



**LEGACY AND LEGITIMACY WOMEN
WITH DISABILITY IN CULTURAL/
INDIGENOUS PEOPLE ACCROSS
INDONESIA**

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BACKGROUND

- This presentation will share and show how the Indonesian regulation and community as usual and the cultural community response about disability, for women with disabilities, women who have children with disabilities (boys and girls).
- Its base on our angry, anxiety and curiosity about how the existing regulation and the community not give the same position for persons with disability with the same rights in marriage, legacy and property, and all of them basically it is form from women with disabilities legitimacy.
- So SAPDA make the qualitative research about the role and position women with disabilities and women that have children with disabilities in the community and their family, to find out how the situation in some part Cultural community in Indonesia

INDONESIAN REGULATION



WOMEN WITH DISABILITIES IN THE MARRIAGE LAW IN INDONESIA

- Stated in the Act No 1 of 1974, article 4 allows a husband to practice polygamy when a woman is disabled
- Article 4 (2)
- The court, stated in paragraph (1) of this verse, only permits a husband who would like to marry more than one person when:
 - The wife cannot carry out the duties of a wife;
 - **The wife has physical disability or incurable disease;**
 - The wife is barren.

INHERITANCE OF PERSONS WITH
DISABILITIES IN CIVIL LAW OF
INDONESIA

- Referring to inheritance laws, men or women with disabilities are heirs stipulated in law with Legitimate Portie. It is based on the stipulation of *“When the heirs are deceased all of his/her legally children, who were born or will be born, receive all or part of the inheritance (Article 881 of Civil Code)”*
- There are several deviance cases. Law of inheritance and law of wills stipulate specifically about a person who is considered legally capacitated, to mention administering estate or making agreement/obligation . It affects someone considered legally capacitated who does not have authority to administer inheritance or to make and to entitle wills.
- Based on BW/Burgerlijk Wetboek (The Civil Code), each person/human being is a legal subject who has rights and duties, though not every person is capacitated to conduct legal act. Article 1330 of Civil Code states that several individuals who are incapacity to make agreement are:
 1. adolescent (under 21 years old, and unmarried; article 330 paragraph 1 of BW)
 2. Under controlled

- In the disability context, people who mental disability and intellectual disability have no legal capacity, so they have to controlled by their parents, brothers and other man
- They are considered legally incapacitated to make civil agreement, to conduct obligation, or to administer his/her wealth due to his/her mental or intellectual condition.
- Moreover, it applies to women with disabilities who are often violated her rights of civility due to marriage.

NATIONAL DISABILITIES REGULATION NO.8/2016

- Focus on rights for women with disabilities , that have double discrimination and violence
- The regulation have the article that persons with disabilities is a law subject, have the rights and can make some legal document, agreement and have property.
- Un capacity persons with disabilities statement have to formally document from the court, not every body/ institution have authority have decision that someone that disability (mentally or intellectual) have no capacity before the law.
- Now Disability organization in Indonesia struggle advocacy the implementation from the regulation



WOMEN AND WOMEN WITH DISABILITIES IN CULTURAL SYSTEM

Person with disability often undergoes social exclusion in society. The causes are discrepancies on knowledge, understanding, individual's experience and community's experience. The direct impacts are discrimination, violence, and the impartiality provided by public services and policies in the life and living of person with disability.

The understanding and attitude are developed based on the norms, belief, practices, culture and experiences of the society.

Culture is considered to provide substantial contribution towards social exclusion and violence actions towards women and children with disabilities. The strong belief, tradition, practices and culture of indigenous people influence the life of an individual as a member of the community.

Though norms, practices and culture have essential contributions towards protection, respect and empowerment, empirical fact shows these contributions are vanished by negative experiences undergone by women with disabilities bounded directly with tradition or belief embraced by the society.

This pictures stories aim to describe the role and position of women with disabilities and non-disabled women who have a family member with disability in the social relationship of indigenous people in the context of marriage and system of inheritance. The stories are developed based on results taken from qualitative research in Lombok, Bali, Sumba, Kupang and Sumatera Barat from June to August 2014. and add by some story from Yogyakarta and Banjarmasin

The role and position of non-disabled women and women with disabilities in the indigenous people are viewed by employing 4 parameters :

1. access,
2. participation,
3. control, and:
4. benefit

on resources influencing quality of life significantly.

Those resources include all matters related to marriage, inheritance, and social relation in the daily life of indigenous people.

Indigenous people consider marriage and inheritance as part of rights of civility. Its fulfillment depends on the role and position in the social relation or kinship system.



WOMEN AND WOMEN WITH DISABILITIES IN BALI CULTURAL COMMUNITY

Ni Luh Ketut, a woman with amputee with the support from her family has equal access in religious procession and culture of Balinese community

Ni Luh Ketut
has control
over religious
ritual and
cultural
process in her
family



Ni Luh Ketut, a woman with disability lives with her husband and their small family. She has role and position in organizing household chores entirely. She also has to prepare religious ceremonial objects which become the responsibility of women in Balinese indigenous people's marriage.

