

# Female Circumcision Is It Still Happened Legal Or Illegal

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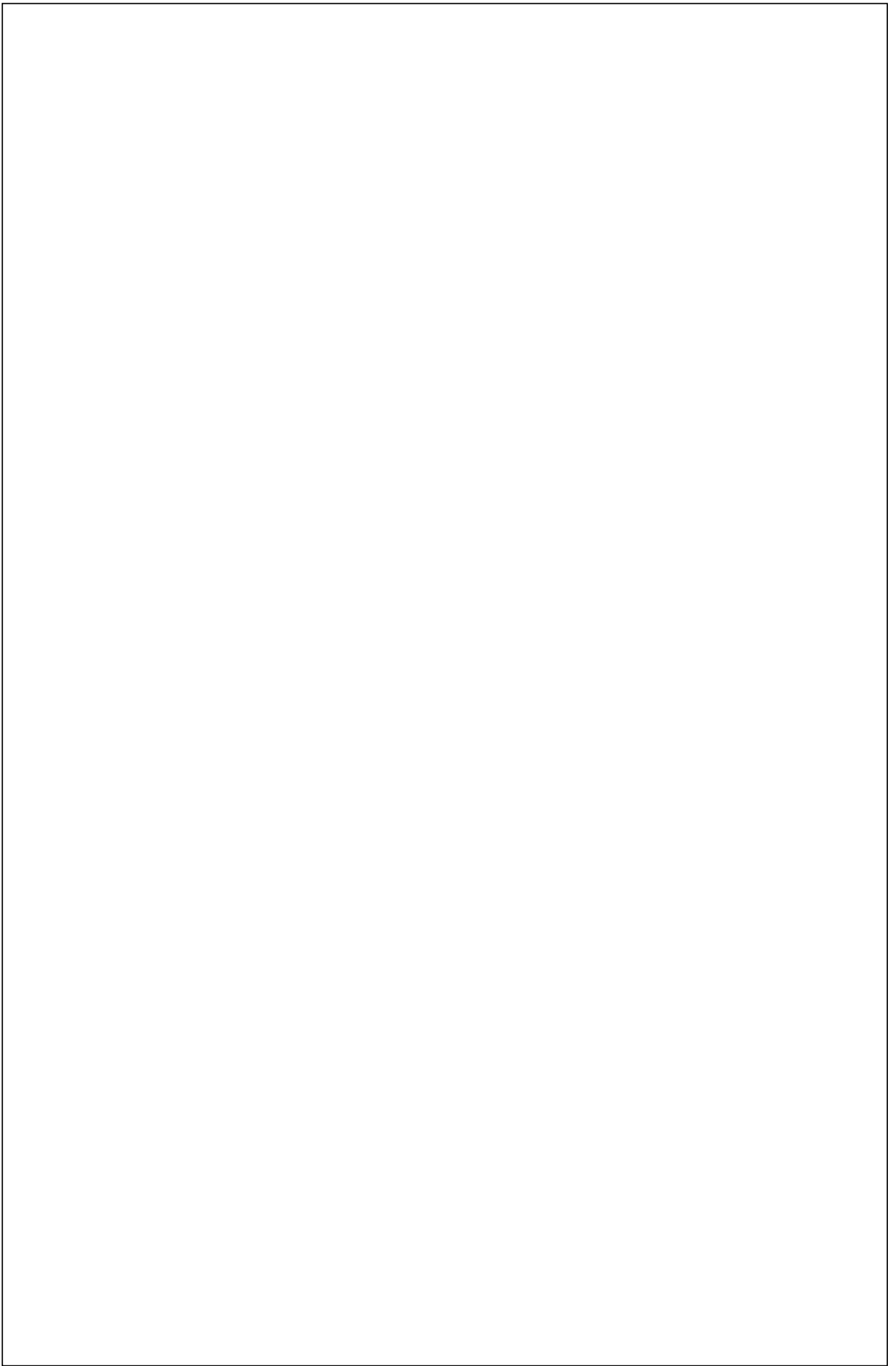
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## **Female Circumcision: Is It Still Happened? Legal Or Illegal?**

