 1 pakem (rules) on Adat Merariq to prevent child marriage in Kediri Village, NTB; 3) Policy advice on Suscatin Program that have been adopted by Dasan Cermen village government, Mataram, NTB. <p>Detail :</p> <p>Implementation of Citizens' Charter : 1 (one) Suscatin (pre – wedding course curricula) has been discussed and approved by Citizen's Forum member and village government</p>

		<p>(Lurah) in Dasan Cermen village, Mataram City, NTB;</p> <p>4) Citizens' Charter on transparency and villagers' participation to access to land certificate through PTSL government program in Saba village, Lombok Tengah district, NTB launched and implemented;</p> <p>5) Policy advice by paralegals and Citizen's Forum members on ownership of ex-erfpacht land to Agrarian Ministry and Provincial Land Agency (BPN) in Labuan Panimba village, Labuan subdistrict, Donggala district, Central Sulawesi. In this period BPN responded and prepared for land certificate process;</p> <p>6) Policy advice by paralegals and Citizens' Forum on legal identity access</p>
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		<p>in Toaya Vunta, Donggala District, Central Sulawesi.;</p> <p>7) Policy advice regarding improving the quality of services at the Pattigalong subdistrict Health Service (Puskesmas), Ujung Tanah District, Ujung Tanah, South Sulawesi;</p> <p>8) Policy advice regarding Prevention and Case Handling of Children who are having problem with the law in Tamallate and Tamalanrea subdistricts, South Sulawesi.</p>
Strengthened dialogue between government and CSO's on justice needs and justice reform.	<ul style="list-style-type: none"> 6 paralegal posts as Ombudsman provincial level partner on public service monitoring and complaints at the grass roots level. More than 20 government 	<p>a. 6 paralegal posts as Ombudsmen Provincial Level Partner on Public Services Monitoring and complaints (3 paralegal posts in NTB and 3 paralegal in Central Sulawesi). LBH APIK NTB and LBH APIK Central Sulawesi awarded</p>

	<p>institutions engaged, invited as speakers or partners in this program;</p> <ul style="list-style-type: none"> • The formation of Legal Identity Access Network with 7 CSO (Pokja Masyarakat Sipil untuk Identitas Hukum) 	<p>by Ombudsman a Participation Award because they succeeded in increasing community participation to oversee public service institution in complying the Law on Public Service, Following up this award, the Ombudsman provide capacity building for paralegal and building a long term-partnership;</p> <p>b. Paralegals, JPS, and Citizens' Forum Enganged with village government, Dinas Sosial (Social agency, Civil Registration agency, Education agency, Religious court for access to marriage certificate,Ombudsm an, Police, Information Commision) at the national and provincial level (invited as speaker, case handling network, partner on</p>
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		<p>community empowerment);</p> <p>c. APIK in collaboration with Pokja Identitas Hukum Network (Puskapa University of Indonesia, Perca, Institut Kewarganegaraan Indonesia, Pekka, Gandhi, and Lakpesdam), addressing the revision of Law No.24/2013 on Civil Registration;</p>
Gender Justice Index Report	1 document	<p>It has been launched in April, 12th 2019, attended by around 150 participants among others are representatives from: Ombudsman, Bappenas, Statistic Bureau, UN Women, etc.</p>

Annex 6

40 Constitutional Rights

I. Citizenship Rights

1. The right to citizenship status; Article 28D (4)
2. The right to be equal before the law and the government; Article 27 (1), Article 28D (1), Article 28D (3)

II. The Right to Life

3. The right to live and to defend his/her life and existence; Article 28A, Article 28I (1)
4. The right to live, to grow and to develop; Article 28B (2)

III. The Right to Improve Yourself

5. The right to self-realization through the fulfillment of his/her basic needs, the right to education and to partake in the benefits of science and technology, art and culture; Article 28C (1)
6. The right to social security in order to improve his/her self fully as a dignified human being; Article 28H (3)
7. The right to communication and to acquiring information for his/her own and his/her social environment development; Article 28F
8. The right to an education; Article 31 (1), Article 28C (1)

IV. The Right on Freedom of Mind and Freedom of Choice

9. The right to freedom of thought and conscience; Article 28I (1)
10. The right to be free to believe his/her faith; Article 28E (2)
11. The right to worship and to practice the religion of his/her choice; Article 28E (1), Article 29 (2)
12. The right to choose education and teaching, occupation, nationality, and residency; Article 28E (1)
13. The right to the freedom to associate and to assemble; Article 28E (3)
14. The right to assert his/her thoughts in accordance with his conscience; Article 28E (2)

V. Information Rights

15. The right to communicate and to obtain information; Article 28F
16. The right to seek, obtain, possess, store, process, and spread information by all types of channels available; Article 28F

VI. The Right to work and decent livelihood

17. The right to an occupation and decent livelihood for humanity; Article 27 (2)
18. The right to an occupation as well as to get income and a fair and proper treatment in labor relations; Article 28D (2)
19. The right not to be enslaved; Article 28I (1)

VII. The Right to Ownership and Housing

20. The right to own personal property; Article 28H (4)
21. The right to have a home; Article 28H (1)

VIII. The Right to Healthy Health and Environment

22. The right to live in physical and spiritual prosperity; Article 28H (1)
23. The right to get a good and healthy environment; Article 28H (1)
24. The right to obtain health services; Article 28H (1)

IX. Family Rights

22. The right to form a family; Article 28B (1)
23. The Right to Legal Certainty and Justice
24. The right to recognition, protection and certainty under the law; Article 28D (1)
25. The right to equal treatment before the law; Article 28D (1), Article 27 (1)
26. The rights to be treated as an individual before the law; Article 28I (1)

X. The Rights to Free from Threats, Discrimination and Violence

29. The right to feel secure and to be protected against threats from fear to do or not to do something that is part of human rights; Article 28G (1)
30. The right to be free from torture and degrading treatment; Article 28G (2).

