

Female Circumcision in Indonesia as Tradition versus Human Right

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Abstract: This paper aims to discuss the practice of female circumcision at some places in Indonesia. This study employs a socio-legal research as methodology, with purposive random sampling. The result is in certain community and local condition tradition applied circumcision. This study finds that the female circumcision is dangerous for women. Most of the practice ignores and violates the woman's rights. The government has an obligation to provide the knowledge to the community, particularly to female that have an important role for the next generation of the nation. Female have equal rights to gain knowledge and access to health.

1 INTRODUCTION

In Indonesia is still familiar with the circumcision of girls. Female circumcision in East Java is dominated by the Madura ethnicity. Moving from research on "The Role of Community Leaders and Mechanisms of Reproductive Social Practice of Female Circumcision in East Java Province"¹ is known in some areas there are different assumptions about female circumcision.

For most people of Banten, circumcision must be performed when the child is at least 2 - 3 years old. When the obligation is not executed, the law is considered haram (unclean and kafir), so that all forms of worship that he did is considered illegitimate. Lampung community also has a similar tradition with the people of Banten, the tradition of female circumcision performed when the woman aged 2-3 years. For the people of Lampung, women who are not circumcised then, it looks will look less beautiful and less luminous. The tradition of female circumcision in Lampung society is also referred to as 'circumcision senbai' (Mesraini, 2003). The same thing is also shown by the Banjar community. They engage in female circumcision activities at 40 days after born by reason of following the existing tradition and has been done for generations. They assume that not perfect only when the existing tradition is not continue by the next generation (Nurdiyana, 2010)

Another case with the practice of female circumcision performed by the community in Yogyakarta. They practice the practice of female circumcision as one form of Islamic religious worship. However, there are no sanctions that actually bind women who do not perform circumcision. Furthermore, in Madurese society, female circumcision is performed with the aim of being a ritual of Islamic belief purely without any prior cultural history. This happens because the culture brought from Java to Madura is not enough awake by the local community (Putranti, 2003).

Based on research conducted by Nantabah, et al (2015), it can be seen that female circumcision is mostly done in West Java Province (14,7%), North Sumatera Province (8,1%), and East Java (7.3%). Female circumcision rates in West Java and East Java provinces are more or less influenced by Kyai and kharismatik clerics whose can affect people . The majority of reasons that Indonesians use in practicing female circumcision are religious reasons. Religiously, female circumcision is done to restrain women's lust for her femininity to stay up until they get married. However, different things are mentioned by dr. Sharifa Sibiani from King Abdulaziz University, Jeddah. Dr. Sharifa undertook a study of 260 women half of whom had been circumcised. She studied sexual behavior and their experiences during sex. The result, there was no difference in sexual

¹ Lanny Ramli, Peran Tokoh Masyarakat dan Mekanisme Reproduksi Sosial Praktek Sunat Anak Perempuan di

Provinsi Jawa Timur, Bahan Ajar, Zifatama Publishing, Surabaya, 2017.

arousal or libido among women who have been and are not circumcised (femina.co.id).

From some assumption like that we want to know what is the knowledge and understanding of actors in the practice of female circumcision on the Rights of Women and Children.

1.1 Materials and Method

This research is applicable in terms of the purposive random sampling.

1.2 Research Subject

The subjects of study consist of the mothers, the mid wives, kyai (religious leader), community leaders .

1.3 Settings

Related the locations that have many practice female circumcision at there and there are have the central of madura society and communal like : Surabaya, Situbondo and Bangkalan (Madura).

1.4 Procedures

The study used in depth interview, questioners besides literatur research. Some questions stated at questioners papers.

1.5 About

The knowledge and understanding about female circumcision.

1.6 Data Collection

The data from questionnaires, from in depth interviews used for determine the knowledge and understanding about female circumcision related with tradition and human right.

1.7 Research Tools

The matter of the reason why female circumcision should conduct, from whom get this information, the back ground of the family.

1.8 Research Conducting Method

At first, we elaborate about the reason of why a baby girl should be circumcised, who should circumcise, what influence if circumcised, what are the

consequences if not circumcised related tradition and human right.

In this research, data analysis was performed not by statistic form or statistic model but by analyse in sosio-legal model. This research got data in some location, some female that conduct circumcision and some mid wives, community leaders, religious leaders.