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### **Abstract**

**Beside popular in Africa, female circumcision also known well in Indonesia. In certain areas such as include: Banten, Serang, Surabaya, Situbondo, and also on the island of Madura, female circumcision still happened until now. In patriarchy system that centered at male power in societies, male should be more dominant than female. The greater number of females are troublesome. It means, there are a lot of female population and in patriarchy system view the female should in lower position in society. Female no important get the good education, so that female in the society do not optimal know about the knowledge, know about the healthy. Because of that, the number of females that have no enough knowledge and have no enough understanding about healthy potential not support the develop society. Because of lack knowledge and lack understanding about healthy, the female obeys to do female circumcision. Because the female as great number in population make the female circumcision still happened until now even though the female circumcision forbidden. It needs guidance and counseling for female who have not given birth to children and for female who have given birth to children so that they have an awareness that every human being has the same rights. Because of not proper knowledge and education for female in the certain area, female circumcision still happened although prohibition by Minister of Health Regulation RI Number 6 Year 2014. This research aims is to avoid the female circumcision from several society that affect women health. By using socio legal research, purposive random sampling and in depth interview as method, this research should have findings that men and women have equal rights in terms of sexuality and reproductive By using socio legal research, purposive random sampling and in depth interview as method, this research should have findings that men and women have equal rights in terms of sexuality and**

reproductive health because the aims from this research is reach the same right for male and female. Finally, after female aware about the same right, female understanding the access of healthy and the end the female circumcision not happened in society.

Keywords: Female Circumcision, Health Awareness, Patriarchy.

## **Circuncisión Femenina: ¿Todavía Sucede? Legal O Ilegal?**

### Resumen

Además de popular en África, la circuncisión femenina también es conocida en Indonesia. En ciertas áreas tales como: Banten, Serang, Surabaya, Situbondo, y también en la isla de Madura, la circuncisión femenina todavía sucedió hasta ahora. En un sistema de patriarcado centrado en el poder masculino en las sociedades, el hombre debería ser más dominante que la mujer. La mayor cantidad de mujeres son problemáticas. Significa que hay una gran cantidad de población femenina y, según el sistema de patriarcado, la mujer debería estar en una posición más baja en la sociedad. Las mujeres no son importantes para obtener una buena educación, por lo que las mujeres en la sociedad no saben óptimamente sobre el conocimiento, saben sobre lo saludable. Debido a eso, el número de mujeres que no tienen suficiente conocimiento y no tienen suficiente comprensión sobre el potencial saludable no apoyan a la sociedad en desarrollo. Debido a la falta de conocimiento y falta de comprensión sobre la salud, la mujer obedece para hacer la circuncisión femenina. Debido a que la gran cantidad de mujeres en la población hace que la circuncisión femenina aún ocurriera hasta ahora a pesar de que la circuncisión femenina está prohibida. Necesita orientación y asesoramiento para las mujeres que no han dado a luz a niños y para las mujeres que han dado a luz a niños para que tengan conciencia de que todo ser humano tiene los mismos derechos. Debido a la falta de conocimiento y educación adecuados para las mujeres en ciertas áreas, la circuncisión femenina todavía ocurrió, aunque la prohibición del Reglamento del Ministro de Salud, RI Número 6, año 2014. Esta investigación tiene como objetivo evitar la circuncisión femenina de varias sociedades que afectan la salud de las mujeres. Mediante el uso de la investigación socio legal, el muestreo aleatorio intencional y la entrevista en profun-

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didad como método, esta investigación debe tener resultados de que los hombres y las mujeres tienen los mismos derechos en términos de sexualidad y reproducción. Al utilizar la investigación socio legal, el muestreo aleatorio intencional y la entrevista en profundidad como método, Esta investigación debería tener resultados de que hombres y mujeres tienen los mismos derechos en términos de sexualidad y salud reproductiva porque los objetivos de esta investigación son alcanzar el mismo derecho para hombres y mujeres. Finalmente, después de que la mujer conoce el mismo derecho, la mujer comprende el acceso a la salud y al final, la circuncisión femenina no sucedió en la sociedad.

Palabras clave: circuncisión femenina, conciencia de salud, patriarcado.

## 1. INTRODUCTION

In Indonesia, before we explain the main topic in article, we start from introduction or background. In introduction or background we find the situation at that time, before we make research, before we look for the data, before we interfere the situation. After introduction, we continue to the body of article by several main topic (could be the result from research) , show and explain the data and in the end about conclusion and recommendation.

Lets' we start from the topic of history of gender differences. The history of gender differences between male and female it's happened from a long time and occurs through a very long process. Nowadays the paradigm status that what is stated as nature which means the biological context or the context of God is actually a social and cultural construction in some society. It's no choice again in society between male and female or man and woman. Every human being has equal rights in our life. Since born until die all human being have the same rights. It is stated from the Universal Declaration of Human Rights to several laws and regulations. Actually, people in the world differentiate as gender stereotypes between female and male. Not more than that. And we should know that male and female get the same right and same position to get chance in education matter, get the chance in health and so on.

