

# Passing the Sexual Violence Crime Law in Indonesia: Reflection of a Gender-Sensitive Parliament?

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## Abstract

After a decade of deliberation, the draft sexual violence eradication bill was finally passed by the Indonesian parliament on 12 April 2022, enacted as the Sexual Violence Crime Law (*Undang-Undang Tindak Pidana Kekerasan Seksual*). The draft, which was first initiated by the National Commission on Violence Against Women (*Komnas Perempuan*) and later adopted as a parliamentary initiative, sparked controversy both inside and outside parliament. This article aims to describe the law-making process and identify the critical actors and acts as well as institutional responses that led to the passing of the law. It considers whether the experience can be interpreted as a reflection of a gender-sensitive parliament. Using a qualitative research approach, we identified critical actors and various responses from the parliament as an institution in responding to the dynamics of resistance and encouragement for the draft law to be passed. Our research material consists of interviews, news articles, and official document data. We found that critical actors and actions are key in the law-making process along with strong political will and collaboration between lawmakers, government representatives, civil society organizations, and the media, but the passage of this legislation alone does not fulfill the full requirement of a gender-sensitive parliament.

## Keywords

civil society organizations; critical actors; gender-sensitive parliament; Indonesia; sexual violence; women’s movement

## 1. Introduction

The Inter-Parliamentary Union (2017, p. 5) stipulates a gender-sensitive parliament (GSP) as a parliament that “responds to the needs and interests of both men and women in its composition, structures, operations,

methods and work.” A GSP also removes “the barriers to women’s full participation and offers a positive example or model to society at large.” Many parliaments around the world are enacting reforms to become more gender-sensitive institutions (Childs & Palmieri, 2023). These adjustments include, but are not limited to, gender quotas (International IDEA, 2023; Kim & Fallon, 2023), gender-sensitive electoral systems (Pilon, 2020), and political party reforms (Verge, 2018).

Building on the 2001 Gender Sensitizing Commonwealth Parliaments Report, the Commonwealth Parliamentary Association published the 2020 Gender Sensitising Parliaments Guidelines in which gender (in)sensitivity is to be measured across four dimensions (Childs, 2020). The first dimension deals with equality of participation within parliament, questioning selection processes, and whether MPs are enabled to become effective participants across parliament’s core activities: representation and interest articulation, legislative scrutiny, and executive accountability. The second dimension is parliamentary infrastructure, which covers everything that facilitates the work of MPs, including official rules and working practices that underpin all activities in the parliament. The next dimension is parliamentary culture, which is never fixed but rather evolving and subject to change, such as informal institutional norms, practices, and processes. Lastly, dimension four which is gender equality policy/women’s substantive representation. This dimension would include legislation, policy, scrutiny, and interest representation by asking whether parliaments acknowledge the perspectives and address the needs and interests of women. Do parliaments aim for gender equality between men and women, and have women’s experiences been considered?

Several works have investigated the progress of achieving a GSP in Indonesia, particularly in terms of increasing the number of women in the lower house (*Dewan Perwakilan Rakyat* [DPR]; Bessell, 2005; Prihatini, 2020; Purwanti, 2015), and a few studies have examined the connection between women’s presence and gender-sensitive legislation and policy (Jovani et al., 2020; Maryuni, 2022; Prihatini, 2022). However, systematically observing the issuance of pro-women legislation promoting and protecting gender equality in the world’s fourth-most populous and third-largest democracy remains limited.

To fill this gap, our article seeks to examine the fourth dimension of a GSP in the DPR by delving into the Eradication of Sexual Violence Bill (*Rancangan Undang-Undang Penghapusan Kekerasan Seksual* [RUU PKS]), which was passed under the name Sexual Violence Crime Law (*Undang-undang Tindak Pidana Kekerasan Seksual* [UU TPKS]) after almost a decade of on-and-off deliberation. Using a qualitative research approach with in-depth interviews and textual analysis of news articles and official documents, we identified critical actors and various responses from parliament to the dynamics of support and opposition toward the Bill being passed.

Our findings contribute to the growing literature on GSPs, specifically possibilities and complexities in the Global South. Examining Indonesia’s experience is pivotal for at least two reasons. First, Indonesia has achieved notable progress in electing women into parliament following the end of an authoritarian regime, from 8% in 1999 to 21% in 2019 (Prihatini, 2022). The passing of the Sexual Violence Bill offers an important observation on whether increased women’s presence translates into better substantive representation. Second, considering that religion and culture are frequently cited as barriers to advancing gender equality (Norris & Inglehart, 2002; Rizzo et al., 2007), the experience of establishing anti-sexual violence legislation in Indonesia extends our knowledge around such dynamics. The article critically discusses the political and religious contexts encompassing one of the most progressive pieces of legal reform in the world’s largest Muslim society.