In Balinese culture, a woman will lose her hair after she gets married and decides to live with her husband. It applies to a woman with disability living in Balinese indigenous







Ayu, women with disability have access to full participation in persons with disabilities activities in Bali



As if two sided inseparable coin,
Komang's mother of a disabled
girl has a control over parenting,
yet she has burden to look after a
disabled person within her family
too.

Made, a boy with Cerebral Palsy receives protection and parenting collectively of one village of Balinese indigenous people. Her mother can run her domestic and productive roles to support him

Made is a boy with disability. He and his mother live in Bali. Age indigenous people receiving social protection in communal inheritance which becomes the right of its society's member and is distributed based on their social strata.

In their culture the first strata is for leader family, that have no disabilities on social or physically.

Disability persons and their family it's a third strata, but still have livelihood support from asset and property from their cultural community

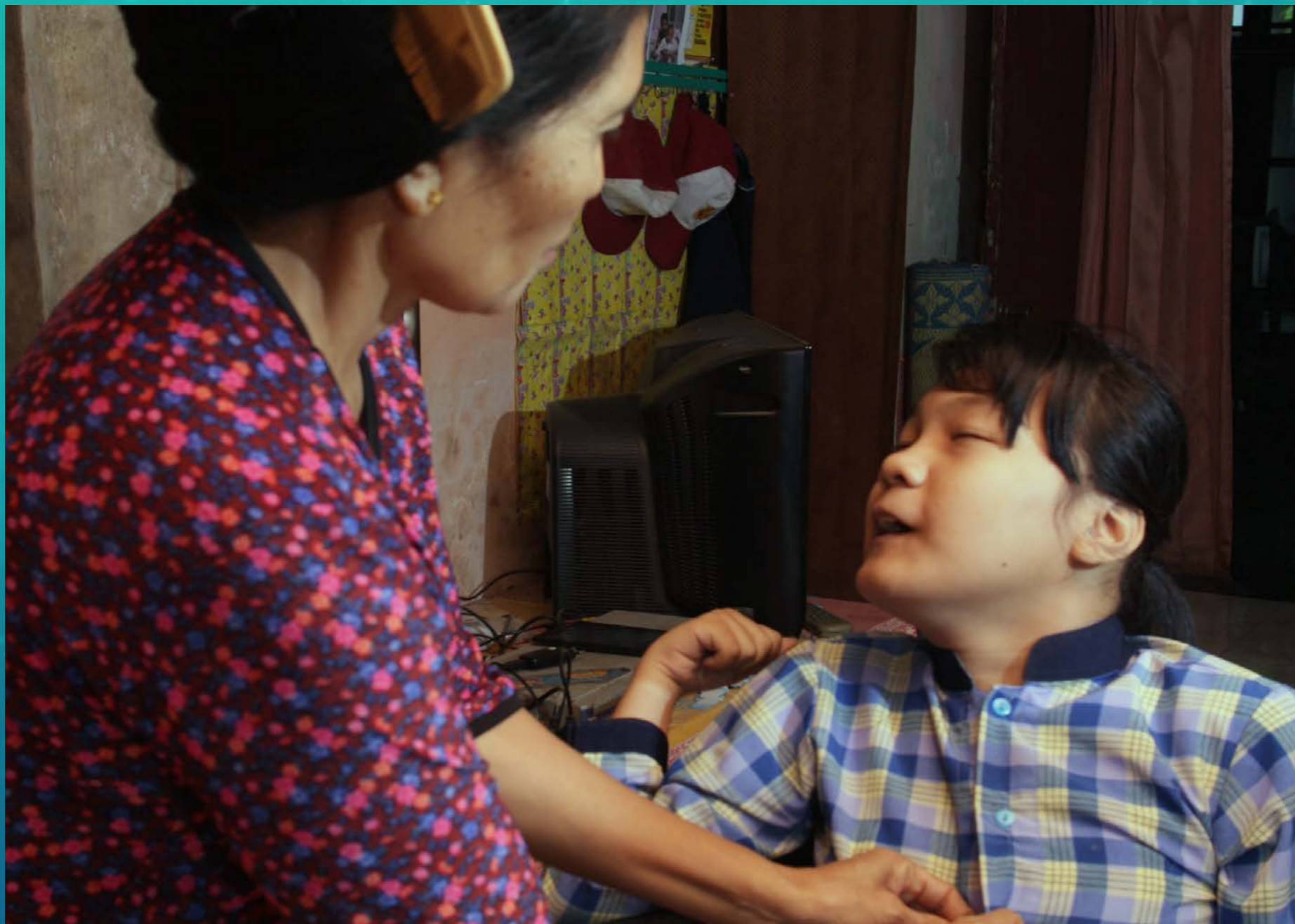
In Balinese marriage, a woman has full responsibility in parenting a child with disability.