In society, female have lower level than male. The assumption of second class citizens of female causes female difficult in accessing information about reproductive health because it is considered taboo. The activities

of accessing information and / or knowledge of reproductive health and access to reproductive health are considered unnecessary so that female have no right to their sexuality. The increasingly modern state should be supported the easy access of female to the view of sexuality about themselves and access to reproductive health facilities. But the contrary condition happened until now. Thus causes they need for a model of learning for female about sexuality and reproductive health.

In Indonesia is still familiar with the circumcision of girls. From several document, female circumcision in Indonesia happened in Java Island, Sumatera and Sulawesi (NATSIR, 2013). Female circumcision in East Java is dominated by the Madura ethnic. Moving from research on “The Role of Community Leaders and Mechanisms of Reproductive Social Practice of Female Circumcision in East Java Province” 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 khafir), 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’. 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 continues by the next generation. It means the tradition should continue to next generation and they became perfect community.

Another example the practice of female circumcision performed by the community in Yogyakarta. They practice the female circumcision as one form of Islamic religious worship. They to do that by voluntary although there are no sanctions if female do not perform circumcision. In Madura society, female circumcision is performed with the aim of being a ritual of Islamic belief. It is not related with cultural history.

With this case of phenomenon, gender equality needs right law enforcement based on state law in this country, and then continued by the civil

agent (HUMM, 1995). Gender equality based on eight points, humanity, nationality, substantive equivalence, non-discrimination, value, participatory, transparency, and accountability. The practice of female circumcision is against the gender equality purpose. By understanding the gender equality, government and society are improving the living quality by them self, create the living environment became equal to gain the access, participation for local development. And then by creating gender equality rights, the purpose to decrease the female circumcision and discrimination based on the gender (male and female) can be develop.

To understand and applying the gender equality, the society and law agents need to work for understanding “law in the books” or what called as legislative, that contain of the description of the law points by the nation. And then need to know how the law being interpreted and run by the government, by understanding “law in action” phase or what called as judicative executive. By understanding that two points, law agents need to run the third point that exist in social life of society. “Law in society” or that called as society corporations, are the third points that law agents need to know for run the gender equality. This third point are described as how the law are interpreted by law agents to society and accepted by society. That three points are need to run together or develop equally by all the agents and society so the practice of discrimination and female circumcision that happened in woman.

In implementing government regulations aimed at increasing awareness of gender equality, every element that exists both from the central and regional aspects needs to work together. Understanding the law alone will be lacking without being accompanied by actual implementation and carried out by all levels of society and those in charge. The practice of female circumcision is an example that the conditions of implementation with regulations occur so that activities that harm the community still occur frequently. Related to this, the relevance of the activity is not based on obvious knowledge and is based on taboo matters, so that violations of human rights are also questionable about the portion of law and its application.

In relation to the three points discussed in the previous two paragraphs, the application of the rules which should supposedly improve the welfare of the people in the country is considered to require further study given the practice of circumcision in girls in the three areas in this paper. Legally,



the rules governing community action are contained in the Government Regulation and require permission to conduct an action relating to the life of the state. In its implementation, regulations need to be understood as a foundation that is able to support community activities towards a better direction. Increasing the level of people's welfare. Participation from the community is needed so that the stipulated regulations do not experience misunderstandings and damage the balance of society.

Human rights violations with the practice of circumcision in girls have undergone further studies in terms of scientific studies. Based on the studies conducted, the regions that still apply the practice of circumcision to girls are based on beliefs and culture that have been carried out for a long time. Moreover, the majority of these practices are supported by the behavior of the perpetrators who base their taboos and beliefs. Actions that tend to be inconsistent with the health that afflicts women in the region are clear evidence of a lack of public understanding of what they have done.

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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" (Religious Leader) and charismatic clerics. The Kyai (religious leader) and the charismatic cleric could affect people. The majority of reasons that Indonesians use in practicing female circumcision are religious reasons. Mostly, 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 arousal or libido among women who have been and are not circumcised.

## 2. METHOD

This research is using quantitative method first for gaining the data using questionnaire tool, and then using depth interview to deepening the previous data from questionnaire for determine the knowledge and understanding about female circumcision related with tradition and human rights.

