

CHAPTER I

INTRODUCTION

1.1 Background

Female genital mutilation or cutting (FGM/C) is something that might still be unheard of in society. The reason behind this is because this topic is considered as something taboo and not appropriate for the public. Since globalization, women are becoming braver to speak out about their rights, including female genital mutilation. Only in 2012, the United Nations General Assembly finally resolved female genital mutilation, which is the first to be made globally.¹ And by 2015, the Sustainable Development Goals (SDG) eventually included FGM/C under Target 5.3: to eliminate all harmful practices, such as child, early and forced marriage, and female genital mutilation.²

FGM/C is a practice or procedure that removes the external female genitalia for no medical reasons.³ It also often injure the female genital organs. FGM/C is dangerous since it might permanently damage the female genital organ, and there are many known side effects. It is also now considered a human right violation since it violates human

¹ UNFPA, "Female Genital Mutilation," *United Nations Population Fund*, July 31, 2019, <https://www.unfpa.org/female-genital-mutilation> (accessed February 24, 2021).

² United Nations, "Goal 5 | Department of Economic and Social Affairs," *United Nations*, <https://sdgs.un.org/goals/goal5> (accessed February 24, 2021).

³ WHO, "Female Genital Mutilation," *World Health Organization*, February 3, 2020, February 3, 2020, <https://www.who.int/news-room/fact-sheets/detail/female-genital-mutilation> (accessed February 24, 2021).

principles of the right to freedom from cruelty, the child's rights, the right to physical and mental integrity, and even the right to life.⁴

Amongst international relations theories, two theories can be used to view FGM/C. The first one is the theory of relativism, which is explained by the book 'Relativism' as *the view that cognitive, moral, or aesthetic norms and values are dependent on the social or conceptual system that underpin them, and consequently, a neutral standpoint for evaluating them is not available to us.*⁵ In comparison, the second theory is liberalism, which provides a more open and modern perspective.⁶ Liberalism is often identified with freedom, which can be many things, including sexual freedom.

Both theories have vastly different approaches and views regarding this matter. For example, the argument of FGM/C as a violation of human rights law often debated with cultural and religious value; and if we were to ban the FGM/C completely, that could mean we lost another cultural and religious weight.⁷ One of the examples is how in the Fatwa of the MUI, one of the largest Muslim organizations in Indonesia, said,

⁴ UNFPA, "Female Genital Mutilation," *United Nations Population Fund*, July 31, 2019, <https://www.unfpa.org/female-genital-mutilation> (accessed February 24, 2021).

⁵ Maria Baghramian, *The Many Faces of Relativism* (London, The United Kingdom: Routledge, 2004), https://books.google.co.id/books?hl=en&lr=&id=IvSFAGAAQBAJ&oi=fnd&pg=PP1&dq=relativism&ots=uhF6YZHtE&sig=Y2fx3xrG4RFEE8pYtLj6P8ZFoDw&redir_esc=y#v=onepage&q&f=true (accessed February 25, 2021).

⁶ G. John Ikenberry, "Liberalism in a Realist World," *International Studies* 46, no. 1-2 (2009): 203-219, https://scholar.princeton.edu/sites/default/files/gji3/files/liberalism_in_a_realist_world.pdf (accessed February 25, 2021).

⁷ Dominic Wilkinson, "Cultural Relativism and Female Genital Mutilation," *Practical Ethics*, February 7, 2014, <http://blog.practicaethics.ox.ac.uk/2014/02/cultural-relativism-and-female-genital-mutilation/> (accessed February 25, 2021).

“the law prohibiting female circumcision is against the provisions of sharia”.⁸ While in liberalism theorist point of view, FGM/C is considered a violation of women's human rights since it is also a violation of liberalism and illiberal. FGM/C has dangerous side effects as quoted from medical experts, *“Medically no one teaches circumcision for women. Whether the practice is minor or not, it is considered extremely dangerous because it is in a woman’s sensitive area. Circumcision can also cause death.”*⁹ It was added that practice is also considered 'useless' and it should not have been mandatory for the girls. At the same time, it is essential to remember that other than these reasons, both perspectives have a more complex understanding of FGM/C and why it is considered and not considered a violation of human rights.