To set the context of a GSP in Indonesia, the following section discusses women's rights and parliamentary reforms that aim to promote gender equality. The next section details data collection and analysis, alongside the legislative process. We then elaborate on the Bill as a case study to demonstrate the dynamics in pursuing gender-sensitive legislation in the DPR. Consequently, we identify the actors and their critical acts based on news reports and in-depth interviews with MPs and the former chairperson of *Komnas Perempuan* to indicate causal inference of the important change. We conclude by providing key takeaways and further research avenues for GSPs in the Indonesian context.

## 2. Women's Rights and Parliamentary Reforms

In its 1945 Constitution, the Republic of Indonesia acknowledged gender equality in all aspects of life including socio-economic and political rights. The state guarantees at least 40 constitutional rights, which can be categorized into 14 clusters including the right to legal certainty and justice, the right to be free from threats, discrimination, and violence, and the right to protection. The state aims to protect the whole population by providing safety for all citizens, but in particular, groups that are more vulnerable, such as women, children, and people with disabilities (Jaringan Masyarakat Sipil & Komnas Perempuan, 2020).

Gender-equal political rights as stipulated in Chapter X, Article 27 of the Constitution, have provided the opportunity for women to participate in politics as voters and candidates. Women have voted in every general election since the first one held in 1955. The first female minister was appointed in 1946 and the first female president was inaugurated in 2001 (Prihatini, 2023). However, during the New Order Era (1966–1998), women's political representation was suppressed, and women were to focus on their roles as wives and mothers (*ibu*). Their concern with the well-being of others (family, company, or the state) was linked to the “mother” concept, where women act without demanding power or prestige in return (*state ibuisim*; Suryakusuma, 1996).

On the other hand, in line with the global trend that has taken place in the last couple of decades, Indonesia has ratified international conventions and United Nations' resolutions that promote women's rights and gender equality (Wardhani, 2019). One pinnacle of this commitment was the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women in 1984. Indonesia also agreed to adopt the Beijing Platform for Action in 1995, which highlights 12 critical areas that need to be resolved, including women's political representation and violence against women.

Following the fall of Suharto's authoritarian regime in 1998, massive political and institutional reforms provided activists with opportunities to advocate for women's rights, including political representation (Bessell, 2010). For example, a candidate gender quota was introduced for the 2004 elections, requiring parties to nominate a minimum of 30% women (Prihatini, 2019). This requirement was first constituted in Law 12/2003 on general elections, followed by Law 2/2008 on political parties, which required parties to appoint women to at least 30% of their national managerial positions and regional boards. Law 8/2008 and Law 8/2012 mandated that 30% female candidates were compulsory, and parties must nominate candidates with at least 30% women using the zipper system or face disqualification from running.

Reflecting on the experience of four election cycles in 2004, 2009, 2014, and 2019, the affirmative action policy of a legislated gender quota has yet to significantly improve women's electability. Their share in

parliament was 11%, 18%, 17%, and 21% respectively. Furthermore, the percentage of female legislators coming from a political dynasty has increased from 42% in 2009 to 44% in 2014 (Puskapol FISIP UI, 2014) and to 47% in 2019 (Prihatini & Halimatusa'diyah, 2024). Kania (2015) suggests women's stronger presence in the DPR does not guarantee better efforts to improve gender equality and does not serve women's interests. She argues that between 1998 and 2008 was the most progressive period in terms of protecting human rights, as multiple laws were passed: Law 39/1999 on human rights (where Chapter 9 specifically deals with women's rights and Article 45 reads "women's rights in this law are human rights"), Law 12/2006 on citizenship (which grants dual citizenship to children in mixed marriages before they are 18 years old or married), and Law 2/2008 on political parties (that regulates the inclusion of 30% representation of women in the formation of political parties and the management board).

Prior to 2022, the DPR had passed laws that recognized forms of sexual violence (although still limited), namely Law 23/2004, concerning the elimination of domestic violence; Law 35/2014, concerning child protection; and Law 21/2007, concerning the eradication of the crime of human trafficking. Yet, these laws could only be used for sexual violence that occurs within a limited scope: the victim is a victim of domestic violence, a child, or a victim of the crime of human trafficking. Article 285 of the 1946 Penal Code defines rape (*perkosaan*) as acts of forced sexual intercourse involving male genitalia penetrating the vagina; meanwhile, molestation (*pencabulan*) is used to describe other forms of forced sexual acts. Lastly, intercourse (*persetubuhan*) is defined as sexual activity performed on an unconscious woman. These three activities are indisputably rape, yet due to their different classifications, perpetrators of *persetubuhan* would get the lightest punishment, while *pencabulan* is lighter than *perkosaan* (Yentriyani, 2023). Sexual harassment and many other forms of sexual abuse were not mentioned in the 1946 Penal Code or in existing laws. Thus, proponents of the Sexual Violence Bill strongly argued that Indonesia urgently needed a specific law protecting women from sexual crime and adopting the concept of an integrated criminal justice system for handling cases of violence against women.