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

using questionnaire as tools for 300 respondents. The subjects for this research are consisting of the mothers, the mid wives, Kyai (Religious Leader), and community leaders. Related the locations that have many practices female circumcision at there and there are have the central of Madura society and communal like: Surabaya, Situbondo and Bangkalan (Madura).

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 only by statistic form or statistic model but also by analyse in socio-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 questionnaire, but we completed it by in depth interview. The questionnaire for the mother contain of the age, sex, education, job, how many years in marriage, how many children, how many daughter, how old the daughter, never or ever heard the female circumcision, if ever, from whom, never or ever circumcise her baby, if refuse the female circumcise one how the reaction of the society, if refuse the female circumcise one how the reaction of the religious leader, if refuse the female circumcise one how the reaction of the community leaders, that the mother know about prohibition for female circumcision.

The questionnaire for the mid wives (the actor who conduct female circumcise) contain of the age, sex, education, job, how many years as mid wives, how many babies (girls) had the circumcision by the mid wives, never or ever heard the female circumcision, if ever, from whom, what the aims of female circumcision, if never what the reason, if the family or mother refuse the female circumcise what your response, if refuse the female circumcise one how the reaction of the religious leader, if refuse the female circumcise one how the reaction of the community leaders, that the mid-wives know about prohibition for female circumcision

The questionnaire for the religious leader contain of the age, sex, education, job, how many years as religious leader, never or ever heard the female circumcision, if ever, from whom, what the aims of female circumcision, if the family or mother refuse the female circumcise what your respon,

that the religious leader know about prohibition for female circumcision.

The questionnaire for the community leaders contain of the age, sex, education, job, how many years as leader, never or ever heard the female circumcision, if ever, from whom, what the aims of female circumcision, if the family or mother refuse the female circumcise what your respon that the community leaders know about prohibition for female circumcision

### 3. RESULT AND DISCUSSION

#### 3.1 Female Has No Right to Access Information in Sexuality Health

Nowadays, the notion of “three generations of human rights” was proposed by Karel Vasak, a French lawyer. These three generations of human rights constitution a new outlook replacing the view of classical rights. Inspired by the three normative themes of the French revolution, those rights; 1). The first generation of civil and political rights (liberte); 2). Second generation of social and cultural rights (egalite); 3). The third generation of rights of solidarity (fraternite) (LUBIS, 1993).

The third generation of human rights interconnect and conceptualize the value demands that relating to the previous two generations of human rights. There are 6 (six) human rights demanded.

The rights are: 1). The right to self-determination in the political, economic and social cultural fields; 2). The right to economic and social development; 3). The right to participate and utilize the “common heritage of mankind” (shared space resources, scientific and technical information and progress, and cultural tradition, locations and monuments); 4). The right to peace; 5). The right to a healthy and balanced environment; 6). The right to natural disaster relief

These rights are set forth in the World Declaration on the Human Rights or also called The Universal Declaration on the Human Rights (BROWNLIE, 1993), 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 nationally, color, sex, language, religion, politics or other opinion, national or community origin, poverty, birth or other positions. Article 3, everyone is en-

titled 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 against the law.

The definition of rights is not also defined, but a core contained in the right, ie thye existence of a claim, that speaks of our right to imagine that there is a “claim” and nin relation to the legal protection for the people imagined a “claim” from the people: and 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 (HADJON, 2007).

Sex is a physical or biological distinction between female and male. While sexuality involves a wide variety of dimensions, namely the dimensions of biological, social, psychological and cultural. In the Indonesian dictionary the meaning of the word sexuality is: 1. Characteristic, nature or role of sex. 2. Sex drive. 3. sex life. Female in a patriarchal society have no right to gain sexual knowledge. Her sex life is even turned off with hereditary notions and customs mainly related to circumcision. Female circumcision is believed to decrease female libido and make female more honorable with lower libido. It related with the dignity. Female are not given the opportunity to know the usefulness and benefits of female circumcision. Female should follow the society habit.

From the research results it is known that most female do not know that understanding sexuality is a part of human rights and not a taboo. Likewise, societies consider that female are not allowed to talk about sexuality but ordinary male.

### 3.2 Prohibition in Female Circumcision

The right of every person to earn a decent living is closely linked to human rights. The notion of “three generations of human rights” was proposed by Karel Vasak, a French lawyer. These three generations of human rights constitution a new outlook replacing the view of classical rights. Inspired by the three normative themes of the French Revolution, those rights are:

the first generation of civil and political rights (*liberte*), second generation of social and cultural rights (*egalite*), the third generation of rights of solidarity (*fraternite*).

