

## Affecting Factor for Muslim Women to Achieve their Political Rights in Muslim Majority Country

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### Abstract

The aim of this article is to observe the different between two Muslim majority countries in relation to how they treat their women to achieve their political rights. The article will find the common ground between Indonesia in terms of women political rights. Later on the discussion, this article explains the main reason why both Muslim countries could have a different way to treat their women citizen. The women political rights in Muslim majority country have been an issue for a long time. This condition has become paradox for the Islamic society itself since the Holy Quran explains that every man and women are equal. In Saudi Arabia, unfortunately, the opportunity for women to access their political rights is exacerbated by the patriarchy condition among the Muslim people that believe that the Man should always be a leader. The application of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW) seems not having any power at all to fight the inequality. However, the condition in Indonesia was very distinct for Indonesian Muslim women. Indonesia has elected the first Muslim women as a President in 2002. Since the Democratic regime entered the country, the opportunity for woman to access their political rights become much higher.

### A. Introduction

Gender equality has been an important issue in the recent years. Every state has an obligation to arrange the proportionality of gender in every aspect of the people. According to Jackson, gender inequality commonly forms into three types: first, men usually have a better opportunity in every aspect rather than a woman who have similar social characteristics (class origins, race, nationality, and age). Secondly, men usually have a more important position in marriages and another kind of relationship between man and women. The last type is, men usually occupied a bigger number of social position and have a significant part in political economic, legal, or cultural power.<sup>1</sup>

The basic theory of equality applies to gender and productively specifies into two main principles: the relation between men and women in terms of gender division and the relation

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<sup>1</sup> B. Hooks, 'Feminism: A Movement to End Sexist Oppression' in C. R McCann and S. Kim (eds.), *Feminist Theory Reader: Local and Global Perspectives* (Routledge, 2003) 52-53.

between women in same social characteristics, which possibly divide women into groups.<sup>2</sup> According to the United Nation of Development Programme several factors has been set out as an obstacle to achieving gender equality:<sup>3</sup>

1. Two thirds of people in the world who cannot read are female;
2. Nearly seventy percent of the world's poorest people are female;
3. In only 16 countries in the world are women's representation in national parliaments above 25 percent;
4. Women's contributions to the global economy are growing rapidly, but their labor remains undervalued and undercounted in national accounts; and
5. An estimated one-quarter to one-half of all women have suffered physical abuse.

According to Gornick and Meyers state that gender inequality refers to unequal valuing of the men and women.<sup>4</sup> Furthermore, inequality in gender between man and women can occur in various aspect of life such as laws and policies, equal access to resources and services within families, communities, and society.<sup>5</sup> In order to balance the equality between man and women, we have to consider their needs in man and women perspective.<sup>6</sup> We cannot only consider women needs from a male perspective or vice versa. In this particular context, we do not have to consider that man and women are both the same entity, however, we need to consider that both of them have the same opportunities and responsibilities without considering whether they are born as a man or a woman.<sup>7</sup> The result from the inequality of the gender was very devastating. It could cause a bias between persons, which different between one and other.<sup>8</sup>

Since gender, equality becomes very crucial aspect in a social life, it is also important to apply the gender equality principle in a Muslim women society throughout the world. In Muslim societies, women are considered as an inferior person rather than a man.<sup>9</sup> In Islam itself, actually, there is no difference between man and women. As long as they believe in Allah (God), they will get the same reward for good action or a punishment for a bad action. The

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<sup>2</sup> Shakir Ahmed Alsaleh, 'Gender Inequality in Saudi Arabia: Myth and Reality (International Proceedings of Economics Development and Research, 2012) <http://www.ipedr.com/vol39/025-ICITE2012-K00003.pdf>. Accessed on 19 April 2017.

<sup>3</sup> Astrida Neimanis and Arkadi Tortisyn, 'Gender Thematic Guidance Note' (National Human Development Report Series Paper 2, 2003) [http://hdr.undp.org/sites/default/files/nhdr\\_gender\\_gn.pdf](http://hdr.undp.org/sites/default/files/nhdr_gender_gn.pdf). Accessed on 19 April 2017.

<sup>4</sup> Shakir Ahmed Alsaleh (n. 2) p. 124.

<sup>5</sup> World Health Organization (WHO), 'Promoting Gender Equality to Prevent Violence Against Women' (Series of briefings on violence prevention, 2009) [http://www.who.int/violence\\_injury\\_prevention/violence/gender.pdf](http://www.who.int/violence_injury_prevention/violence/gender.pdf). Accessed on 19 April 2017.

<sup>6</sup> Shakir Ahmed Alsaleh (n. 2) p. 124.

<sup>7</sup> United Nation Educational, Scientific, and Cultural Organization (UNESCO). 'Gender Equality and Equity' (Unit for the Promotion of the Status of Women and Gender Equality, 2000) <http://unesdoc.unesco.org/images/0012/001211/121145e.pdf>. Accessed on 19 April 2017.

<sup>8</sup> Shakir Ahmed Alsaleh (n. 2) p. 124.

