

Comparison Participation of American and Indonesian Women Politicians in Creation of Sexual Violence Laws

*Ayeshia Dinar Nurharisa, Laras Safa Azhara, Aulia Izzah Azmi

Brawijaya University, Indonesia

*Email: ayeshiadinarn@gmail.com

ABSTRACT

Indonesia and USA are democratic countries, where the public is given access to take part in the election of politicians who will represent the people in parliamentary policy making. Indonesia itself has experienced an increase in the number of female politicians due to the election obligation for political parties to involve female politicians. Just like Indonesian, Americans currently experiencing an increase in the number of female politicians since 2018. Female politicians in general tend to carry a political agenda of gender and equality in their campaigns, but between Indonesia and USA there are differences in the resolution of sexual violence even though the pressure in solving sexual violence problems is the same. Now, USA has taken one step further in increasing the prevention of sexual violence through VAWA (Violence Against Women Act), while in Indonesia itself, the planning of the Draft Law on National Sexual Violence (known as RUU-PKS) is experiencing problems, due to the refusal which unfortunately comes from female politicians in Indonesia itself. In this case, this journal will discuss Indonesia and the USA, which have similarities in the government system but experience differences in creating the sexual violence law, using the MSS method, the most similarity system.

Keywords: *Democracy, Politicians, RUU-PKS, Sexual Violence.*

1. INTRODUCTION

Sexual violence is understood as an act that poses a threat to a person's sexual condition both physically and verbally with the aim of coercing the individual to satisfy the threat [1]. This phenomenon has been going on for a long time. In overcoming these problems, feminists are here to encourage the government to increase the status of the problem of sexual violence as an urgent problem that must be resolved. In the United States itself, the issue of gender and sexual violence has long been championed in terms of policy but Indonesia is still lagging behind in this regard. The problem of sexual violence is one of the problems that should be solved by the state to ensure that people can live safely and prosperously without feeling afraid and threatened. This is because sexual violence has many negative impacts on survivors, both in terms of mental and physical health [2].

Therefore, feminists bring sexual violence as one of the goals of the movement in order to create equality. The domination of women as victims and supported by social constructions that place women much weaker and lower than men has made the issue of sexual violence never subsided into advocacy for feminist demands against the government from time to time [3]. Although the feminist agenda to fight for sexual violence already exists, it takes

quite a long time to achieve a policy to deal with sexual violence. This is because the patriarchal system does not only exist in social life but also in political life where the advocacy agenda is still dominated by the one-sided interests of men and minimal intervention by feminist interests.

However, the patriarchy in the government bureaucracy is decreasing day by day. This is evidenced by the involvement of women politicians in government. Where Indonesia itself has issued a regulation regarding the minimum quota of women that must be obeyed by political parties wishing to participate in the election of the people's representative council. Women's power in politics was strengthened by Puan Maharani's election, a female politician as Chair of the Indonesian Parliament [4]. In USA itself the development of women's participation has also increased sharply. This can be seen from the number of female politicians who run for and are elected to council seats. One of the political parties that gives more quotas to women in the US and also carries women politicians is the Democratic Party. The Democratic Party has proven to be able to accommodate and represent women politicians who have had great success in terms of performance and gain the sympathy of the people, such as Alexandria Ocasio Cortez, and Ilham Omar. This it can be concluded that Indonesia and

the United States are in a similar government structure and both have demands from the public regarding sexual violence laws. Therefore, in this journal, we will discuss the differentiating factors between USA and Indonesia in the creation of policies to deal with sexual violence.

In the United States, there is a law known as VAWA (Violence Against Women Act). However, regarding the issue of sexual violence in Indonesia, the Indonesian government is still following up on the proposed Sexual Violence Bill (RUU-PKS). In fact, both the United States and Indonesia have more or less the same feminist demands, but uniquely, the process of implementing the demands of the two countries takes place differently. In fact, the demands of the feminist movement are felt to have spread to become a trend that is represented by more parties. For example, with the emergence of the #MeToo movement phenomenon carried out by feminists who are trying to show sensitivity to the current social problems of sexual violence, by highlighting that victims of sexual violence are increasing, not only positioning women as victims but also men and even children.

However, there are similarities in how women politicians in Indonesia and the USA respond to sexual violence that is rife in society. The limitation of women representing women's voices in parliament is quite high. Where these limitations can be measured from several things. For example, the limitations of discourse construction. Not all women who go to parliament understand the disadvantages of patriarchy that occur at the grassroots level of society. The second limiting factor is how domination in the forum affects women's voices to voice complaints from women's levels of society.