The third generations of human rights interconnect and conceptualize the value demands that relating to the previous two generations of human rights. There are 6 (six) human rights demanded. The rights are: first, the right to self-determination in the political, economic, social and cultural fields; second, the right to economic and social development; third, the right to participate and utilize the “common heritage of mankind” (shared space resources, scientific and technical information and progress, and cultural traditions, locations and monuments); fourth, the right to peace; fifth, the right to a healthy and balanced environment; sixth, the right to natural disaster relief.

At first, gender concept related with sex concept that refer to biologist identity that make differences male and female based on biologist anatomy (UMAR, 1999). Nowadays, 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 (NEGARA, 2005). In certain societies this division of roles is so rigid and it could not be exchanged either in time or in perpetuity.

At first the circumcision of girls who developed and maintained in the community was legalized by Minister of health Regulation Number 1636 of 2010. The regulation Number 1636 of 2010 allowed the female circumcision but especially by paramedic to ensure the safety in circumcision. The custom of female circumcision was given a legal umbrella so that in its implementation in accordance with the applicable rules, so that it is not illegal in its implementation. In the regulation the minister of health regulated that circumcision must be on demand and not in the form of cuts (genital mutilation) but scratches. It's just that these scratches still have the potential to cause wounds, bleed and can be infected. These risks must be notified to the parents of the circumcised daughter.

Along with the development of the era, Minister of Health Regulation Number 6 of 2014 was issued concerning Revocation of Minister of Health Regulation Number 1636 Year 2010 concerning Circumcision. The

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reasons for the issuance of Minister of Health Regulation Number 6 Year 2014 are as follows: first, that every action taken in the medical field must be based on medical indications and prove to be scientifically useful; second, that female circumcision up to now is not a medical action because its implementation is not based on medical indications and has not proven to be beneficial to health; third, that based on the aspects of Indonesian culture and beliefs, until now there are still requests for female circumcision to be carried out whose implementation must still pay attention to the safety and health of women who are circumcised, and not to carry out female genital mutilation.

Circumcision of girls is still done in the community. It's just that they do it from time to time without any definitive knowledge about female circumcision. Parents do not know what the benefits are and do not see the implementation directly. The parents never asked the midwife about this circumcision. The one who carries out circumcision is a dukun.

The dukun massage the pregnant mother in the second and the seventh months of pregnancy. The purpose of this massage is to set the location of the baby in the womb. From this habit of massaging arises closeness emotional between a pregnant mother and the dukun so that when the dukun convey the baby girl should be circumcised, the mother obeys to do that.

Usually mother do not know the purpose of circumcised. The mother only knows about phenomenon which is exists in the community. By female circumcision the society hope the libido from the girl become lower and the girl has the high dignity. The girl become a holy girl.

At the time of giving birth, can midwives who help deliveries, can be traditional birth attendants. After two weeks of birth, the dukun comes to bathe the baby, care for the umbilical cord and do circumcision. The baby's mother can't bear to see the circumcision procession. According to respondents, the dukun rubs it with turmeric.

Female as citizens as male have equal rights to access to justice, but there are some things that cause female to find it difficult to access justice to obtain information about reproductive health, because of: 1). The attitude of male's arrogance, female is considered stupid, so there is no need to be given an explanation about the reproductive health matter and even if fe-

male ask, it will be answered casually; 2). The attitude of male's arrogance so as they look on female level, female is considered cheap so deserve to be seduced and if necessary and if considered attractive, invited to 'victim to sexual harassment; 3). The habit of placing the portion or position of female as the second citizen, *konco wingking* (female always behind the male), *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: female as *konco wingking, swarga katut neraka nunut* so that female do not put together uneducated education, female is not educated enough, so dare not question about things that happened to her; 5). There is patriarchal culture that requires female as subject to 'power' of male.

Based on population projection data from the Central Bureau of Statistics, 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:

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

Table 1.0 : Central Bureau of Statistics of East Java 2017

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.

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 such as; 1). We must insist that no one, man or woman may claim a right to monopoly interpretation of 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; 2). 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; 3). 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; 4). We must hold governments and organizations responsible for the effect on women of political, social, economic and cultural choices they make nationally or internationally.

The mothers, mid wives 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.

The matters that make worse are 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. Female could not get information about female circumcision, by literation, or by medical information, if the religious leader and the charismatic cleric not allowed. Female have not right to refuse or receive the tradition to circumcise, female could not get healthy by not conduct circumcise couldn't happen if the religious leader and the community leaders not allowed. Even though the government has issued



a ban.