### 3. Data, Methods, and Legislative Process

Extant research has examined the potential of key actors and their critical acts in parliaments to show how gender equality can be promoted in parliamentary situations where women are still a minority and where the overall climate does not necessarily support such policies. Mushaben (2019) concludes that by the mid-1990s, women's critical acts significantly improved the gender climate and expanded opportunities for female legislative contribution, increasing their share of European Parliament seats from 19.3% in 1992 to 26.5% in 1997. She also contends that critical acts carried out by strategically situated women, rather than critical mass, provided the framework for the EU's embrace of gender mainstreaming following the 1995 United Nations Beijing Conference. The European Parliament has made real attempts to operationalize gender mainstreaming over the last few years, although its constituent bodies, namely permanent committees, have been slow to achieve the basic prerequisites.

On the other hand, the Justice and Development Party (abbreviated officially as AKP in English), which has ruled Turkey since 2002, has increased the visibility of conservative and Islamist women in politics. This has not resulted in improved representation for women or any other type of structural change (Ayata & Tütüncü, 2008); instead, women are positioned as an auxiliary for vote mobilization. Scholars argue that gender issues have been submerged under ideological discussions over Islam, secularism, and Westernization. For example, the headscarf controversy has become the focal point of Turkish politics since the 1980s until today.

In delving into the experience of key actors involved and their critical acts in the process of passing the Bill, we approached MPs and *Komnas Perempuan*. Via an online video call platform, we arranged in-depth interviews with Hon. Willy Aditya (male, National Democratic Party/*Partai Nasional Demokrat* [NasDem]), Hon. Kurniasih Mufidayati (female, Prosperous Justice Party/*Partai Keadilan Sejahtera* [PKS]), and Azriana Manalu (female, chairperson of *Komnas Perempuan*, 2015–2019) in December 2023. All sessions were recorded and transcribed for further analysis. We applied a semi-structured interview approach to gain insights from respondents with guiding questions, such as “Who were the critical actors in the process of passing the Bill?”, “What factors shaped the dynamics of the legislative process?”, “To what extent did religious conservatism correspond with how the parties perceived the Bill?”, and “To what degree are you now happy with the Law and its implementation today?”

The selection of interviewees was conducted purposefully as we gathered information from both proponents and opponents of the Bill. As the chair of the Working Committee (*Panitia Kerja* [Panja]) for the Bill, Hon. Willy Aditya provided critical reflections on the political dynamics and debates surrounding the legislative process. We consider that his involvement represents a critical act (Childs & Krook, 2008) by a male lawmaker as he worked towards achieving consensus for a Bill that promotes women’s rights. We also interviewed Hon. Kurniasih Mufidayati to gain insights from her faction which consistently opposed the Bill. Lastly, Azriana Manalu offered *Komnas Perempuan*’s critical assessment of factors contributing to years of delay in passing the Bill.

We also analyzed news articles from *The Jakarta Post*, an English daily newspaper with significant readership. Using the keyword “sexual violence bill,” we collected a total of 139 articles as of 19 September 2023. We also searched online news articles in Bahasa Indonesia (including *Kompas* and *CNN Indonesia*) to better understand news coverage on the Bill. Additionally, we collected official documents from the DPR’s official website, which provided us with summaries of meetings/hearings with key stakeholders, and, most importantly, factions’ perspectives, including their notes, requests, and suggestions regarding the Bill.

The legislative process in Indonesia is divided into five stages: planning, drafting, deliberation, ratification, and promulgation (see Table 1). The Legislative Board/*Badan Legislatif* (Baleg) is a permanent body in the DPR, or the lower house, that focuses on law-making. The size of the Baleg is twice that of a committee and it represents all parliamentary factions. For example, in the 2019–2024 legislature, the Baleg comprises 80 MPs (representing nine factions), including a chairperson and four deputies. The Baleg develops the National Legislation Program (*Program Legislasi Nasional* [Prolegnas]), a planning instrument for the law-making program, which is prepared in an integrated and systematic manner.

According to the Constitution (Article 20), a Bill can be proposed to the lower house (DPR) by MPs, a committee (or an alliance of committees), the upper house (*Dewan Perwakilan Daerah* [DPD]), or the president. Yet, the DPD’s bills can only be in matters relating to regional autonomy, central and regional relations, formation, expansion, and merger of regions, management of natural resources and other economic resources, and matters related to the balance of central and regional finances. The Constitution also stipulates that every bill will be discussed by the DPR and the president to obtain joint approval.