<sup>9</sup> Nehaluddin Ahmad, 'Modern Debate on the Socio-Political Rights of Muslim Women' (2012) 13 Asia-Pac. J. On Hum. Rts. & L. 42.

Holy Quran state that “And for women are rights over men similar to those of men over women”.<sup>10</sup> However, their position has been subverted by Muslim patriarchal society.<sup>11</sup> This patriarchal practice among Muslim women has been developed since medieval age, based upon the Holy Quran as Muslim main constitution and still being used nowadays as a main Islamic law for the women.<sup>12</sup> The law who have been developed by Muslim jurist, called *shari’ah* law is obligatory for Islam believers<sup>13</sup> as a supplement of the Holy Quran and the *Sunnah*.<sup>14</sup> This practice of *shari’ah* law is not compatible with recent international human rights practice since every person is considered to be equal by the law. Since the application of Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) the regime of inequality has changed. The convention mandates to every party of the convention to promote women equality in political, economic, social, and cultural life. In particular, focusing on political rights of the woman, according to Article 7 of the CEDAW state that:<sup>15</sup>

“State Parties shall take all appropriate measures to eliminate discrimination against women in the political and public life of the country and, in particular, shall ensure to women, on equal terms with men, the right:

- a) To vote in all elections and public referenda and to be eligible for election to all publicly elected bodies;
- b) To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all level of government; and
- c) To participate in non-governmental organizations and associations concerned with the public and political life of the country.”

In terms of political rights for the women, article 7 of the convention clearly provides a protection for women to achieve their political rights. It is necessary for the state party to eliminate, provide, encourage, protect, introduce, accord and ensure the specific rights.<sup>16</sup> However, in fact, nowadays the gender inequality has been and continuously occurred in various states. According to Seema Kazi:<sup>17</sup>

“Extensive discrimination against women continuous to exist together with the lack of respect for and inadequate promotion and protection of the human rights of women. This is particularly relevant for countries ranging from theocracies to secular states where laws or legal systems governing marriage and family relations derive from interpretations of religion or are legitimized by them.”

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<sup>10</sup> Abdullah Yusuf Ali, *The Meanings of the Holy Qur’an*, Surah 2:226.

<sup>11</sup> Ann L. Bardach, *Tearing off the Veil* (Vanity Fair, 1993) 96.

<sup>12</sup> Ashgar Ali Engineer, ‘Rights of Women and Muslim Societies’ (2011) 7 Socio-Legal Rev. 45.

<sup>13</sup> Ibid.

<sup>14</sup> The Prophet’s pronouncements and practices as reported by his companions and his followers.

<sup>15</sup> Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) United Nation Treaty Series, vol. 1249. Art. 7.

<sup>16</sup> Philip Alston and Ryan Goodman, *International Human Rights* (OUP, 2013) 180.

<sup>17</sup> Seema Kazi, ‘Muslim Law and Women Living under Muslim Laws’ in Mahnaz Afkhami and Erika Friedl (eds.), *Muslim Women and the Politics of Participation* (Syracuse University Press, 1997) 141.

In the context of global women political rights, there are 46.500 parliamentarians in the world, and there are 21 percent of women parliamentarians among them. According to The Millennium Development Goals Report, in 2015 women can only achieve approximately 20 percent of seats in single or lower houses of parliament worldwide.<sup>18</sup> Moreover, Jimmy Carter argues that this number shows an inadequate progress.<sup>19</sup> She states several regions as a comparison between women and men parliamentarians, namely:<sup>20</sup>

**Table 1. Number of Women Parliamentarians in Several Regions.**

Region	Percentage Of Women Parliamentarians
Rwanda	64 percent
Cuba	49 percent
Scandinavian countries	42 percent
European	23 percent
Sub-Saharan Africa	25 percent
Asia	19 percent
Arab states	16 percent

Moreover, according to The World Economic Forum, who have been conducting a Global Gender Gap Report with a purpose “to assess countries on how well they are dividing their resources and opportunities among their male and female populations, regardless of the overall levels of these resources and opportunities”. According to the report, there are four key elements in order to examine including:<sup>21</sup>

1. Economic participation and opportunity (salary level and skilled employment);
2. Educational attainment (access to basic and higher education);
3. Political empowerment (involvement in decision making); and
4. Health and survival (life expectancy and sex ration of surviving children).

In 2016 report, Saudi Arabia and Indonesia as a major Muslim country in the world have a low mark in term of gender inequality. Saudi Arabia as a centre of the Islamic religion got an overall

<sup>18</sup> United Nation, ‘The Millennium Development Goals Report 2015’ (United Nation Report, 2015) [http://www.un.org/millenniumgoals/2015\\_MDG\\_Report/pdf/MDG%202015%20rev%20\(July%201\).pdf](http://www.un.org/millenniumgoals/2015_MDG_Report/pdf/MDG%202015%20rev%20(July%201).pdf). Accessed on 19 April 2017.

<sup>19</sup> Jimmy Carter, *A Call to Action* (Simon and Schuster, 2014) 164.

<sup>20</sup> Ibid.