### 3.3 Knowledge on Human Rights Protection (HAM) Policy Regarding the Rights of Women and Children

The application of gender equality requires understanding and knowledge of things related to fundamental human rights. In addition to this, developing methods to implement laws that are capable of managing all levels of society is also important considering the community also contributes to the implementation of gender equality. The scope of gender equality is related to access given without differentiation between men and women, the right to participate, access to health, to feel the benefits of development, of course also related to the national development context that covers the entire development management cycle both at the central and regional levels.

In the introduction there was a link between the three points of interrelated elements in implementing laws that support gender equality. Three points that support each other and are carried out simultaneously to be able to eliminate gender discrimination and provide knowledge of equal rights among communities is no exception for women. Legally, the regulations are recorded in the book and described about the contents of the law. "Law in the books" can be defined by how the law is narrated in existing regulations. Whereas in the implementation, the law changes into "Law in action" points or can be explained by how the law is interpreted and can be implemented by the government. Then in the third point, the law must be able to be interpreted and implemented by the community as a series of regulations and in collaboration with government officials in the implementation.

In response to this, the implementation of gender mainstreaming requires the intervention of many parties who support each other and work together to eliminate the existence of gender discrimination and restrictions on rights on the basis of gender. In an effort to implement gender equality, the State Administration Agency needs to ensure the implementation through the Leadership Committee, policies, institutions, human resources, budgets, data and public participation. The linkage of the whole thing will support each other efforts to implement gender equality that is able to be accepted by all communities and government administrators.

Understanding these conditions, the implementation of gender mainstreaming activities requires an understanding of the community so that the law or regulation runs as it should. Providing equal access rights without distinguishing male and female gender, giving rights to the field of nation-building and a fair state is the goal of gender mainstreaming.

The implementation of regulations based on law in the legislature is regulated in written regulations and narrated based on the applicable legal articles in the government environment. The scope of the area affected by the regulation is regulated based on the issuance of applicable regulations. In the implementation of gender mainstreaming, the implementation of regulations is regulated more carefully through Government Regulations that are in force and have been set in their time. In its implementation, the government can implement regulations through education and training institutions to the community. This activity is supported by the existence of research and development of science that can be used and applied by the community well. Educational institutions in their implementation can integrate gender perspectives into the education curriculum early and conduct research on gender perspectives in the field institutions of each agency.

In this regard, research on a gender perspective provides an opportunity for agencies to be able to provide documentation about the diversity of data obtained regarding the pre-conditions and conditions after the application of gender equality. Data that is uniquely categorized as disaggregated data provides a reference to the method of implementing the law so that it can be applied optimally. The implementation of gender equality is based on various principles that support each other's conditions. Community participation is also one of the principles needed to implement gender equality that is not detrimental to one group that is distinguished by gender.

The act of circumcision in women is one proof that the community is still legalizing and does not understand the actions that violate the rules and human rights, especially women. In the process of improving the quality of life of the community and creating a just and non-discriminatory community life, regulations and information on the knowledge of gender equality need to be carried out to the community. However, community participation is needed to eliminate harmful actions in any case, especially health and in order to improve the quality of society. What's more, an action that is not based on knowledge and harms society requires enforcement that is

able to eliminate it. The regulations contained will only be a narrative that cannot eliminate the act of gender discrimination without actual action. The implementation of the elimination of discrimination requires actual implementation based on written regulations by the government and based on the actual conditions of the surrounding community.

Different regions require different legal implementation actions. The circumstances or conditions of different communities certainly require different legal handling. Law enforcers need cooperation with the community in order to implement gender equality. The community needs to be given knowledge or counseling on equality that can increase the welfare level of community life. The State Organizing Agency in carrying out gender mainstreaming certainly needs to conduct a study of the formulation of work policies based on community conditions, set limits and budget allocations that are in accordance with the planned policy conditions so that the allocated funds can be used properly.

As a part from the result of this research in Bangkalan, Knowledge of the law for implementing female circumcision 69% said it was mandatory. Taken from the arguments of hadith which are considered to be very strong so circumcision of girls must be carried out. While 31% said their arguments were weak so they said they were not compulsory but because it had become a tradition, circumcision of girls was still carried out. As the data above shows that all informants carry out circumcision in girls. Proposals that are considered to be very strong are sources of information used by the community to strengthen the practice of circumcision.