The limiting factors above often make people speculate that women politicians are not carrying out their obligations to represent women's voices in parliament. However, as long as women get seats in parliament, the issue of gender-based violence that is the highlight of women's complaints has a chance to be heard. This is because, women have an ethic of caring where every woman has a universal experience of the same oppression. So that with women entering parliament and applying the ethics of caring, women's issues will still be brought up to be discussed by the politicians.

2. METHODS

The researcher uses the MSS method, where the MSS itself focuses more on comparing how the two countries/organizations/or research subjects are the same, but the results obtained are different. An x factor causes the ineffectiveness of the similarity possessed by the two research objects in influencing the final result. In collecting data, the researcher focuses on examining the conditions of Indonesia and USA before and after being elected in politics to find out the comparisons that cause different results in the creation of sexual violence laws.

In this case, the researcher uses qualitative research methods to compare social phenomena which will be discussed later. In the process of data collection, the authors utilize secondary data in the form of journal articles and news relevant to the research topic.

This study will also have a discussion limit that only focuses on the internal factors of the two countries discussed. The researcher will examine the government systems adopted by the two countries, the process of selecting politicians, the increasing participation of women politicians, and the differences in the details of the agenda realized in parliamentary policies. The whole analysis is aimed at finding out why Indonesia has still not been able to ratify its Sexual Violence Law when the United States has been able to implement it in 2019. The United States has even re-authorized it in order to enforce existing laws to bring more attention to the government in accordance with current conditions.

3. RESULTS AND DISCUSSION

In discussing the topic of this research, the researcher will focus on five discussions, namely the factors of the government system, pressure from the community, the election of politicians, the increase in the number of women politicians and the details of the agenda brought by women politicians. Where the researcher tries to understand the similarities and differences between the two parties in these factors to find the dominant factor that will be the difference, where these factors are assumed to be the reason why the policies of sexual violence in the two countries are different.

3.1 Governance System

Indonesia and USA have the same system of government known as the "rule by the people" democratic government system [5]. Countries that adhere to the understanding of democracy and use it as a political basis are required to prioritize the people in every government policy. Both in USA and Indonesia, the people have the right to participate in the political process and are given democratic freedom either by running as a politician or by advocating criticism and suggestions through discussions and demonstrations. Indonesia and the USA also divide the state political settlement into 3 parts: the legislative, executive, and judicial. The legislative council has an obligation to implement and enforce the laws that apply in a country. The executive itself is understood as part of the cabinet carried by the president which includes the president himself, the vice president and all line ministries. While in the judiciary structure, Indonesia and USA use a bicameral system where there are two legislative chambers in their government: the DPR and DPD for Indonesia and the DPR and Senate for USA.

3.2 Community Pressure

Both Indonesia and USA are currently experiencing similarities in the development of community concerns that make the gender agenda one of the priorities of political demands. One of the demands currently being fought by the community is the anti-sexual violence movement. One of the causes of this initial pressure was the increasing number of cases of sexual violence in several countries and the widespread negative framing of victims, both in terms of considering the victim as a trigger for sexual violence and by intimidating the victim in the social sphere. Situations like this actually cause survivors of sexual violence to feel many problems, such as feelings of guilt, humiliation and prolonged depression. In some cases, victims of sexual violence are even forced to remain silent and keep their problems to themselves. There are even some suicide phenomena that arise due to sexual violence. That's why sympathy and empathy from the community, especially feminist activists are increasing day by day.

This trend is supported and voiced by one or two countries and many countries, for example, through the #MeToo movement. The #MeToo movement is an anti-sexual violence movement that seeks to use social media platforms as a means to voice their aspirations [6]. Due to the #MeToo movement, survivors of sexual violence are finally brave enough to speak up for justice. In addition, the #MeToo movement has also succeeded in helping to form a narrative for the general public that the blame for sexual violence lies with the perpetrator and that victims of sexual violence will get the best possible protection [7].

In Indonesia, serious handling of sexual violence began to appear when Komnas Perempuan in 2012 saw an increase in sexual violence against women and children. It took a fairly heavy effort from Komnas Perempuan to be heard by politicians in the DPR until finally Komnas Perempuan was appointed as the originator of the draft law on handling sexual violence. However, the bill that was formed by Komnas Perempuan was felt in vain because the government refused to ratify the law that had been drafted. The news eventually aroused the anger of the anti-sexual violence activist community by assuming that the government had broken promises and was negligent in creating security for the community. When asked for information, the relevant government responsible for which is Commission VII gave the opposite response. In fact, Commission VII did not make the draft law on sexual violence a priority law draft to be ratified. In fact, the government only considers the law on sexual violence as a general matter that is not too important and not too urgent for the interests of the state. This fact made the general public angry and took many actions of resistance. One of the protests with many demonstrators was the

demonstration carried out by the alliance of students and feminists throughout Indonesia.