31. The right to be free from discriminatory treatment based upon any grounds whatsoever; Article 28I (2)
32. The right to facilities and special treatment to get the same opportunities and advantages in order to reach equality and justice; Article 28H (2)

XI. Protection Rights

33. The right to protection of his/herself, family, honour, dignity, and property under his/her authority; Article 28G (1)
34. The right to get protection against discriminatory treatment; Article 28I (2)
35. The right to protect the cultural identities and rights of traditional communities are to be respected in conjunction with progressing times and civilization; Article 28I (3)
36. The right to protection from violence and discrimination; Article 28B (2), Article 28I (2)
37. The right to obtain political asylum from another country; Article 28G (2)

XII. The Right to fight for Rights

38. The right to improve him/herself through collective struggle; Article 28C (2)
39. The right to the freedom to associate, to assemble and to express opinions; Article 28, Article 28E (3)

XIII. The Right on Government

40. The right to have an equal opportunities in government; Article 28D (3), Article 27 (1)

Annex 7:

Case Handling Recapitulation 2015-2018

No.	Case Categories	Number of Beneficiaries															
		Makassar		Semarang		NTB		Medan		Papua		Sulawesi		Jakarta		Total Beneficiaries	
		F	M	F	M	F	M	F	M	F	M	F	M	F	M		
1 Access to Legal Identity																	
	- ID Card/ Electronic ID Card	16	10	4		12		5	1	1	5	20	25			99	
	- Family Card	9	11	4		10				4	27					65	
	- Birth Certificate	21	9	4						8	10			3		55	
	- Marriage Certificate/legalisation letter	2	2	4	4	177	177	9	9							384	
	- Residential letter	1	1	25												27	
	Sub Total															630	

2	Access to Economic rights
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	- Inheritance rights					1											1
	- Economic empowerment program			10	10												20
	Sub Total																2076

3	Access to Health																
	- Government Health Insurance (BPJS)	9	4	5		31	22	43	18					7			139
	- Fishery Insurance			51													51
	Sub Total																190

4	Access to Education																
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- Kartu Indonesia Pintar (Education Subsidiary Card)	1	5	10		29	8							1		54
Sub Total															54

5	People with Dissability Rights														
- Driving License				35											35
- Prosthetic limbs			60	139											199
- Wheel Chair			5												5
- Blind Help Equipment					1	2									3
- ODGJ (people with mental health issues)					2	1									3
- Cash Fund program						1									1
Sub Total															246

6	Access to Public Information Rights												
	- Public Information Dispute											1	
	Sub Total												1

7	Access to Justice												
	- Domestic violence cases	1		97		3					1	2	104
	- Sexual Abuse			19		1						1	21
	- Violence againts children					1							1
	- Dating Violence			4									4
	Sub Total												130
	Grand Total												3327

Annex 8

Program Areas of the JPS

Number JPS: 19 JPS/SPK

Participants: At the start of the JPS 298 women and 20 men were registered. By June 2016, still 243 women and 20 men participated actively. In 2017 243 women and 18 men were enlisted.

Province	Name of village or JPS	characteristics
NTB	Kediri village, Kediri subdistrict, West Lombok	Rural, strong influence from pesantren
	Dasan Cermen, Dasan subdistrict, the city of Mataram	Urban, different kinds of work teacher migrant workers, small traders)
	Saba village, Janapria subdistrict, Central Lombok district.	Rural, majority peasants
Semarang/Central java	Morodemak village, Demak district	Rural, majority fishermen and - women

	JPS Domestic Workers' Union, Semarang City	Urban, domestic workers
	Guntur village, Demak district	Rural, majority peasants
	Mrisen (Disabilities Mrisen) village, Demak district	Urban and rural (mix), all have a disability.
Makassar/South Sulawesi	Ujung Tanah village, Wajo dan Talo	Urban, majority fishery sector
	Tamalate village, Rappocini subdistrict, Panakukang district	Semi Urban, various work
	Biringkanaya village, Tamalanrea, dan Manggala	Rural, various work
Papua	Iffar Besar village, Sentani Kota subdistrict, Jayapura District.	Semi urban, various work
	Nimbokrang Sari village, Nimbokrang subdistrict, Jayapura District.	Rural, peasants, plantation workers producing

		traditional bags, having cattle
Jakarta/Greater Jakarta	Kalibaru village, North Jakarta	Urban, threatened to be evicted majority fishery sector
	Galur village, Central Jakarta	Urban, poor neighbourhood, various kinds of work.
	Cipinang Besar Selatan village, East Jakarta	Urban, neighbourhood prone to conflicts, various kinds of work
Palu/Central Sulawesi	Langaleso, Sigi, Palu	Semi rural, various kinds of work majority peasants some have been migrants workers.
	Toaya Vunta,. Sindue,. Donggala	Rural, fishing village
	Labuan Panimba,. Labuan, Donggala	Rural, majority peasants, problems with accessing rights to their ex-erfpacht land.

Medan/North Sumatra	Medan	Urban, various kinds of work.
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Prof. Dr. Saskia E. Wieringa is an anthropologist and professor emerita from the University of Amsterdam, the Netherlands, in the field of Gender and Cross-Cultural Sexuality. In 2003-2004, on behalf of the European Economic Commission and together with Jacques

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