

Passing the Sexual Violence Crime Law in Indonesia: Reflection of A Gender Sensitive Parliament?

During the Plenary Meeting on 18 January 2022, all factions delivered their opinions on the Bill. The following table displays distribution of factions by stance, ideology (see Fossati et al., 2020), and notes or recommendations.

Among factions that accepted the Bill, only NasDem did not mention any further suggestions. On the contrary, PPP has 16 recommendations for the Bill to be passed, making this the most extensive. One of the notes read “as long as the Bill respects the religious, cultural and social norms that apply in society, and not promoting LGBT groups.”

Gerindra also insisted on changing the wording of the Bill’s title from “sexual violence crimes” to “sexual crimes” and proposed a reward–punishment mechanism for a family’s role in preventing sexual crimes. As the only faction that rejected the Bill, PKS proposed stronger emphasis on prohibiting all forms of sexual perversion campaigns and harsher punishment when the sexual crime is committed as a sexual deviation.

Table 1. Factions’ Perspectives Delivered during the 13th Plenary Meeting of the 2021-2022 Session on 18 January 2022 (Source: DPR-RI (2022))

Faction	Accept/Reject	Ideology (Role of Islam in Politics)	Spokesperson (Sex)	Notes/Suggestions/Recommendations
PDIP-P	Accept	Lesser	Riezky Aprilia (Female)	Appreciates the Bill considers electronic-based sexual harassment as a crime, and mandatory right to restitution for victims to compensate the loss and damage they endured.
NasDem	Accept	Lesser	Taufik Basari (Male)	-
Demokrat	Accept	Somewhat lesser	Rezka Oktoberia (Female)	The Law needs to be formulated carefully so as not to give rise to multiple interpretations later so that there will be no misunderstandings when the bill is promulgated.
Gerindra	Accept	Somewhat lesser	Jefry Romdonny (Male)	Suggest on changing the wording of the Bill’s title from “sexual violence crimes” to “sexual crimes” and replacing the phrase “from violence” to “from the threat of fear” (as used in Article 28G of the Constitution). To have a deterrent effect, perpetrators of sexual crimes need to be given heavier sentences. The phrase "and/or" for articles containing forms of punishment need to be replaced with "and" so that the perpetrator receives a prison sentence and a fine. Insist on strengthening the article regarding family participation: rewards and punishments for families who are active or inactive in preventing sexual crimes.
Golkar	Accept	Somewhat lesser	Christina Aryani (Female)	Disagrees with the articles (Article 1 paragraph 4 and Article 8 paragraph 3) regarding corporations being held responsible for sexual violence crime conducted by individuals. Thus, revocation of business permits is irrelevant and not in accordance with the spirit of the Bill.
PKB	Accept	Greater	Neng Eem Marhamah Zulfa Hiz (Female)	Forms of sexual violence, definitions and explanations need to be formulated carefully, clearly, without multiple interpretations, not ensnaring people who are not the perpetrators, not ensnaring people who are in a position of being coerced by the perpetrator/person and coerced by the system.
PAN	Accept	Greater	Desy Ratnasari (Female)	In preventing sexual violence and protecting victims, there should be a corridor for law enforcement and religious morals that are in line with the values of Pancasila, especially the first principle: "Belief in the one and only God". Children who commit sexual violence can also be regulated by this Bill. Hence it is crucial to synchronize all existing laws and regulations, particularly Law 35/2014 concerning Child Protection.
PKS	Reject	Greater	Kurniasih Mufidayati (Female)	The Bill is not comprehensively including all forms of sexual crime: sexual violence, adultery, and sexual perversion, essentially critical in preventing and protecting women from sexual violence.

				<p>Propose punishing perpetrators of sexual perversion whether committed against children or adults, prohibiting any form of sexual deviance campaign, by providing exceptions for perpetrators of sexual deviance due to certain medical conditions who must be rehabilitated.</p> <p>Propose to add a criminal aggravation category (plus 1/3) if the crime is committed as a sexual deviation.</p>
PPP	Accept	Greater	Illiza Sa'aduddin Djamal (Female)	<p>Proposing adultery and sexual perversion to be included as a form of sexual crime considering that these are the causes of sexual crimes.</p> <p>Suggesting additional punishment in the form of social sanctions, for example announcing the perpetrator's name in public places, schools, places of worship and markets, while serving the criminal/primary sentence.</p>