<sup>21</sup> World Economic Forum, ‘The Global Gender Gap Report 2016’ (World Economic Forum insight Report, 2016) [http://www3.weforum.org/docs/GGGR16/WEF\\_Global\\_Gender\\_Gap\\_Report\\_2016.pdf](http://www3.weforum.org/docs/GGGR16/WEF_Global_Gender_Gap_Report_2016.pdf). Accessed on 19 April 2017.

score of 0.583 (overall rank 141 from 144 countries). On the other hand, Indonesia, as the biggest country with Muslim majority people got overall scores 0.682 (overall rank 88 from 144 countries).<sup>22</sup> These scores explain that the gender issue is very crucial in both countries, particularly, since both of them have a same background, religion background. Even though Indonesia is a democratic state, however, since most of their citizens are Muslim, it clearly affect the women in order to practice their political rights.

This essay will examine how Saudi Arabia and Indonesia as Muslim majority country treat woman rights aspect, particularly women political rights. Even though both countries have a Muslim background, however, each country has a different approach to treat women rights. The international community has highlighted the condition of women rights in Saudi Arabia over the years. Since Islam has a major impact in Saudi Arabia in order to determine women's condition in society<sup>23</sup>, any action in order to achieve the gender equality, remains as the most difficult challenges facing by the Saudi Arabia government in the twenty-first century.<sup>24</sup> Women in Saudi Arabia, like women in any country around the world, have been squeezed by religion aspect.<sup>25</sup> On the other hand, the condition is a bit better in Indonesia since the social life of Muslim majority in Indonesia is not only based upon the Holy Quran and *Shari'ah* Islamic law. Moreover, in 2001, Indonesia successfully elected their first Indonesia women to be their fourth President.<sup>26</sup> The question arises is what factor affecting the Muslim woman political rights in Muslim majority country? What factor creates differences between Saudi Arabia and Indonesia in order to fulfil women political rights as a part of human rights? This research become important because both countries have a similar background, however, they have a very distinct practice in order to promote human rights aspect, particularly for women political rights.

The next part of this essay will discuss several factors, which affected Muslim women political rights. This part of essay will discuss how far religion aspect, in particular, Islamic law, affected the international human rights aspect, particularly, from the gender perspective. The following part will then discuss the condition of women rights in Saudi Arabia and Indonesia in order to access their political rights. This part of essay will do a comparison

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<sup>22</sup> Ibid.

<sup>23</sup> Shakir Ahmed Alsaleh (n. 2) p. 123.

<sup>24</sup> Ronald Inglehart and Pippa Norris, *Rising Tide: Gender Equality and Cultural Change Around the World* (CUP, 2003) 5.

<sup>25</sup> Shakir Ahmed Alsaleh (n. 2) p. 123.

<sup>26</sup> Kanupriya Kapoor, 'Three Times a Looser, Indonesia's Megawati Pivotal in Elections' *Reuters* (Blitar, 4 March 2014) <http://uk.reuters.com/article/uk-indonesia-election-megawati-idUKBREA2323Y20140304>. Accessed on 20 April 2017.

between both countries and find out why there is a difference between both countries in term of promoting woman rights, particularly women political rights.

## B. DISCUSSION

### 1. Factor Which Affected Muslim Women Political Rights

Muslim women faced three simultaneous difficulties. First, their identity as a Muslim which frequently in conflict with a modern political regime. Secondly, women should fight the Islam fundamentalist who always rejects their ideas about promoting human rights among the women. Thirdly, they have to fight the patriarchal culture, which developed among Muslim believers as a common stereotype.<sup>27</sup> According to John L. Esposito “Muslim women battle is about gender, class, and political and economic power as often it is about religious faith and identity.”<sup>28</sup> Human rights scholar who advocates in Muslim societies believes that this condition occurred because of the application of Islamic rationales in Islamic law, which have discriminated women by making them different from men.<sup>29</sup>

Discussing Muslim society means it is important to know about their source of life. According to Asghar, he defines The Holy Quran as:<sup>30</sup>

“The Quran is the word of Allah (God) and this belief is very basic to Muslims. However, the word of Allah, in order to be meaningful to the followers, cannot be devoid of its socio-cultural context. That does not also mean that the entire text of the Quran is contextual. Its moral, ethical and value oriented teachings are universal and normative. In fact much of the Holy Quran contains what is universal and normative.”

However, there is a disagreement between Muslim scholars in order to read the Holy Quran as a source of Islamic law. Many Muslim jurist and lawyer only choose some specific verses from the Holy Quran in order to prove their point for their juristic formulation regardless the condition of the socio-cultural context.<sup>31</sup> In relation with women human rights, it is important to understand the status of women in Arabian Peninsula. Women are affected by the condition of social and political culture that existed in Arabia when the Messenger of Allah, Prophet Muhammad, began to spread his message through society dominated by the patriarchs.<sup>32</sup>

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<sup>27</sup> Mahmood Monshipuri, ‘The Muslim World, Globalization, and Women’s Rights’ (2004) Int’l Stud . J. 27, 28.