Like Indonesia, the USA itself has also experienced pressure from the community to handle sexual violence issues. This demand is manifested in the actions carried out by every women's march by echoing anti-sexual violence narratives. USA is also the pioneer of the #MeToo movement which is now well known and cultured around the world. #MeToo itself was initiated after the incident of Tarana Burke who boldly voiced the tragic stories of victims of sexual violence to gain public sympathy [6]. The pressure on the American government then grew even more when cases of sexual violence in Hollywood occurred. The case happened to Milano, who was one of the victims of sexual violence perpetrated by an American producer, Harvey Weinstein. Milano, who dared to go viral through Twitter using #MeToo, finally got the public spotlight, sympathy and social justice. Thus, the #MeToo movement ultimately brings considerable change opportunities, especially in the United States [8].

3.3 Elected Through Elections

In conducting the election of the HoR as well as the DPR, Indonesia and USA made the community an important part of political participation [5]. Indonesia and USA both hold elections with regional divisions. The purpose of the elections held in parts is to get public representation which will later be brought to parliament. The task of the HoR and the DPR later is to become the best representation that will voice the interests of the community.

In promoting themselves as political candidates, both Indonesia and the USA use campaigns to introduce political agendas. The campaign is expected to make the public more familiar with the ins and outs of each candidate's biographical background and vision and mission. One example of a feminist campaign that took place in Indonesia was Puan Maharani. Prior to serving as chairman of the DPR, Puan participated in a campaign to provide information on the work program that would be brought when serving as the DPR, where the issue of women's political participation was also touched on. Another example is Omar HoR who comes from USA, he also participates in campaigning as a means of providing information to the public about the work program that will be carried out.

3.4 Increasing Number of Female Politicians

The election held by the US government in July 2018 was a turning point in increasing female participation in the US. At that time, women's participation experienced an increase not only in the number of voters, but also in the number of women elected to political seats [9]. One of the political parties supporting women is the

Democratic party with the Brand New Congress (BNC) movement. Initially, BNC aimed to advance Bernie Sanders as president but in the end, BNC brought several female politicians in the campaign in order to increase the sympathy of women and strengthen the general public's belief that gender-based issues, especially women and children, would be prioritized by the Sanders government. Some of the female figures promoted by Brand New Congress are Alexandria Ocasio Cortez, Rashida Talib, Cori Bush, etc. This phenomenon is relatively new when compared to the previous political participation which was dominated by men.

In Indonesia, women's participation is regulated in Article 65 paragraph 1 of Law Number 12 of 2003 concerning the Election of DPR, DPD, and DPRD which states "Every Election Contesting Political Party may nominate candidates for Members of DPR, Provincial DPRD, and Regency/Municipal DPRD for each Electoral District. Taking into account the representation of women at least 30%. Although the increase of women politicians is still not maximally fulfilled by 30%, the role of women politicians in Indonesia is proven to be increasing and being recognized. This is further emphasized by the smooth swinging of Puan Maharani as Chair of the Indonesian House of Representatives. Puan Maharani has proven that the role of women politicians in Indonesia is now increasingly respected and recognized.

3.5 Agenda of Women Politicians

Women politicians in the US today have a main focus on showing the power that women have. In carrying out their politics, women politicians in the US tend to show empathy in various scopes of problems by raising the issue of sexual violence exclusively. In addition to the problem of equality between women and men, female politicians tend to solve several social problems that are felt to have great urgency and are truly felt by society [10]. McBride and Parry argue that women politicians are more likely to solve problems that occur regardless of socioeconomic class [10]. One example of a congresswoman who brought feminist ideas into their politics and received support from the public because of the policies they issued was Alexandria Ocasio Cortez. Alexandria Ocasio Cortez is one of the most respected female politicians in the congress. The policies promoted by Alexandria in her leadership are policies that help solve problems of ordinary people that were previously untouched by male politicians, for example the issue of giving houses to women.

Apart from her policies, Alexandria also shows her feminism side through her speeches in various mass media. One of them was a speech discussing gender discrimination issued by congressman Ted Yoho [11]. Alexandria felt that what Ted Yoho did could not be tolerated because it could be normalized and legalized to give harsh calls to women. In her speech, Alexandria then

brought this issue up to show that men have no right to demean women with any discriminatory call [11]. Therefore, in 2020, Alexandria opened a petition to jointly legalize VAWA again despite the efforts made by politician McConnell who tried not to legalize VAWA.