Indonesia has a long history regarding human rights, especially concerning female rights. Since the end of Suharto's presidency and the start of the reformation era in 1998, many laws and regulations related to human rights have been formed. In the various laws and regulations that were formed, many issues of women's rights received serious attention from the government. One example is the establishment of Article 1 paragraph (3) and Article 3 paragraph (3)¹⁰, which explain that discrimination based

⁸ Rumah Sunat, “FATWA MUI No. 9A 2008 TENTANG LARANGAN KHITAN PEREMPUAN,” *Sunat Perempuan*, <https://sunatperempuan.com/syariah.html> (accessed September 22, 2021).

⁹ Oktarina, “Permenkes Sunat Kaum Perempuan: Pro dan Kontra Antara Tradisi dan Perlindungan Kepentingan Perempuan,” *Jurnal Manajemen Pelayanan Kesehatan*, vol. 14, no. 4 (2011): 177-180, <https://journal.ugm.ac.id/jmpk/article/view/2567/2299> (accessed September 22, 2021).

¹⁰ Dede Kania, “Hak Asasi Perempuan dalam Peraturan Perundang-Undangan Di Indonesia,” *Jurnal Konstitusi*, Vol. 12, no. 4 (2015): 718-720, <https://doi.org/10.31078/jk1243> (accessed September 15, 2021).

on gender is prohibited by law. This law was adapted to The United Nations (UN) Convention on the Elimination of Discrimination against Women (CEDAW) which was adopted on 18 December 1979 and entered into force 3 September 1981). CEDAW also focuses on women's health, including female circumcision, as quoted in Article 11F, “*The right to protection of health and to safety in working conditions, including the safeguarding of the function of reproduction.*”¹¹

Several legal instruments on human rights also have been established in the interest of upholding and protecting human rights. An example is the formation of *Komnas Perempuan*, which President Habibie inaugurated through Presidential Decree No. 181 of 1998 and was later amended by Presidential Decree No. 65 of 2005. Including the implementation of FGM/C in Indonesia, the government has issued *Permenkes* No. 6 of 2014 to revoke *Permenkes* No. 1636/Menkes/PER/XI/2010 regarding Female Circumcision.¹² It states that female circumcision is not a medical procedure because its implementation is not based on medical indications.¹³ It is also stated that its implementation has not been proven to be beneficial for health. However, despite the increase of awareness regarding human rights, female rights, especially in

¹¹ United Nations, “Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979,” *Office of the United Nations High Commissioner for Human Rights*, <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CEDAW.aspx> (accessed September 15, 2021).

¹² Irwan Sapto Adhi, “Kenali 2 Bahaya Serious pada Sunat Perempuan,” *KOMPAS.com*, January 19, 2020, <https://health.kompas.com/read/2020/01/19/080000268/kenali-2-bahaya-serius-sunat-pada-perempuan> (accessed September, 15, 2021).

¹³ Menteri Kesehatan Republik Indonesia, “Peraturan Menteri Kesehatan Republik Indonesia Nomor 6 Tahun 2014”, *Menteri Kesehatan Republik Indonesia*, February 6, 2014, <https://peraturan.bpk.go.id/Home/Details/116748/permenkes-no-6-tahun-2014> (accessed September 15, 2021).

regards of FM, are still lacking behind. It is evident with the lack of proper law enforcement and even the existing regulations are still not well socialized as there are still many practices of female circumcision that cause heavy bleeding and threatening the lives of other women.