WOMEN AND WOMEN WITH DISABILITY IN LOMBOK/ SASAK COMMUNITY CULTURE



BUNGA, A GIRL WITH CEREBRAL PALSY HAS EQUAL ACCESS IN BUILDING SOCIAL RELATIONSHIP WITH THE SUPPORT FROM HER FAMILY AND ACTIVE PARTICIPATION OF HER PEERS.



A women who be a grandmother takes over the responsibility for parenting her grandchild with disability when her daughter is not capable to conduct it independently within her marriage with man who do not want her disability girl.



Papuk Riskam, a deaf-mute granny that lives in Sasak indigenous people of Sembalun conserves cultural heritage by weaving with others using loom at the house from their ancestor . She is a honored lady in their family and her society



WOMEN AND WOMEN WITH DISABILITY IN MINANGKABAU CULTURAL COMMUNITY



MINANGKABAU CULTURAL COMMUNITY HAVE
MATRIARCHAL SYSTEM, WITH FAMILY BASE
MOTHER LINE, AND COMMUNAL INHERITANCE



Cici, deaf and mute girls from Minangkabau community , have obstacle to social interaction with her Community



Cici, a deaf-mute girl receives protection and parenting from her grandmother after her parents are separated, she has no control about with who she have to live and how she live



Putri, a girl with Cerebral Palsy living in Minang society participates actively in establishing relationship with person with disability, family, public service providers and society. She lives with her sister after her parents past away.



A family of 2 children with Cerebral Palsy live in a house of sextended family (maternal side) of Minang indigenous people (in Pariaman after their father decided to return to his family to do parenting for his two children.



Mela, a deaf-mute girl lives with her parents with the support from her big Family in Minangkabau for her daily needs, inheritance its in community control

The background is a teal-to-blue gradient with a subtle pattern of small white dots. On the right side, there are several faint, light-colored technical graphics, including a large circular scale with numerical markings (0, 80, 90, 100, 110, 120, 130, 140, 150, 160, 170, 180, 190, 200, 210) and several concentric circles with arrows indicating rotation or movement. The text is centered horizontally and vertically.

WOMEN AND GIRLS WITH DISABILITY IN EAST TIMOR

A young girl with dark hair tied back, wearing a bright orange short-sleeved shirt, is focused on peeling a banana. She is sitting on the floor in a dimly lit room, possibly a kitchen or a common area. In front of her is a large woven basket filled with peeled banana pieces. To her right, another person's head and shoulders are visible, suggesting she is part of a group. In the background, other people are partially visible, some looking towards the camera. The overall atmosphere is one of quiet activity and community.

Jumi, a blind girl
participates in preparing
meals for her extended
family.



Chances of participation open for women / girls with disabilities in social relationship. Nevertheless, they have not participated fully in decision making process.



Serafina Bete has control over working relationship on her role and position as a chairperson within a disabled people organization in Kupang

Serafina, a disabled girl living in Timor indigenous people carries out her parenting role towards her two children. It is a requirement for a woman living in marital institution.

She get inheritance from her family after her married



HOW THE LEGACY & LEGITIMACY FROM PERSON WITH DISABILITY WHO LGBT

CHACA

Chaca is a transgender from Java cultural community and she is a deaf mute .

She had coming out from Sexual and gender orientation and publish that she is a transgender in her schools / social community

She already coming out with her community support (deaf mute and other activist)



IN OTHER CULTURAL COMMUNITY (BANJARMASIN)

- Jaya, deaf , transgender (M to F) , 42 years, coming out and publish to her family and society, have economic access and position on her family (she has own income from her food business)
- Ardi, deaf , transgender (M to F) , 37 years, coming out and publish to her family and society, have economic access and position on her family (she has own income from her beauty clinic business)
- Elsa, deaf, Lesbian, 22 , coming out to her family and friends (deaf community), she has own income with motor wash business
- Riri, deaf, Lesbian, 39 , not yet coming out to her family but open for the deaf community, has own income with motor wash business

- They are survive from bullying and violence from their family and their community and coming out, because they have independence/ own income and get support from their close community, and get access to information or network

CONCLUSION

1. that women with disabilities have positions and roles in their families and cultural communities based on their capacity. including the obligation to take care of the household and the spiritual event in the community.
2. The capacity of women with disability related the power for her to make decision for their body, their sexuality and access for economic
3. relation to social recognition which is the basis for deciding how inheritance and access to assets and property in cultural community and families can be given or under the control of their families

1. Some cultural community give space for women with disability to represent their capacity (gender & sexual role) with their values, norms and habits that sets fort in their culture.
2. women with disabilities in their family and community position i.e , independence economic, education, and networking is very basic for their decision for their body, voice and sexuality.