**Table 1.** Legislative process in Indonesia’s DPR.

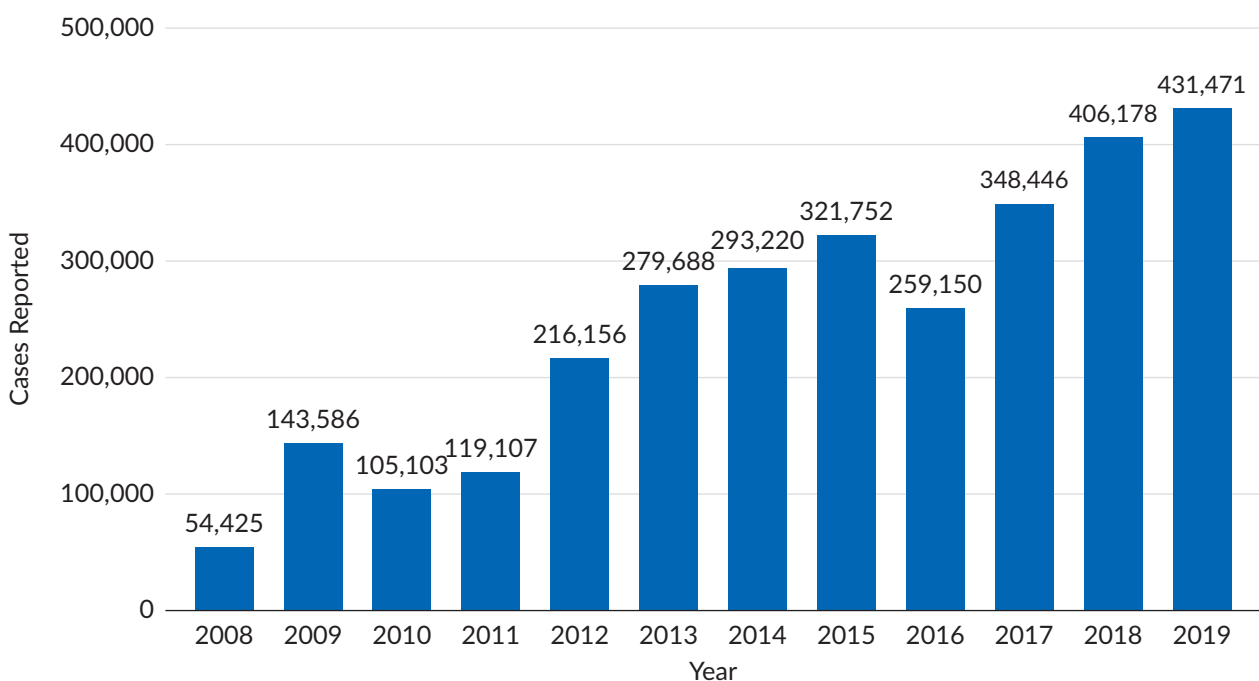
Stage	Activity
Planning	<ul style="list-style-type: none"> <li>• The Baleg prepares the Prolegnas, inviting comment from faction heads, committee leaders, and the public through Public Hearing Meetings (<i>Rapat Dengar Pendapat</i> [RDP]).</li> <li>• The Baleg coordinates with the Law Drafting Committee of the DPR and the Minister of Law and Human Rights to prepare and determine the Prolegnas.</li> <li>• The DPR determines the annual and medium-term Prolegnas (5 years).</li> </ul>
Drafting	<p>Activities are carried out by each party who will propose a bill, including:</p> <ul style="list-style-type: none"> <li>• Preparation of academic submissions;</li> <li>• Bill drafting;</li> <li>• Bill harmonization (up to 20 days after bill is received by the Baleg);</li> <li>• Deciding who will become the bill’s initiator (up to 20 days);</li> <li>• Bill review by the president (if the bill is DPR’s initiative) or submission to the DPR (if the bill comes from the government or DPD);</li> <li>• Bill discussion (within 60 days after the letter is received by the president).</li> </ul>
Deliberation	<ol style="list-style-type: none"> <li>1. Introduction to Deliberation: Bill presented, including with president’s views;</li> <li>2. Submission of “inventory of concerns” (DIM).</li> </ol> <p>Opinions expressed by all parliamentary factions; the DPD, if the bill relates to the DPD’s authority; and the president.</p> <p>In parallel to the deliberation process:</p> <ul style="list-style-type: none"> <li>• The minister, representing the president, considers strategic issues and macro policy options.</li> <li>• The Working Committee (Panja) considers in more depth the matters mandated by the Working Meeting.</li> <li>• The Drafting Team (<i>Tim Perumus</i> [Timus]) and Synchronization Team (<i>Tim Sinkronisasi</i> [Timsin]) consider each chapter and verse carefully.</li> <li>• Public Hearing Meetings (<i>Rapat Dengar Pendapat</i> [RDP]) with relevant government agencies and the general public gather submissions.</li> </ul>
Ratification	<p>Ratification occurs following:</p> <ul style="list-style-type: none"> <li>• Submission of a report of the deliberations;</li> <li>• Statement of approval or rejection from each faction; if an agreement cannot be reached through consensus, decision will be made by a vote;</li> <li>• The final opinion of the president conveyed by the assigned minister.</li> </ul> <p>The Bill that has been jointly approved by the DPR and the president must be submitted within 7 days to the President to be ratified.</p> <p>Where a Bill is not ratified by the president after 30 days, the Bill remains valid to become a Law and must be promulgated.</p>
Promulgation	<p>A Bill that has been passed by the DPR is promulgated in the <i>State Gazette of the Republic of Indonesia</i>.</p>

Sources: Law 12/2011 and Law 19/2019 on Formation of Legislative Regulations (DPR, 2011, 2019).