<sup>28</sup> John L. Esposito, ‘Women in Islam and Muslim Societies’ in Yvonne Yazbeck Haddad and John L. Esposito (eds.), *Islam, Gender, and Social Change* (OUP, 1998) 27.

<sup>29</sup> Mahmood Monshipuri (n. 27) p. 30.

<sup>30</sup> Ashgar Ali Engineer (n. 12) p. 49.

<sup>31</sup> Ibid.

<sup>32</sup> John L. Esposito, *Islam: The Straight Path* (OUP, 1991) 4-5.

Moreover, this condition has been exacerbated by the Holy Quran in *Surah*<sup>33</sup> An-Nisa (34), which has often been used as a justification for a male domination, which state that:<sup>34</sup>

“Men are protectors and maintainers of women, because God has given the one more strength than the other, and because they support them from their means. “

This part of the Holy Quran is clearly not relevant to the practice of gender equality nowadays as a crucial part of women human rights. According to Heba Raouf Ezzat, God never put a restriction on a women-ruling position. He argued: “Contrary to what the traditional Muslim scholar teach, a women in a leading political position is not against God’s system or against the Qur’an. It might be against the chauvinistic views of some man.”<sup>35</sup> Moreover, that concept of women human rights clearly incompatible with international human rights instrument which promoting human rights for women. In relation to an international aspect of human rights, one of the most powerful political advances is the development of international movement in order to support the human rights. The agenda is to set out the universal minimum standards for people to be treated, in particular by the government. This concept of international human rights is fundamentally egalitarian, which encompasses the basic equality.<sup>36</sup> According to John Baker, basic equality can be defined as:<sup>37</sup>

“Basic equality is the cornerstone of all egalitarian thinking. The idea that at some very basic level, all human beings have equal worth and importance, and are therefore equally worthy of concern and respect. Basic equality is the idea that every human being deserves some basic minimum of concern and respect, placing at least some limits on what it is to treat someone as a human being.”

This concept of basic equality should be able to be applied to all women, including Muslim women. Moreover, nowadays, several Muslim majority countries in the Arab Peninsula have accepted a new standard of human rights as their legal instrument in order to promote and protect human rights in the state party, namely Arab Charter on Human Rights. The spirit of the charter comes from the tradition of Islam, which acknowledges that general acceptance of

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<sup>33</sup> God Message in the Holy Quran.

<sup>34</sup> Abdullah Yusuf Ali, *The Meanings of the Holy Qur’an*, Surah 4: 34.

<sup>35</sup> Mahmood Monshipuri (n. 27) p. 31.

<sup>36</sup> John Baker, Kathleen Lynch, and Sara Cantillon, *Equality from Theory to Action* (Palgrave McMillan, 2004) 32.

<sup>37</sup> *Ibid.* p. 23.

the dignity of both men, and women should be equal in order to enjoy their rights such as social, economic, and political.<sup>38</sup> According to article 2 of the charter, state that:<sup>39</sup>

“Each state party undertakes to ensure to all individuals within its territory and subject to its jurisdiction the right to enjoy all the rights and freedoms recognized herein, without any distinction on ground or race, colour, sex, language, religion, political opinion, national or social origin, property, birth, or other status and without any discrimination between men and women”.

Several Muslim countries like Syria, Iran, Pakistan, and Tunisia have changed their law in order to support women to achieve their rights.<sup>40</sup> Some states like Syria, not only change their law but also guarantee women rights in their constitution in order to protect women rights:<sup>41</sup>

“The state shall guarantee for women all opportunities enabling them to fully and effectively participate in the political, social, cultural, and economic life. The state must remove the restrictions that prevent women’s development and participation in building the socialist Arab society.”

However, the condition of inequality for women to achieve their rights is still happening in several Muslim states like Saudi Arabia, Libya, and Iran. According to The Network Women Living under Muslim Laws, several factors caused this condition:<sup>42</sup>

“Women living under Muslim laws invariably lack information regarding their official, legal rights, both in terms of Muslim personal laws and/or civil codes. They remain ignorant about the differences that may exist between customary laws applied to them and Muslim laws. They also have no access to information that might enable them to challenge the validity of either type of law. Furthermore this situation is reinforced by a deliberate policy misinformation.”

Even though Muslim countries are, also a party to an international human rights legal instrument, however, the condition in majority Muslim countries is exacerbated by how Muslim society in majority Muslim countries viewed the human rights. According to Muhammad Talbi “in Islam, humans are not created for solitariness and impervious individuality. They are created for community, relationship, and dialogue.”<sup>43</sup> This means that

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<sup>38</sup> Azizah al-Hibri, ‘*Marriage and Divorce: Legal Foundations*’, in John Esposito (ed.), *The Oxford Encyclopedia of the Modern Islamic World* (3<sup>rd</sup> edn, OUP 1995) 49

<sup>39</sup> League of Arab States, Arab Charter on Human Rights art. 2.

<sup>40</sup> Donna E. Arzt, ‘The Application of International Human Rights Law in Islamic States’ (1990) *Hum. Rights Quart.* 202, 223.