In terms of ordering circumcision, the strongest is 83% Grandpa / grandmother, because circumcision has been a tradition carried out for generations, and is considered the most knowledgeable, then the one who rules the circumcision is uncle / aunt, then the parents themselves ordered circumcision. In addition, medical personnel / traditional birth attendants will immediately carry out circumcision or notify the parents of girls born to be circumcised. What's interesting is that the desire for circumcision also occurs in girls themselves, this is likely because the environment requires all girls to be circumcised. An order is information that must be carried out if it is not grandparents, parents, uncles / aunts, or medical personnel.

Otherwise, in Surabaya area, knowledge of the law on the practice of cir-

cumcision says that there are 77% compulsory, this is because the understanding of the practice of circumcision is not a tradition. Whereas those who say compulsory law as much as 23% are people who carry traditions from their origin. In addition, the educational background of parents of girls who are already high enough to finish high school or university allows parents not to practice circumcision. The actor who carries out circumcision in the city of Surabaya is a doctor because 76% of mothers give birth in hospitals often parents do not understand that their daughters have been circumcised. Whereas midwives often circumcise because of the request of parents who have a tradition of circumcision in girls. Paramedic in Surabaya consider following parental willingness more important.

Beside it in Situbondo, the knowledge of the law of circumcision for girls is prohibit, almost all informants are 100%. But this is due to a very strong tradition brought from the area of origin. By carrying out the practice of circumcision, the community considers that there is a strong cultural attachment to the area of origin, they say that there are descendants from Madura. And this is their pride. Almost all the informants in the Situbondo area were not aware of the law regarding the practice of circumcision for girls, this might be due to the educational background of women who did not graduate from junior high or high school, almost all said they also did not understand why female circumcision was carried out.

Based on the elaboration above, knowledge of the practice of circumcision for girls in the study area does not indicate the existence of medically veiled data. The majority of actors who legalize these actions practice when girls are under five. What's more, the actor behind the action uses a belief system that is obtained down in general. Knowledge of an obligation that must be carried out on the basis of trust, encourages the perpetrator to carry out the practice without any rejection from the surrounding environment because the same surrounding environment also relieves the action. Another factor found was the ignorance of the perpetrators of human rights violations committed against their own family members. Given that the majority of actors are family members who have an older age, making family members carry out these actions without questioning cause and effect. Even the actor's family feels that practicing female circumcision is a natural thing and does not adversely affect the child, due to lack of knowledge that there is a danger that threatens the child's condition in the future. The presumption of taboos like the reduction of lust can actu-

ally be explained by using the medical world approach, but these actions still have other adverse effects besides only decreasing women's lust. The community feels that they do not understand and do not conduct further studies regarding actions that have actually been regulated in Government Regulations.

Based on this, it is clear that there is a lack of knowledge of people's understanding of applicable laws. Where the applicable law actually regulates a life that is fair and without the violation of human rights against fellow citizens. Regional Government is actually capable of carrying out regulations that are able to provide equal fairness among people without distinguishing gender. The government collaborates with the community to exchange information in response to actions taken in the community based on existing regulations. Understanding and implementing regulations together between government agencies and the community will make the condition of the community comfortable to use as a place of family nation and state.

By applying the three points in the previous discussion, "Law in the book", "Law in action", and "Law in Society", the government and the community work together to apply applicable laws and make the environment more equitable to others. The condition of the community that understands gender equality and is not discriminatory certainly requires knowledge of the ways and actions to be taken. By responding to this, the government provided education along with counseling on gender equality to the community through various activities beginning with policy planning, until implementation ended with evaluation of activities. Adding material to the education curriculum provides fundamental knowledge for children and parents, while providing counseling through village officials and health institutions will play a key role in educating gender equality on families and the surrounding environment.

#### 4. CONCLUSION

Based on the findings of the data that have been done, both Bangkalan, Situbondo, and Surabaya, have their respective backgrounds related to the legal practice of circumcision in girls. The understanding of the perpetrators of the knowledge of the world of health, supported by the presumption of a culture that has been brought down for generations further aggravates

the state of legal action in the community. Based on the applicable laws and regulations, the government has a role to maintain the welfare of its citizens, by applying applicable regulations and regulating both in the social, to cultural fields.

The act of circumcision in female is one proof that the community is still legalizing and does not understand the actions that prohibit by regulation. In the process of improving the quality of life of the community and creating a just and non-discriminatory community life, regulations and information on the knowledge of gender equality need to be carried out to the community. Different regions require different legal implementation actions. The circumstances or conditions of different communities certainly require different legal handling. Law enforcers need cooperation with the community in order to implement gender equality. "Law in the book", "Law in action", and "Law in Society", if implemented correctly it will make the environment fair for the community and the absence of discriminatory actions in violations of human rights, and coercion on the basis of trust that harms one party.