#### 4. Sexual Violence Bill

*Komnas Perempuan* has collected data on violence against women from service providers, hospitals, police, and courts since 2008. The number of cases of violence against women increased almost eight times between 2008 and 2019 (see Figure 1). *Komnas Perempuan* noted that from 2011 to 2019, 46,698 cases of sexual violence occurred in the personal, household, and public domains. Of that number, 23,021 cases occurred in the public domain, in the form of rape (9,039 cases), sexual harassment (2,861 cases), and cybercrime with sexual nuances (91 cases). The 2016 National Women’s Life Experience Survey (SPPHN), carried out by the Central Bureau of Statistics (BPS) in collaboration with the Ministry of Women’s and Children’s Empowerment (KPPA), also demonstrates the high incidence of violence against women. Survey results for women aged 15 to 64 years suggest that one in three experienced physical and/or sexual violence by partners and non-partners during their lifetime, and around 1 in 10 women had experienced it in the last 12 months (United Nations Population Fund, 2017). Physical and/or sexual violence tends to be higher among women living in urban areas (36.3%) than in rural areas (29.8%). Physical and/or sexual violence is more often experienced by employed women with a high school educational background or above (39.4%) than those who are unemployed (35.1%).

The Eradication of Sexual Violence Bill goes back to 2010 when *Komnas Perempuan* conducted a 10-year review of CATAHU (short for *Catatan Tahunan*/Annual Report) and found a startling trend of increasing reports of sexual violence against women and girls (Yentriyani, 2023). On average, sexual violence cases account for a quarter of reported cases of violence against women, which means at least two women experience sexual violence every three hours. Following the review, *Komnas Perempuan* and its networks, including the Service Providers Forum (*Forum Pengada Layanan* [FPL]; a forum of integrated service units to help victims of violence against women that exist in provinces throughout Indonesia), dedicated five consecutive years to document



**Figure 1.** Number of cases of violence against women between 2008 and 2019. Source: Jaringan Masyarakat Sipil and *Komnas Perempuan* (2020).



and further study reported sexual violence cases. It also introduced the nationwide campaign Recognizing and Handling Sexual Violence.

*Komnas Perempuan* (2013) further identified 15 types of sexual violence: (a) rape; (b) sexual intimidation, including threat or attempted rape; (c) sexual harassment; (d) sexual exploitation; (e) sex trafficking of women or girls; (f) forced prostitution; (g) sexual slavery; (h) forced marriage, including divorce (when a woman wants to get divorced but is forced to remain in the marriage); (i) forced pregnancy; (j) forced abortion; (k) forced contraception and sterilization; (l) sexual torture or abuse; (m) inhumane punishment with sexual overtones; (n) traditional customs with sexual nuances that are dangerous or discriminatory toward women; and (o) sexual control, including discriminatory regulations using morality or religious reasons. However, *Komnas Perempuan* listed only six forms of violence as basis for the draft bill on sexual violence: rape, sexual harassment, sexual exploitation, sexual control, sexual torture, and sexually charged punishment. Ira Harsono, commissioner of *Komnas Perempuan*, acknowledged it was too difficult to insert all 15 types into the bill, “although the bill only stipulates six types of sexual violence, we are making [broader] definitions and elements that in the end can accommodate all 15 types,” as quoted by *The Jakarta Post* (Afrida, 2015).

During the preparation process, *Komnas Perempuan* held 132 meetings with various stakeholders. In 2015, *Komnas Perempuan* completed the Eradication of Sexual Violence Bill draft which advocates for a paradigm shift paradigm from sexual violence as a morality issue, as set out in the 1946 Penal Code, to a human rights issue. The draft was officially proposed to the DPR following a gang rape and murder of a 14-year-old girl in Bengkulu in 2016, a case that sparked public outrage because of the brutality of the attack (Ramadhani & Muryanto, 2019). Similar attacks occurred in Manado (North Sulawesi), Tangerang (Banten), North Sumatra, and Jakarta.

Before the Bill was sent to parliament, *Komnas Perempuan* reported and discussed it with President Joko Widodo. The president supported the Bill (Parlina & Aritonang, 2016) and the Baleg agreed the draft Bill would become a priority at Prolegnas in 2016 (Susiana, 2021). The Deputy Head of the Baleg, Totok Daryanto from the National Mandate Party (*Partai Amanat Nasional* [PAN]), said, “We agreed to put the draft Bill on Prolegnas according to the urgency of the Bill” (DPR, 2016). In 2017, the DPR approved the draft as a DPR initiative bill. However, the parliament decided to postpone discussing the draft until after the 2019 elections because it was considered too controversial.

The Bill timeline (Table 2) illustrates the continual tug of war between Bill supporters and opponents. Major media platforms suggested the strongest rejection came from Islamist parties such as PKS and the United Development Party (*Partai Persatuan Pembangunan* [PPP]). While PKS has rejected the Bill entirely on the grounds that it had a “liberal perspective,” PPP was less up-front by requiring the bill to conform to existing ethical and religious values (Ramadhani, 2019).