<sup>41</sup> Syrian Constitution article 45 in A. Blaustein and G. Flanz (eds.), *Constitutions of the Countries of the World* (Oceana Publication, 1987).

<sup>42</sup> Seema Kazi (n. 17) p. 142.

<sup>43</sup> Mohammed Talbi, ‘*Religious Liberty: A Muslim Perspective*’, in L. Swidler (ed.), *Religious Liberty and Human Rights in Nations and in Religions* (Hippocrene Books, 1986) 180.



Muslim society does not see every people as autonomous individual, but as a community of believers, which has a right as a whole unit.<sup>44</sup> Furthermore, according to Bassiouni:<sup>45</sup>

“Unlike western philosophical and political perceptions of the separability of the individual and the state, Islamic social concepts do not make such a distinction. The individual does not stand in any adversary position vis a vis the state, but as an integral part thereof. The consequence of this relationship is that there is no apparent need to delineate individual rights in contraposition to the state.”

Therefore, the use and acceptance of only sole religious interpretations of the holy Quran as the law in order to promote the authority of men is a problematic issue. Some of the Quran texts, in particular, related to women rights, occasionally being interpreted literally without considering its relevance, which provides religious scholar to silence women’s voices in the name of Islam.<sup>46</sup>

However, in Islam itself, acknowledge the equality for every people as Prophet Muhammad having said in his last sermon:<sup>47</sup>

“No Arab has any superiority over a non-Arab, nor does a non-Arab have any superiority over an Arab; nor has a white man any superiority over a black man or the black man any superiority over the white man. You are all children of Adam, and Adam was created from clay.”

The statement indicating that Islam clearly adopts the concept of basic moral as a foundation of what are called human rights, which embodied in Islamic theology.<sup>48</sup>

## **2. Opportunity For Women To Access Their Political Rights In Saudi Arabia**

The inequality for women in Saudi Arabia has been affecting several aspects of women life. Women in Saudi Arabia faced a pervasive discrimination, ranging from strictly enforced gender segregation in public places to unequal legal status with men.<sup>49</sup> The legal instrument in Saudi Arabia is based on the Holy Quran and *Sunnah* (Prophet Muhammad’s saying and traditions) as their constitution, called the 1992 Basic law. The result is the law in the country heavily influenced by the religious factor.<sup>50</sup> According to article 8 of the Basic Law, the system

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<sup>44</sup> Donna E. Arzt (n. 40) p. 206.

<sup>45</sup> C. Bassiouni, ‘Sources of Islamic law and the Protection of Human Rights in the Islamic Criminal Justice System’, in C. Bassiouni (ed.) *The Islamic Criminal Justice System* (Oceana Publications, 1982) 23.

<sup>46</sup> Safaa Fouad Rajkhan, ‘Women in Saudi Arabia: Status, Rights, and Limitations’ (MA Theses, University of Washington Bothell 2014) p. 9.

<sup>47</sup> Nehaluddin Ahmad (n. 9) p. 51.

<sup>48</sup> Ibid.

<sup>49</sup> Janet Afary, ‘The Human Rights of Middle Eastern and Muslim Women: A Project for the 21<sup>st</sup> Century’ (2004) *Hum. Rights Quart.* 106, 111-112.

<sup>50</sup> Safaa Fouad Raikhan (n. 46) p. 1.

of the government in Saudi Arabia is based on justice, consultation, and equality according to the *shari'ah* (the Islamic law).<sup>51</sup> In particular, about the protection of the human rights, the Basic Law has governed in article 26, which state, “*The state shall protect human rights in accordance with the Islamic shari'a.*”<sup>52</sup> From these articles, the important key is *shari'ah* law, which becomes the core influence of the Basic Law. Even though there is a protection in the Basic Law, however, the practice of inequality in Saudi Arabia does exist until this day. According to Shakir Akhmad, there are several violation of women human rights in Saudi Arabia namely, violation of right to travel, violation on citizenship, forbidding women to drive by themselves, clothing requirement, sexual subjugation, limitation of access to education, custody rights, victims violence, and violation in order to access women political rights.<sup>53</sup> The problem of promoting woman rights in Saudi Arabia not only come from the social side but also comes from the governmental side. Since the law in Saudi Arabia is based upon the Islamic law, this system, unfortunately, makes the women in a vulnerable position.<sup>54</sup> The notion that women can only work in a place where strange men cannot see them is still dominant. The patriarchal factor in Saudi Arabia consider that women are not allowed to work in the same jobs as men, therefore, the stereotype is politics is only for men and not for women.<sup>55</sup>

Historically, this condition of gender inequality has occurred before the Quran period. Women in Saudi Arabia become confined in the home because of the war, plundering, rape, abductions, and killing of women.<sup>56</sup> Since the regime of Islam has conquered the Saudi Arabia, the historical factors become a burden for women in relation to their role in the society. The *Ulama*<sup>57</sup> started to spread their opinions, contrary to the true spirit of the holy Quran in order to remain attuned to the desire of their political masters during these times.<sup>58</sup> According to Mahmood Monshipouri, there are three main key deficits for the women, namely: the freedom deficit, the women's empowerment deficit, and the capabilities/knowledge deficit relative to income.<sup>59</sup> Even though there is one woman who successfully becomes a Deputy Minister of Education in Saudi Arabia,<sup>60</sup> however, in relation to the women political rights, according to

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<sup>51</sup> Ibid. p. 2.