The practice of FGM/C can be seen everywhere in Indonesia and considered as something that is '*common*.' The most significant reason behind this is because it is regarded as the 'norm' or 'culture' in Indonesia. FGM/C is considered a tradition in certain religions, such as Muslim and Christianity. Indonesia, as one of the biggest Muslim-populated countries in this world, also believes the same. The Hadiths said that Muhammad also justified the FGM/C practice.¹⁴ In 2003, a study by UNSAID had revealed that 86% until 100% of girls aged 19 from 1694 households had undergone the FGM/C. Until 2015, the UNICEF data has shown that amongst 200 million practices of FGM/C, more than half live in Indonesia, Egypt, and Ethiopia, and 44 million of them are girls below age 15.¹⁵ It is important to note that Indonesia was the first country to ban FGM/C in 2006 when the government prohibited it because it could potentially harm women's health. However, it does not change anything since one of the most prominent Muslim organizations in Indonesia, Nahdlatul Ulama (NU), opposed the law and insisted on keeping the practice in 2010. Few Indonesian people

¹⁴ Pamela Geller, "Muslim Groups Call for Female Genital Mutilation to Be 'Medicalized,'" *Geller Report News*, September 8, 2018, <https://gellerreport.com/2018/09/muslims-FGM/C-2b-medicalized.html> (accessed February 24, 2021).

¹⁵ Beh Lih Yi, "Indonesia Launches New Campaign to End Female Genital Mutilation: Minister," *Reuters*, September 21, 2016, <https://www.reuters.com/article/us-indonesia-women-FGM/C-idUSKCN11R25Q> (accessed February 25, 2021).

know about the law, and until now, the number of FGM/C keeps increasing. It is also often being used as a business tactic by making it an optional extra for baby delivery with an extra charge.¹⁶

From the brief explanation above, the different opinions and views on FGM/C can be very prominent. The cultural relativism theory viewed it as something important and should not be banned since it holds a particular significance in their culture. On the other hand, liberalism has seen a more negative impact of this practice and believes it was unnecessary and even violated the human rights law. This is also still an ongoing debate in Indonesia. As a country that is hugely influenced by religion and tradition, the Indonesian think of FGM/C as part of their culture. Most people in Indonesia also have mistaken the meaning of the term 'liberalism,' with the example of an FGM/C practitioner that said FGM/C would help women with orgasm, which is considered as a form of equality.¹⁷ In contrast, many non-governmental organizations, such as the UN has realized the harm of this practice and are trying to stop it. Even some religious organizations, such as Fatwa MUI and Muhammadiyah, have a clashing opinion regarding FGM/C. Unlike other Muslim organizations, Muhammadiyah does not recommend the practice of female circumcision.¹⁸

¹⁶ Beh Lih Yi, "Indonesia Launches New Campaign to End Female Genital Mutilation: Minister," *Reuters*, September 21, 2016, <https://www.reuters.com/article/us-indonesia-women-FGM/C-idUSKCN11R25Q> (accessed February 25, 2021).

¹⁷ Beh Lih Yi, "Indonesia Launches New Campaign."

¹⁸ Andi Misbahul Pratiwi, "Maria Ulfah Anshor: Dalam Alquran Tidak Ada Ayat yang Memerintahkan Sunat Pada Perempuan," *Jurnal Perempuan*, June 23, 2017, <https://www.jurnalperempuan.org/warta-feminis/maria-ulfah-anshor-dalam-alquran-tidak-ada-ayat-yang-memerintahkan-sunat-pada-perempuan> (accessed September 15, 2021).