Female as a part of society have not right to their self in some community. 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 diffuses 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 eventhough government prohibit by Permenkes Number 6 Year 2014. If it still happened it's categories as illegal activity.

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 as stated in regulation Number 6 Year 2014 because the female cir-

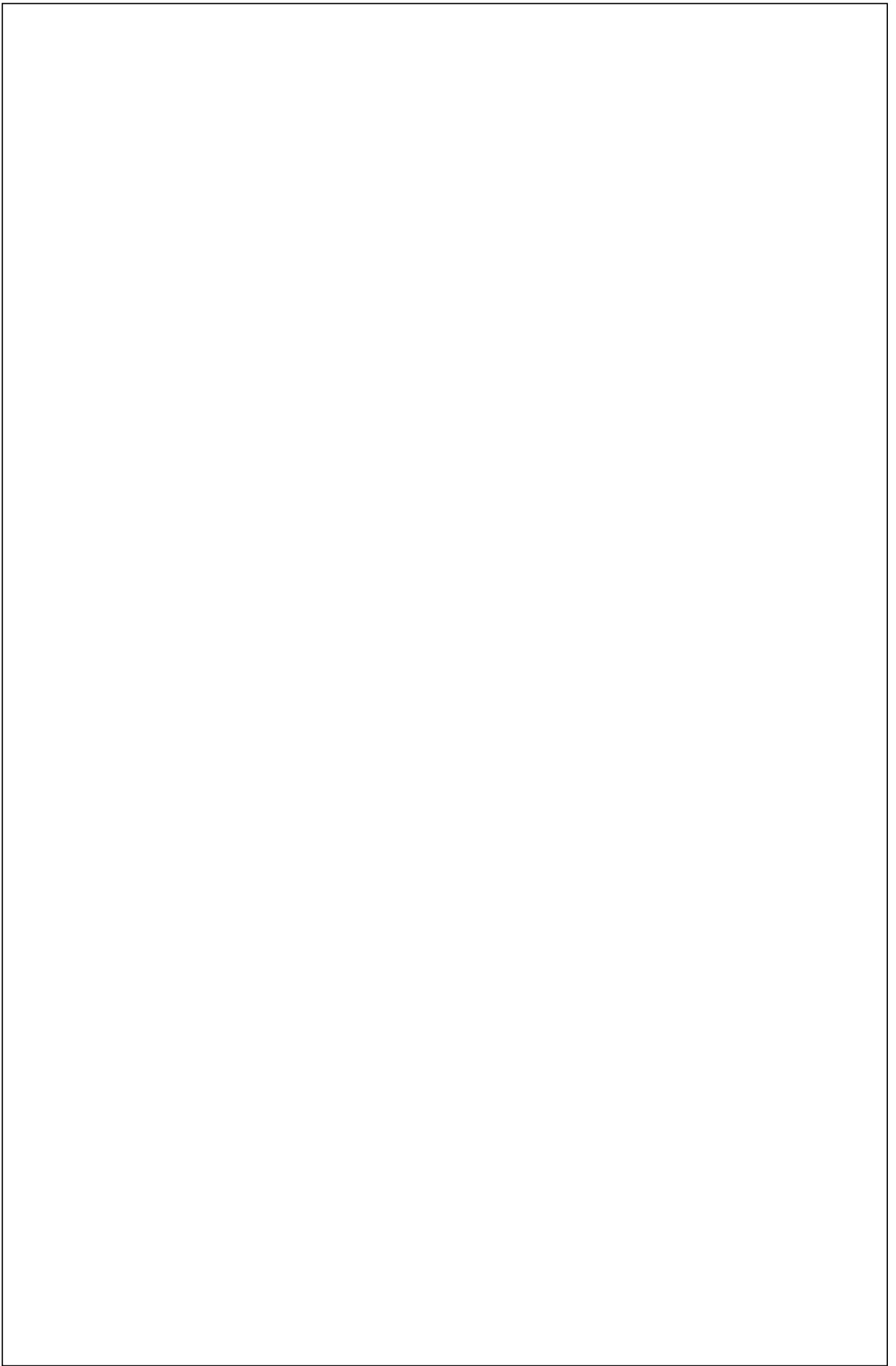
cumcision practice is illegal.

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