There are also important contextual factors surrounding the passage of the Bill, as gleaned in reports by *The Jakarta Post*. Firstly, while Indonesian political party positions are often similar on economic policy, they differ on the role of Islam in politics (Fossati et al., 2020). These differences were often asserted in media reports as the biggest hurdle in passing the Bill. Second, the initial introduction of this legislation occurred at a time when the Indonesian parliament had its worst legislative performance since the start of the Reform



**Table 2. Sexual Crime Bill timeline, 2012–2022.**

Date	Event	Actor
2012	<i>Komnas Perempuan</i> together with civil society groups initiate the Eradication of Sexual Violence (RUU PKS) Bill.	<i>Komnas Perempuan</i> and civil society groups
May 2016	Draft RUU PKS Bill and academic manuscript submitted to DPR by <i>Komnas Perempuan</i> and FPL.	<i>Komnas Perempuan</i> and FPL
Jun 2016	Seventy MPs propose to include the draft in the 2016 Priority Prolegnas. The Bill comprises 12 chapters, covering prevention, victim handling, prosecution, and rehabilitation.  <i>Komnas Perempuan</i> and FPL submit draft Bill to President Joko Widodo.	Initiators: Nihayatul Wafiroh (National Awakening Party/ <i>Partai Kebangkitan Bangsa</i> [PKB]) and Ammy Amalia (PAN)
Mar 2017	Coordinating Minister for Human Development and Culture from 2014 to 2019, Puan Maharani (speaker of the House 2019–2024), said the Bill must be passed immediately.	Puan Maharani (Indonesian Democratic Party of Struggle/ <i>Partai Demokrasi Indonesia-Perjuangan</i> [PDI-P])
Apr 2017	DPR agrees to the Bill as parliamentary initiative.	DPR
Dec 2017	2018 Priority Prolegnas includes Bill among 50 other bills.	Rahayu Saraswati (The Great Indonesia Movement Party/ <i>Partai Gerakan Indonesia Raya</i> [Gerindra]) and Diah Pitaloka (PDI-P)
Feb 2019	Deliberation of Bill postponed until after 2019 election. PKS rejects Bill, claiming the definition of sexual violence is too liberal and not in accordance with the state's ideology (Pancasila), religious beliefs, and culture.	PKS
Dec 2019	2020 Priority Prolegnas includes Bill, with new MPs and new ministers sworn-in in October 2019.	Baleg
Jun 2020	The Baleg evaluates 2020 Priority Prolegnas and proposes to withdraw Bill along other bills, because of controversies.	Baleg
Mar 2021	Proposed by NasDem, PDI-P, and PKB, the 2021 Priority Prolegnas includes the Bill.	Taufik Basari (NasDem), Diah Pitaloka (PDI-P), and Luluk Nur Hamidah (PKB)
Sep 2021	Renaming of Bill from Eradication of Sexual Violence Bill (RUU PKS) to Sexual Violence Crime Bill (RUU TPKS). Deputy Chair of the Baleg, Willy Aditya, reasoned it is to make the Bill more “down to earth.”  Four factions agree, two ask for postponement (Party of Functional Groups/ <i>Partai Golongan Karya</i> [Golkar] and PPP).	Deputy Chair of the Baleg Willy Aditya
Dec 2021	The Baleg approves the Bill as DPR's initiative. Seven factions agree, one faction asks for postponement, one faction rejects.	Golkar: postpone, PKS: reject
Jan 2022	President Joko Widodo publicly appeals to the DPR to pass the Bill (4 January 2022).  Bill officially passed as DPR initiative on 18 January 2022 (DPR, 2022b). Except for PKS, all factions approve the Bill (with notes and suggestions to the Bill).	President Joko Widodo

**Table 2. (Cont.) Sexual Crime Bill timeline, 2012–2022.**

Date	Event	Actor
Jan–Mar 2022	Working Committee discusses government’s DIM. Substance harmonization by Drafting Team (Timus) and Synchronization Team (Timsin).	Baleg, Formulation Team, Synchronization Team
Apr 2022	DPR adopts Bill during 19th Plenary Meeting, Session IV, in the 2021–2022 sitting period. The speaker of the House, Puan Maharani, chaired the session.	Speaker of the House Puan Maharani

Sources: Cakra Wikara Indonesia (2022); “Ketua Panja sebut” (2021); Permana (2022).

Era in 1998; in the 2014–2019 House, only 68 bills passed, including 24 of which were priority bills. This is significantly lower than the 92 passed by the 2009–2014 House (Tehusjarana, 2019). Third, according to Diah Pitaloka (PDI-P), a member of the Working Committee for the Bill, most (male) MPs lacked any gender sensitivity. Related to this, media reports noted a rise in populist politics, by which they considered fewer politicians appeared to show interest toward human rights issues (“Gender violence still rampant,” 2018).