<sup>52</sup> Ibid. p. 4.

<sup>53</sup> Shakir Ahmed Alsaleh (n. 2) p. 124.

<sup>54</sup> The Equal Rights Trust, ‘Saudi Arabia’ (Country Overview, May 2008) <http://www.equalrightstrust.org/ertdocumentbank//Saudi%20Arabia%20final%20version.pdf>. Accessed in 22 April 2017.

<sup>55</sup> Safaa Fouad Rajkhan (n. 46) p. 7

<sup>56</sup> Nehaluddin Ahmad (n. 9) p. 62.

<sup>57</sup> Muslim leader who have a duty to advice Muslim society.

<sup>58</sup> Nehaluddin Ahmad (n. 9) p. 62.

<sup>59</sup> Mahmood Monshipouri (n. 27) p. 62.

<sup>60</sup> Safaa Fouad Rajkhan (n. 46) p. 16

the Proportion of Seat held by Women in National Parliament Data released by the World Bank in 2016, the proportion of women in parliament is 20 percent.<sup>61</sup> Compare with another Muslim majority country in the Middle East such as Uni Arab Emirates with 23 percent, Afghanistan with 28 percent, Pakistan with 21 percent, Tunisia with 31 percent, and Iraq with 27 percent, the proportion of women in order to gain their political rights in the parliament was still low.<sup>62</sup>

Changing the strict social norms that caused the gender segregation which covering, the women to acquire their rights, particularly, to intensify the opportunity for women to gain their political rights will require sensitivity and time.<sup>63</sup> The mixture between social factor and religion factor has been aggravating the promotion of woman human rights in Saudi Arabia. Even though Saudi Arabia is part of CEDAW and Arab Charter, however, it seems like the legal instrument in order to promote the human rights does not work effectively in that country. In order to solve the problem, Gwenn states that:<sup>64</sup>

“Civility and tolerance must be ‘scaled up’ to bridge state and society and included in any construction of citizenship and belonging to the nation-state. The Saudi Arabian case is very complicated because civility and tolerance must simultaneously be ‘scaled across’ populations that historically do not interact much across principled beliefs.”

Since Saudi Arabia is part of CEDAW, they have to amend all discriminatory laws that violate women rights, particularly, to ensure all Saudi Arabia women, on equal terms to men the right.<sup>65</sup>

1. To vote in all elections and public referenda and to be eligible for election to all publicly bodies; and
2. To participate in the formulation of government policy and the implementation thereof and to hold public office and perform all public functions at all levels of government. By ratifying the Convention, should mean that it has accepted its responsibility to improve women human rights situation in the country if Saudi Arabia wants a further engagement with the international community.

Nowadays, even though the violation still occurs, however, the situation has changed gradually toward a good condition. According to Prince Talal bin Abdul-Aziz of Saudi Arabia,

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<sup>61</sup> The World Bank, ‘Proportion of Seats held by women in national parliaments in 2016’ <http://data.worldbank.org/indicator/SG.GEN.PARL.ZS>. accessed in 22 April 2017.

<sup>62</sup> Ibid.

<sup>63</sup> Gwenn Okruhlik, ‘*Empowering Civility Through Nationalism: Reformist Islam and Belonging in Saudi Arabia*’ in Robert W. Hefner (ed.), *Remaking Muslim Politics: Pluralism, Contestation, and Democratization* (PUP, 2005) 206.

<sup>64</sup> Ibid. p. 211.

<sup>65</sup> European Parliament, ‘Note on Human Rights in Saudi Arabia’ (External Policies of the Union, December 2004)

[http://www.europarl.europa.eu/meetdocs/2004\\_2009/documents/fd/dgul2005011902/dgul2005011902en.pdf](http://www.europarl.europa.eu/meetdocs/2004_2009/documents/fd/dgul2005011902/dgul2005011902en.pdf). Accessed in 22 April 2017.

the reform of political system in Saudi Arabia is important if the country wants to enter the twenty-first century. Moreover, in relation to the women political rights, he states that the practice of restricting women to enter the political arena is no longer suitable for the twenty first-century.<sup>66</sup> In 2015 reported that women can vote in an election, however, women is still outnumbered compare to the men participant with only 130.000 women and 1.35 million men.<sup>67</sup>

### 3. Opportunity For Women To Access Their Political Rights In Indonesia

Indonesia is a diverse country with 270 million of population divided by thousands of island, three hundreds of ethnic groups spread all across the country, and the major religion of the people in the country is Islam.<sup>68</sup> There is 90 percent of the population in Indonesia are Muslims<sup>69</sup> and dominating social structure of the country. However, the typical of Muslim between Indonesia and Saudi Arabia and most of the Muslim majority country in the Middle East are different, particularly related to the rights of women.<sup>70</sup>