For this research we use some questionare, but we completed it by in depth interview. The questionare for the mother contain of :

1. Age
2. Sex
3. Education
4. Job
5. How many years in marriage
6. How many children
7. How many daughter
8. How old the daughter
9. Never or ever heard the female circumcision
10. If ever, from whom
11. Never or ever circumcise her baby
12. If refuse the female circumcise one how the reaction of the society?
13. If refuse the female circumcise one how the reaction of the religious leader?
14. If refuse the female circumcise one how the reaction of the community leaders?

The questionare for the mid wives (the actor who conduct female circumcision) contain of:

1. Age
2. Sex
3. Education
4. Job
5. How many years as mid wive
6. How many babies (girls) had the circumcision by the mid wive
7. Never or ever heard the female circumcision
8. If ever, from whom
9. What the aims of female circumcision
10. If never what the reason
11. If the family or mother refuse the female circumcise what your respon?
12. If refuse the female circumcise one how the reaction of the religious leader?
13. If refuse the female circumcise one how the reaction of the community leaders?

The questionare for the religious leader contain of:

1. Age
2. Sex
3. Education
4. Job

5. How many years as religious leader
6. Never or ever heard the female circumcision
7. If ever, from whom
8. What the aims of female circumcision
9. If the family or mother refuse the female circumcise what your respon?

The questionnaire for the community leaders contain of:

1. Age
2. Sex
3. Education
4. Job
5. How many years as community leader
6. Never or ever heard the female circumcision
7. If ever, from whom
8. What the aims of female circumcision
9. If the family or mother refuse the female circumcise what your respon?

2 FINDING

2.1 Female and Children as a Part of Society

Based on population projection data from the Central Bureau of Statistics (Biro Pusat Statistik / BPS), the current population of Indonesia is more dominated by productive age group that is between 15-64 years. The Central Bureau of Statistics distinguishes the productive age population into 2 categories, the first Very Productive Age (15-49) and the second Productive Age (50-64). The number of women of very productive age reached 69.4 million while for productive age (50-64) reached 16.91 million.

Based on Central Bureau of Statistics of East Java 2017 and total population is as follows:

Table 1: Total Populations from Statistics of East Java 2017

Town/Region	Male	Female
Situbondo	326.500	343.213
Surabaya	1.406.683	1.441.900
Bangkalan	455.710	498.595

² Paul S.Baut dan Beny Harman K, *Kompilasi Deklarasi Hak asasi Manusia*, Yayasan LBHI, Jakarta, 1988. Universal Declaration of Human Rights disebut sebagai Pernyataan Sedunia tentang Hak Hak Asasi Manusia.

³ Ian Brownlie, *Dokumen Dokumen Pokok Mengenai Hak Asasi Manusia*, UI Press, Jakarta, 1993. Universal

Female in the productive age and highly productive potential of delivered baby either male and female infants as the next generation of the nation. Female have the same rights as male. All male and female are born free and have the basic right, we called it the human rights.

These rights are set forth in the World Declaration on the Human Rights² or also called The Universal Declaration on the Human Rights.³

Article 1 Everyone is born independent and has the same dignity and rights. Article 2 Everyone has the right to all rights and freedoms set forth in this statement with no exceptions whatsoever, such as nationality, color, sex, language, religion, politics or other opinion, national or community origin, property, birth or other positions. Article 3 Everyone is entitled to the livelihood, liberty and salvation of a person. Article 5 No one shall be abused or cruelly treated, regardless of humanity. Article 6 Everyone has the right to recognition as a personal person against the law.

The definition of rights is not also defined, but a core contained in the right, such as the existence of a claim, that speaks of our right to imagine that there is a "claim" and in relation to the legal protection for the people imagined a "claim" from the people: and in this case Louis Henkin in his article entitled *The Rights of Man Today*, says:

*"...human rights are claims asserted recognized "as of right", not claim upon love, or grace, or brotherhood or charity : one does not have to earn or deserve them. They are not merely aspirations or moral assertions but, increasingly, legal claims under some applicable law."*⁴

Also the children have right protection. Even the baby in the female pregnancy is considered to have been born as a child for the protection of his/ her rights.

Female as part of the society must have the vision, mission and strategy to have equal rights and obligations with men. At this time we call it gender equality. There are several points that female are struggling through strategies for the future,⁵ such as :

Declaration of Human Rights disebut sebagai Deklarasi Sedunia Tentang Hak Hak Asasi Manusia.

⁴ Philipus M.Hadjon .*Perlindungan Hukum Bagi Rakyat, Peradaban* , Jakarta, 2007, h.34-35.