## 5. Identifying Key Actors and Critical Acts

While scholars argue that the passage of the Bill was about clash of values between religious conservatism and liberal nationalism (Pawestri & Mann, 2022; Setiawan & Tomsa, 2023; Yentriyani, 2023), Willy Aditya strongly refused this kind of dichotomy and weaponization. He stated:

No, this is not about Islamists’ versus nationalists’ groups in the parliament. Both men and women, Islamist and nationalist MPs are supporting the initiative in providing a specific law that regulates sexual violence crimes. However, some lawmakers from nationalist parties tend to have more conservative views that derive from an embedded patriarchy, and this might continue to hinder [the] DPR from achieving a GSP. For example, during our deliberation sessions, some male colleagues said to me, “Brother, you should be careful, (if the Bill is passed) we could go to jail for catcalling.” (Interview on 5 December 2023)

Similarly, Margret and Pandjaitan (2020) argue that resistance toward the Bill in 2019 also came from several chairs of the commission, and individual members of secular nationalist parties who hold conservative views, both male and female. They suggest parties may want to project an image of democracy and pluralism, but they also do not wish to lose support from conservative Muslim voters in the 2020 regional elections if they openly support the Bill.

Reflecting on his experience as the chair of the Working Committee, Willy Aditya asserts that the passage of the Bill is the result of cooperation among key stakeholders: the DPR, the government, civil society organizations, and the media. He further named legislators who have helped to persuade their party leaders (see Table 3). Willy Aditya asserts that endorsement from the president on 4 January 2022 encouraged parties that originally disagreed with the Bill to eventually agree. In his virtual statement, President Joko Widodo said:

I ordered the Minister of Law and Human Rights as well as the Minister of Women Empowerment and Child Protection to immediately coordinate and consult with the DPR in deliberating the Sexual

Violence Crime Bill so we can have measures to accelerate [the ratification]. I hope that the Sexual Violence Crime Bill will soon be passed so that it can provide maximum protection for victims of sexual violence in our country. (Nugraheny & Krisiandi, 2022)

Aditya further appreciated the continuous advocacy conducted by various women’s movements, NGOs, and activists. In particular, he highlighted the work of *Komnas Perempuan* for their national campaigns and extensive research on violence against women. Civil society networks that were also critical in the journey include, but are not limited to, FPL, a Jakarta-based Women’s Legal Aid Institute (LBH Apik), and the International NGO Forum on Indonesian Development (INFID).

Equally crucial for the passing of the Bill was the media that had helped to raise public awareness on sexual violence in Indonesia. The legislative process between 2016 and 2022 became headline news both in print and online media. Azriana Manalu considered that coverage of the media is very important in building the awareness of people toward sexual violence issues, particularly victims:

One day we wanted to take action. We thought maybe it was only a couple of people coming to the action. In fact, on that day more than 2,000 people attended. It was beyond our expectations. They gave us support, and they believed that Bill should be legislated. In any public meeting we made, there were actually many people that were not purposely invited to attend, [but still] attended to participate. (Interview on 7 December 2023)

She further highlighted challenges in passing the Bill that did not only come from the DPR but also from the government. She stated that when they had sent the draft to the government, the team formed by the Ministry of Women’s Empowerment and Child Protection deleted 100 articles from the draft, and *Komnas Perempuan*

**Table 3.** Key actors in the passage of the Bill.

Name (Sex)	Position (Party)
Willy Aditya (male)	Chair of Working Committee/Deputy Chair of the Baleg (NasDem)
Taufik Basari (male)	Member of Working Committee (NasDem)
Supratman Andi Agtas (male)	Chairman of the Baleg (Gerindra)
Luluk Nur Hamidah (female)	Member of Working Committee (PKB)
Diah Pitaloka (female), My Esti Wijayati (female), Selly Andriany Gantina (female)	Members of Working Committee (PDI-P)
Christina Aryani (female), Ade Rossi Khairunnisa (female), Nurul Arifin (female), Supriansa (male)	Members of Working Committee (Golkar)
I Gusti Ayu Bintang Darmawati (female)	Minister of Women’s Empowerment and Child Protection
Edward O. S. Hiarij (male)	Deputy Minister of Law and Human Rights 2020–2023
Joko Widodo (male)	President of the Republic of Indonesia
	Various women’s movement groups such <i>Komnas Perempuan</i> , FPL, Jakarta-based Women’s Legal Aid Institute (LBH Apik), and International NGO Forum on Indonesian Development (INFID)

Sources: in-depth interviews by the authors and Sinombor (2022).

was not invited to the meetings organized by the government. However, contrary to this, some female MPs were very supportive, and they tried to lobby the heads of factions and party leaders. They also helped *Komnas Perempuan* to meet their party leaders.

As evident in Table 2, the political changes that took place following the 2019 general elections gave a new life to the law-making process. With new MPs, the Working Committee also changed, and this committee took a different approach to the wording of the Bill. Willy Aditya elaborates his views on these critical acts in the parliament's approval of the Bill:

Last time its name was Eradication of Sexual Violence Bill. While it is true that there is a jurisprudence using the term Eradication of Sexual Violence, philosophically it was hard to make an operational framework. Then with the name of sexual violence, anatomically its definition will always come first. [The] type of sexual violence will be at the front. It is one of the reasons why there are so many debates surrounding the draft. This is also the reason why this law has [not] yet concluded in Committee VIII. Just imagine if the terminology and the type of sexual violence took a yearlong of discussion; at this pace, the law will never be legislated.