The condition in Indonesia is different compared with Saudi Arabia. In Indonesian context, women are guaranteed to have the same opportunity as a man in order to gain their political rights by the constitution. At the beginning of Indonesian, since the independence, Indonesian women have right to vote and stand for the parliament has existed since 1955 in but only for a very limited number of women.<sup>71</sup> Therefore, the condition of low representation of women has resulted in the change in the legislation, which resulted a provision of 30 percent non-compulsory quota included in the General Election Law (Law No. 12/2003).<sup>72</sup> Moreover, the rights of women in Indonesia are governed by Indonesia constitution under article 27 and 28, which guarantee the equality before the law and freedom of expression for both men and women. Moreover, Indonesia was also part of the international human rights legal instrument and actively ratified the legal instrument into their domestic regulation such as Indonesian Law

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<sup>66</sup> Nimrod Raphael, 'Demands for Reform in Saudi Arabia' (2005) *Middle East Stud.* 517, 525.

<sup>67</sup> BBC News Article, 'Saudi Arabia: First Women Councillors Elected' (Middle East, 13 December 2015) <http://www.bbc.co.uk/news/world-middle-east-35086357>. Accessed in 22 April 2017.

<sup>68</sup> Susan Blackburn, *Women and the State in Modern Indonesia* (CUP, 2004) 2.

<sup>69</sup> Indonesia Investment, 'Islam in Indonesia'

<http://www.indonesia-investments.com/culture/religion/islam/item248?>. Accessed in 23 April 2017.

<sup>70</sup> Susan Blackburn, 'Indonesian Women and Political Islam' (2008) *J. Southeast Asian Stud.* 83, 96.

<sup>71</sup> Wahdah Zein Siregar, 'Parliamentary Representation of Women in Indonesia: The Struggle for a Quota' (2005) *Asian Women* 36,37.

<sup>72</sup> Bani Syarif Maulana, 'Women's Struggle on Political Rights in Indonesia' (2010) *PALASTREN Gender Study Journal* 90, 91.

No. 68/1968 as a ratification of UN Convention on Political Rights of Women and Indonesian Law No. 7/1984 as a ratification of CEDAW.<sup>73</sup>

Historically, in Indonesia, men has dominated the political position in every aspect of social life in Indonesia which comes from patriarchal culture, therefore, this condition creates an obstacle for Indonesian Muslim women in order to gain their access to political institution which makes them always under represented.<sup>74</sup> During the Colonial Period in World War 2, Muslim women in Indonesia were politically occupied with a thought that women should help the men in order to get rid the foreigner from their land.<sup>75</sup> Women participate in armed services and generally struggle for the independence up to and after 1945.<sup>76</sup> However, the condition has gradually changed after the independence, according to Parawansa, patriarchal culture in Indonesia become broadly re-emerged right after the end of the war.<sup>77</sup>

Before the changing regime into democracy regime, gender stereotypes have re-emerged through the cultural conservatism of the patriarchal regime of President Soeharto. There are several factors, which affected women in order to achieve their rights such as the unbalanced decentralization process, lacking gender perspective, and revitalised customary institutions in Indonesia without including the women in a decision-making process.<sup>78</sup> According to Noerdin and Muchtar, the female definition is increasingly conservative, marginalizing women in political aspect.<sup>79</sup> The situation has gradually changed since the reform of the government in 1999. The 1999 election can be considered as the first purely democratic election when people, including Muslim women, freely choose their own representative.<sup>80</sup> Democratization in Indonesia is the beginning of the new regime when the rules openly designed for women achieve their rights. Since the loss of the patriarchal regime of President Soeharto in 1998, Indonesian Muslim women had to define their roles, citizenship, and participation in a more democratic government and take a more extensive duty through their vigorous social-

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<sup>73</sup> Khofifah Indar Parawansa, 'Institution Building: An Effort to Improve Indonesian Women's Role and Status' in Robinson, Kathryn, and Sharon Bessell (eds.), *Women in Indonesia: Gender, Equality, and Development* (ISEAS, 2002) 71.

<sup>74</sup> Khofifah Indar Parawansa, 'Enhancing Women's Political Participation in Indonesia' in Ballington, Julie, and Azza Karam (eds.), *Women in Parliament: Beyond Numbers* (Stockholm International IDEA, 2005) 82.

<sup>75</sup> Susan Blackburn (n. 70) p. 86.

<sup>76</sup> Bani Syarif Maulana (n. 72) p. 92.

<sup>77</sup> Khofifah Indar Parawansa (n. 73) p. 82.

<sup>78</sup> Elizabeth Rhoads, 'Women's Political Participation in Indonesia: Decentralisation Money Politics, and Collective Memory in Bali' (2012) JCSAA 35, 45.

<sup>79</sup> Noerdin E. And Y. Muchtar, 'Regional Autonomy and its Impact to the Exclusion of Women in the Decision Making Process' in Noerdin E. And Aripurnami (eds.), *Decentralisation as a Narrative of Opportunity for Women in Indonesia* (Women Research Institute, 2007) 152.