⁵ Mahnaz Afkhami, *The Future of Women's Rights (Global Vision & Strategies)*, Edited by Joanna Kerr, Ellen

-we must insist that no one, man or woman may claim a right to a monopoly of interpretation of God to human beings or right to force others to accept a particular ruling about any religion. The upshot of this position is that women ought not to be forced to choose between freedom and God. The same applies to claims on behalf tradition.

-we must insist that international governmental and non-governmental organizations, national-states, civil society organizations, as well as national and multinational corporations, decide their policies about international, national and local issues in cognizance of the universal rights of women.

-we must educate the decision-makers at all levels about the plight of women and the reason why they should try to shape their decisions to help women achieve their internationally recognized rights.

-we must hold governments and organizations responsible for the effect on women of political, social, economic and cultural choices they make nationally or internationally. From this survey, mothers, midwives obey the habit conduct female circumcision for the baby girls depend on tradition and based on their religion. The religious leader that sharing the urgency of female circumcision based on Hadist Rasul. The community leaders got assumption that female must conduct circumcision based on tradition and their religion. For most of the societies, tradition often mixed with religious beliefs and vice versa.

2.2 Female Circumcision as Tradition in Some Community in Gender View

Gender is the division of the roles and duties between male and female defined by the community based on the nature of female and male needs appropriate according to the norms, customs, beliefs or customs of the people. In certain societies this division of roles is so rigid and it could not be exchanged either in time or in perpetuity.

Female as citizens as male, have equal rights in the community in all kind of community, but there are some things that cause female to find the same right, because of⁶ :

Sprenger, Alison Symington, Zed Books, London, 2008, p. 66.

⁶ Lanny Ramli, Thalca, Peran Tokoh Masyarakat dan Mekanisme Reproduksi Sosial Praktek Sunat Anak

1. The attitude of male's arrogance so as they look on female level, female are considered stupid, so there is no need to be given an explanation about the reproductive health matter and even if female ask, it will be answered casually.
2. The attitude of male's arrogance so as they look on female level, female are considered cheap so deserve to be seduced and if necessary and if considered attractive, invited to 'victim to sexual harrasment'.
3. The habit of placing the portion or position of female as the second citizen, konco wingking (the man behind next door), swarga katut, neraka nunut (go to heaven or to hell depend on her husband), so female have no existence of self, afraid to ask everything related to the case.
4. The view of female which is the inheritance of our ancestors of female as konco wingking, swarga katut neraka nunut so that female do not need education, female are not educated enough, so dare not ask all things related to the case.
5. The view of female which is the inheritance of our ancestors: female as konco wingking, swarga katut neraka nunut so that female do not put together uneducated education, female are not educated enough, so dare not question about things that happened to him.
6. There are patriarchal culture that requires female as subject to 'power' of male

The matter that make more worse and worse the differentiation of female and male is the presumption of public for male, private for female. Julia Cleves Mosse states: One of the most powerful ideologies that stressing gender differences is the division of the world into public and private area. Public areas consisting of public institutions, state, government, education, media, business world, corporate activities, banking, religion and culture are predominantly male.

From this research we know that in some community, female have not power to determine their right, although their human right. Get information about female circumcision by literation, by medical information, have right to refuse or receive the tradition to circumcise, get healthy by not conduct circumcise couldn't happen if the religious leader and the community leaders not allowed.

Perempuan di Provinsi Jawa Timur, Penelitian Unggulan Perguruan Tinggi (PUPT), Universitas Airlangga, Surabaya, Agustus 2017.

3 CONCLUSION

Penelitian Unggulan Perguruan Tinggi (PUPT).
Surabaya, IND: Universitas Airlangga.

In some community, female as a part of society have not right to their self. Their life depend on the tradition that sustain until now and continuing by community leaders in the community also by the religious leader. In this community, often the tradition diffuse in religion beliefs and the religion beliefs entering to their tradition. Because of that, until now female circumcision for the baby girls still doing in Surabaya, Bangkalan, Situbondo as samples of Madura etnis in this research. Female circumcision still doing in some community supported by community leaders and religious leader.

3.1 Recommendation

In order to prevent or maintain the health of baby girls or children that become female as the mother of the next generation needs a deep understanding to community leaders about the essence of female circumcision for the baby girls in order to avoid mistakes of action. Needs more communication with the religious leader.

To face the 21 century we need more literation, knowledge and communication among the actor who execute the female circumcision, the community leaders and the religious leader to support understanding of female circumcision and then decide to stop that.

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