Apart from Alexandria, another female politician who has made the sexual violence agenda the focus of her performance is Ilham Omar. Ilham Omar was also a member of the HoR which made amendments to VAWA in order to create an appropriate sexual violence law. Ilham Omar herself has a focused agenda to oppose sexual violence which she often voices on social media in her daily life [12].

Meanwhile in Indonesia, female politicians who present feminist issues in parliament are not comparable to what is happening in USA. The political agenda that is still a priority by women politicians in Indonesia is a general political agenda: economic issues, foreign policy, and security. Therefore, the partisanship and even the responses of women politicians to the issue of sexual violence are still limited. There are no female DPR members who discuss the issue of sexual violence specifically. One of the National Commission on Violence against Women members, Mariana considers that current female politicians in Indonesia do not guarantee protection against sexual violence.

The decline in handling drafts of sexual violence in Indonesia is also influenced by culture, such as religious conservative culture and patriarchy. This can be seen from the PKS faction which actually rejects the draft law on sexual violence. Even though PKS has female politicians like Leida, female politicians cannot make all factions support the sexual violence agenda at the congress. The PKS faction argued that the draft law on sexual violence was not in accordance with religious teachings and was not more important than other issues such as the economy and health [13].

The bill on the RUU-PKS in Indonesia which contains efforts to protect victims of sexual violence is currently taking a long time to be ratified immediately. In terms of urgency, the topic of sexual violence has also not been able to become the main interest of the "important" priority laws according to the entire DPR faction. For this reason, the draft law on sexual violence experienced a very significant setback with the withdrawal of the draft from the congressional agenda before finally being re-submitted in 2021. The ratification of the draft law on sexual violence is considered a chronic problem that is very difficult to realize according to the community's wishes.

While in USA, VAWA has been much more advanced and even continues to be improved with a number of amendments such as:

1. Improve services for victims of domestic violence, dating violence, sexual assault, and stalking including

- provisions to improve criminal justice responses to gender-based violence, to make our communities safer.
- 2. Serves to better protect Native American women
- 3. Improving access to housing for survivors and victims
- 4. Support survivors who need help rebuilding financially
- 5. Improve the response of the health care system to domestic violence, dating violence, sexual assault, and stalking [12].

Table 1. Comparison Matrix

	Government System	Pressurized by Community	Elected through elections	Female politicians	Agenda of interest to female politicians	Output: Sexual Violence Law
American Politicians Democracy	Democracy	Yes	Yes	Increased	Increased Feminist Agendas	Yes
Indonesian Politicians Democracy	Democracy	Yes	Yes	Increased	Increased General problems	Not validated

4. CONCLUSION

From the research conducted by researchers, it can be seen that although the conditions of Indonesian and American politicians have a number of similarities, there are exclusive differences that make the results of the ratification of the draft sexual violence law occur unequally. Even though Indonesia has a government system based on democracy where the interests of the community are a priority, the policies issued are actually policies that are not considered the priorities of the community. Where today's society, with an increasing number of female politicians in Indonesia, expects to take sides with women's agendas. In fact, the policy of protecting against sexual violence was repressed at a time when public demonstrations were increasing sharply. This is also supported by other concerns from political party factions that tend to prioritize non-sexual violence issues. This causes the attention to gender issues to be significantly reduced.

In USA, although currently there are still many unresolved gender gap issues, gender issues and agendas have become women's priorities. From the discussion above, we can see how one of the important factors that causes differences in the direction of movement is how women politicians in USA and Indonesia in carrying out their work can be seen from the election process, especially during the campaign period. Where female politicians in USA tend to carry a feminist identity that is based on "ethics of care" in categorizing issues that are of concern to these politicians, "ethics of care" seeks to solve problems that originate from social problems, which consist of problems such as gender issues [14]. Where this is also the reason for voters to choose these politicians. In the end, the efforts and the main priority in the interest of women politicians is the issue of sexual violence. Because of the struggle given by women politicians to try to eliminate the patriarchal interests

VAWA can be amended and re-implemented in USA, despite the rejection of male politicians.

Researchers understand that politicians have a big role in creating policies that will later be implemented in a country. In addition to external factors from a politician such as the existence of a government system and society, internal factors also have a lot of influence on how politicians work. This is evidenced by the comparison between female politicians in Indonesia and female politicians in USA in handling sexual violence. It can be seen that Indonesia and USA have differences in the policies taken even though Indonesia and USA have some similarities.

The alignment of women politicians towards women can create considerable changes in the bureaucracy of the laws that are created. The pressure given by female politicians in the USA has contributed to the progress of creating laws on gender issues. In Indonesia itself, there is still a need for a study of how the roles and issues are brought up by women politicians to create checks and balances in parliament, so that neglected policies such as gender issues can be fought for.

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