<sup>80</sup> Bani Syarif Maulana (n. 72) p. 94.

movement activism.<sup>81</sup> At the same time, there has been growing number of female organizations and movement, which triggered the women to be more active in order to defend the needs of women.<sup>82</sup> According to Elizabeth Collins, she argued, “in the more open political environment of the post-Soeharto period, the authoritarian Islamic organizations are losing their appeal, and organizations that appeal to Islamic values have begun to change in ways that make their practice more democratic.”<sup>83</sup>

Moreover, the situation has more significantly changed in 2001 when Megawati Soekarno Putri Successfully took over the office as the first Muslim women President in Indonesia.<sup>84</sup> Even though many Muslim believers in Indonesia also believe in the Holy Quran, particularly, reciting the Qur’an *Surah* An-Nisa which consider that the women is only a companion of a men, and it is men responsibility to protect the women in any way as well as in Saudi Arabia, however, there is a major difference between both countries. According to Susan Blackburn.<sup>85</sup>

“The promises of religious certainty offered by the Islamic *Ulama* may be attractive to Indonesian Muslim women over the last decade. However, there is good reason why this religious certainty does not attract many Indonesian women. First, Indonesia is culturally very different from the Middle East, west, or south Asia. In particular, it has longstanding tradition of greater freedom for women, especially in public places. Second, unlike the Saudi Arabia, or any other Muslim majority country in the Middle East like Afghanistan or Pakistan, almost all Indonesian women are now literate. Moreover, along with this goes access to information, including knowledge about countries where Muslim believers which violated Muslim women’s rights.”

The changing condition and the rising of the new democracy regime successfully bring a tremendous effect for promoting women human rights, in particular women political rights. Women have the opportunity to negotiate their needs inside and outside the parliament for extended rights.<sup>86</sup> Furthermore, nowadays, it is common for women to exercise and demanding their rights as a citizen and more women are attempted to influence the government policy.<sup>87</sup> Simultaneously, the increase in human rights promotion for women affected the women organization and human rights groups in order to oppose any regulation that restricts or violate

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<sup>81</sup> Elizabeth Martyn, *The Women’s Movement in Post-Colonial Indonesia: Gender and Nation in a New Democracy* (Routledge Curzon, 2004) 3.

<sup>82</sup> Bani Syarif Maulana (n. 72) p. 107.

<sup>83</sup> Elizabeth Fuller Collins, ‘Islam and the Habits of Democracy: Islamic Organizations in Post-New Order of South Sumatera’ (Research paper conference sponsored by the United States-Indonesia Society and Asia Foundation, February 2002)

[https://cip.cornell.edu/DPubS?service=Repository&version=1.0&verb=Disseminate&view=body&content-type=pdf\\_1&handle=seap.indo/1108140659#](https://cip.cornell.edu/DPubS?service=Repository&version=1.0&verb=Disseminate&view=body&content-type=pdf_1&handle=seap.indo/1108140659#). Accessed in 23 April 2017.

<sup>84</sup> Susan Blackburn (n. 68) p. 1.

<sup>85</sup> Susan Blackburn (n. 70) p. 96.

<sup>86</sup> Susan Blackburn (n. 68) p. 99.

<sup>87</sup> Ibid.

the involvement of women, particularly in a political aspect, and challenge any regional regulation that limits women's rights by judicial review.<sup>88</sup> This openness condition is very different compared with the Saudi Arabia which very strict with their patriarchal and religion culture which at the end affecting the human rights aspect for women, particularly relating to political rights. Since there is the same problem in both countries, the further step that both countries need to take is to modify the cultural and historical factor which heavily affecting the Muslim society and burdening the promotion of women political rights.<sup>89</sup>

### C. CONCLUSION

In conclusion, even though there is an international legal instrument in order to promote and protect female human rights, however, in a Muslim majority country who heavily based upon the religion believes as their main law, the instrument seems cannot work perfectly. In Saudi Arabia, this condition occurred because of not only the religion factor but also the mixture of historical and social condition of patriarchal believe that women are not capable of doing anything that man can do. *Ulama*<sup>90</sup> who wrongly interpret the verse from the Holy Quran has supported this argument.

The condition was different compared with Indonesia. Even though a gender role is undeniable and exacerbated by men biased interpretation of the Holy Quran,<sup>91</sup> however, women in Indonesia have more flexibility rather than women in Saudi Arabia. They have more knowledge and information in order to fight for their rights. Moreover, the Indonesian government were aware of the important of promoting and protecting Muslim women political rights and change the electoral system policy, into a full open-list system of proportional representation.<sup>92</sup> This awareness of promoting women human rights was important in order to protect women from gender biased and patriarchal culture.

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<sup>88</sup> Bani Syarif Maulana (n. 72) p. 108.

<sup>89</sup> Elizabeth Rhoads (n. 78) p. 50.

<sup>90</sup> Muslim leader who have a duty to advice Muslim society

<sup>91</sup> Bani Syarif Maulana (n. 72) p. 111.

<sup>92</sup> Ibid.

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