The second critical act is uncovered in the intensive dialogues between the parties, individuals, and organizations who shared the same concerns on sexual violence issues. For example, following extensive discussions with bill proponents, the Deputy Minister of Law and Human Rights Edward O. S. Hiariej (who represented the government during the deliberation process) was persuaded by the change in the title of the Bill. He considered the new name “a bridge for the deadlock.” He said, “Types of sexual violence were no longer placed at the front. But more explanation on crime offenses.”

Extensive dialogues were also held with party leaders and their wives. Diah Pitaloka, chairperson of the Presidium of the Women's Parliamentary Caucus, was asked to meet with the wife of the leader of the Democratic Party/*Partai Demokrat* to explain the importance of the law because, at that time, this party still refused to support the Bill. These dialogues sought to understand the different perspectives held among the lawmakers. As Willy Aditya states, “Politics is a space with various perspectives.” Indonesian MPs also have the socio-cultural challenge of an embedded patriarchy. Our analysis of these dialogues uncovers that these different perspectives on the law were not based on religion, but rather on patriarchy. That is, MPs were less concerned with the threat to Islam than to an entrenched gender order that structures relations between men and women in Indonesian society. The dialogues also uncovered a public assumption that the Bill could lead to the normalization of “free sex” and LGBT identities, or homosexuality. Proponents of the Bill interacted with over 100 stakeholders to dispel these fears.

A final critical act was evident in arriving at compromise language, and, in particular, deleting terminology that proved too difficult for opponents to accept. As Willy Aditya explained, “Like it or not, the words ‘sexual consent’ are deleted. This is a crucial point where everyone needs to have a big heart.”

According to Azriana Manalu, the Sexual Violence Crime Law only contains about 50% of the original draft that the *Komnas Perempuan* proposed. Hence, the definition of sexual violence crime, for instance, is rather vague: “Sexual Violence Crime is every action that fulfils crime criteria as regulated in this law and other sexual violence crimes as regulated by this law as long as determined in this law” (DPR, 2022a). Manalu continues by

saying that negotiation is really important, and ideally at least 70% or 80% could be accommodated. “But if it is impossible then we need to make compromises. The question then [is] do we want to get nothing, or [do] we want to get a little but still can do something with that little result,” she said.

Of course, not all lawmakers remained in favor of the law’s passage. In our interview on 25 December 2023, Kurniasih Mufidayati (representative of PKS in the Working Committee) said that PKS disagreed with the passing of the law because PKS seeks to broaden the scope of the law:

Protection of women is not only a matter of violence. What about a man and a woman having a sexual relationship with consent that causes pregnancy of the woman? [And] he then [does] not want to be responsible for the woman and the child? The Sexual [Violence] Crime Law does not cover this matter. Whereas the woman becomes the victim even though there was no sexual violence.

Lawmakers representing Golkar, PKS, Gerindra, and PAN proposed the Family Resilience Bill on 7 February 2020, which was then included in the 2020 Prolegnas. The Bill aims to mitigate child marriage, “free sex,” and drug abuse by strengthening the family as the core social system. However, five out of nine factions opposed the Bill and the legislative process ceased. Critics suggest this was a direct response toward the Bill (now Law) on Sexual Crimes, and the state intervenes too much in regulating the private and spiritual spheres of people’s lives (“RUU Ketahanan Keluarga,” 2020; Sari, 2020; Setiawan & Tomsa, 2023). (An analysis of the parliamentary debate is presented in the Supplementary File).

## 6. Conclusion

The experience in passing the Sexual Violence Crime Law provides key takeaways regarding GSP practices in a Global South setting. First, the Indonesian parliament is still far from achieving all four dimensions of GSPs, including the fourth dimension that has been the focus of this article. The long process involved in legislating is prime evidence for this claim. However, there are male and female lawmakers who demonstrated strong gender sensitivity through their critical acts (Childs & Krook, 2008) and have been very influential in ensuring the passing of the Sexual Crime Bill.

Second, there is a need to do more research on the motivations underlying lawmakers’ resistance towards gender equality reforms. Our analysis uncovered that opposing camps are not motivated by threats to Islam itself. Rather, rejection of this bill was shaped by patriarchal assumptions that men would be punished for catcalling and similar activities. In other words, opponents are worried that the enforcement of this new law will change longstanding, but discriminatory, attitudes and perceptions toward women.

Lastly, in a parliament that has not yet become gender-sensitive, innovative strategies are critically required. There needs to be consistent persuasion toward lawmakers and party leaders on the benefits of advocating for women’s interests through both their legislation and daily practices. As evidenced in our findings, the Law is a product of compromise to close the gap between those who continue to hold patriarchal values and those who demand reform. Thus, civil society organizations, religious groups, and the media need to maintain their political pressure on the DPR to achieve a GSP.

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## Conflict of Interests

The authors declare no conflict of interests.

## Supplementary Material

Supplementary material for this article is available online in the format provided by the authors (unedited).

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