The government in Indonesia also still has difference opinion regarding this matter. *Komnas HAM*, which is part of the government, strongly condemns the practice of FGM/C. As quoted from the head of the *Komnas Anti-Violence* monitoring sub-commission, Arimbie Heroepetri, said, "*Circumcision is carried out on underage girls who do not have a voice for their own bodies. Hence, we still consider circumcision in symbolic form by slashing or smearing turmeric as a form of violence.*"¹⁹ However, based on the actions taken by the government and the absence of a law that actually regulates FGM/C issues, it is clear that the government is in dilemma between considering FGM/C as a part of culture or violation; even though in 2012 the Minister of Health did say that "*Indonesia rejects female genital mutilation*" and "*the practice carried out in Indonesia is more symbolic and does not actually circumcise female genitalia*".²⁰ The government is also still hesitant to take any strong action, especially to religious organizations such as the MUI and even consider their opinion in the process of forming the law, even though the organization is not an official authority in Indonesia. This is evidence that the practice of female circumcision in Indonesia is still reaping controversy and debate, both in terms of medical, religious, and legal aspects.

¹⁹ BBC, "Komnas kecam sunat perempuan," *BBC News*, February 5, 2013, https://www.bbc.com/indonesia/laporan_khusus/2013/02/130204_Komnassunat (accessed September 21, 2021).

²⁰ BBC, "Indonesia tolak pemotongan kelamin perempuan," *BBC News*, November 26, 2021, https://www.bbc.com/indonesia/berita_indonesia/2012/11/121126_sunat_perempuan (accessed September 21, 2021).

Internationally, FGM/C is already a well-known practice, and many people are being opposed to it. There is still a debate whether this practice is considered part of a human rights violation culture in Indonesia. This topic will be an exciting subject since many people still do not know about it and how it is still being debated between relativism theorists and liberalists. It is also interesting to see how Indonesia manages this subject since even though it is considered a culture, Indonesia cannot completely overlook the 'violation' of this practice.

1.2 Research Questions

Based on the information provided in the background, I suggest the following research questions:

1. How is the debate between cultural relativism and liberalism about FGM/C in Indonesia has evolved ever since Indonesia's reformation (1998-now)?
2. What are the government policies and implementation of this practices in terms of human's right violation?

1.3 Research Objectives

The objective of this thesis is to find out and explain the contestation of perspective between cultural relativism and liberalism regarding FGM/C ever since the reformation era in Indonesia. Another objective is to explain the reason for FGM/C to be considered as human rights violation, the implementation of government policies towards those issues, and how it also influence the contestation of idea. The outcome

of this thesis will provide the perspective differences of both relativism and liberalism regarding FGM/C in Indonesia, and what exactly made this practice to be considered as a human's right violation.

1.4 Research Significance

The results of this thesis will provide a better understanding of the debate between liberalism and cultural relativism towards FGM/C in Indonesia. In Indonesia, FGM/C is considered part of the tradition. However, as Indonesia began to become a more democratic country, there are more groups that demand this practice be stopped. This thesis will also explain how FGM/C is considered a violation of human rights and how the Indonesian government has responded and what efforts have been made. This thesis will also describe the explanation of FGM/C from various perspectives, such as liberal, culture, religious, and medical. It will also explain more about FGM/C such as the process and types of FGM/C. It is hoped that by understanding the process and differing views on FGM/C, scholars will gain valuable insights to better understand why this practice has generated so much debate and why the Indonesian government should take firm action to address it. Due to time constraints, this thesis limits its scope to the development of FGM/C after Indonesia's reform era.

1.5 Research Structure

The first chapter is the introduction, which outlines the thesis's principal subject. The chapter includes the thesis topic's history, research questions that will be answered in subsequent chapters, research objectives, and the significance of this research.

The second chapter is the theoretical framework. This chapter collects and examines literature sources on the topic. This chapter also discusses international relations ideas and concepts that will be utilized as a framework to examine and interpret the research's findings.

The third chapter is the methodology, which discusses the research methods and will outline the research methodology and procedures used. This chapter will also describe how data will be gathered and evaluated to answer the study questions.

The fourth chapter is the analysis, which will examine the findings of this study using the research using the technique provided in Chapter 3 and the theoretical framework indicated in Chapter 2. The analytical results will provide answers to the research questions.

The fifth chapter is the conclusion, in which the research will present a summary of the research and general research results.