

Effort of “Komisi Nasional Perempuan” in Struggling for P-KS Bill in Indonesia

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ABSTRACT

This study discusses "Women's Protection Policy: Study About the effort of national commission of women in Struggling for the P-KS Bill in Indonesia." This study aims to find out the efforts made by the National Commission of women in fighting for the P-KS Bill. This research is motivated by the number of cases of women in Indonesia every year, but no protection policy addresses this problem. This study uses qualitative research methods with a descriptive approach and literacy studies and interview results. The theoretical basis used in this research is the theory of women's protection policy and political representation. The results of this study indicate the urgency of the P-KS Bill, National Commission of women has made efforts to fight for the ratification of the P-KS Bill, among others, through efforts to formulate academic texts and bills, approaches through political communication, National Commission of women complaint service, and campaigns for the elimination of violence against women. Efforts have been made, but factors hinder the National Commission of women in fighting for the P-KS Bill, including the lack of women's political representation in parliament and the current state's main priority is infrastructure and the economy. The conclusion is that the P-KS Bill has not received more attention from the government, and the political representation of women in parliament is still being intervened by the party that carries it.

Keywords: *Komisi Nasional Perempuan, P-KS Bill, Representation Politics*

1. INTRODUCTION

This paper will discuss women's protection policies, which are related to Komnas Perempuan's efforts in fighting for the P-KS Bill. The researcher conducted research related to Komnas Perempuan's efforts in fighting for the P-KS Bill because Indonesia had entered the emergency stage of sexual violence, especially against women. Judging from the history of the Indonesian people related to cases of violence against women occurred before independence, namely during periods of political transition, here are some issues that occurred; the first case occurred during the Japanese colonial period in Indonesia, where at that time women aged 13-15 years were used as comfort women (*jugun ianfu*), and they (women) were forced to serve the Japanese soldiers. At the same time, the second case occurred in 1995, namely the case of sexual slavery experienced by female political prisoners (*tapol*) in the New Order era. The third case was motivated by the

May 1998 riots, at which time there was a mass rape that happened to ethnic Chinese women.

However, from the cases above, many cases were omitted in the historical text of the Indonesian nation. [1].

The above cases became the background for forming the National Commission on Violence Against Women or Komnas Perempuan for short through Presidential Decree (Keppres) Number 181 of 1998. Komnas Perempuan is an independent institution specifically formed to handle violence cases against women. in Indonesia (Komnas Perempuan, 2020). Cases of violence against women from 2008-2019 data continue to experience a significant increase every year, where this can be proven by the data from a survey of cases of violence against women conducted by the national institution Komnas Perempuan. Based on the data in the 2019 Annual Records (CATAHU), the following case data were obtained:

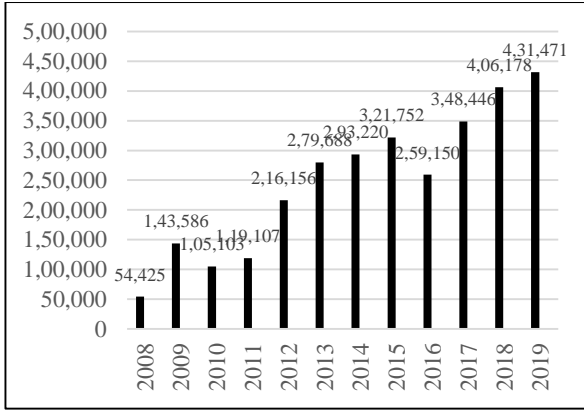


Figure 1. Number of Violence Against Women in 2008-2019

Graph 1.1 above shows an increase in cases of violence against women eight times that occurred in 12 years. The growth identifies a lack of a legal umbrella that maintains security and upholds the rights of justice for women from acts of violence and the lack of attention from the community regarding reporting of acts of violence that occur around them. In fact, often, these acts of violence are carried out by people closest to the victim, whether family, neighbors, and friends, all of whom can become perpetrators of acts of violence. The following are forms of violence against women in a more personal sphere as follows:

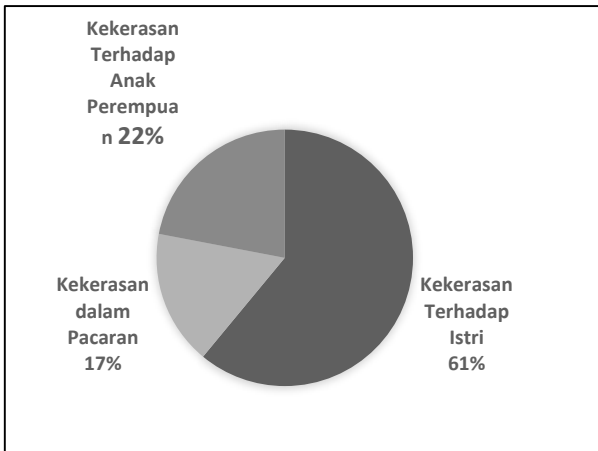


Figure 2. Form of Violence Against Women in domestic Violence 2019

From graph 1.2 above, it can be seen how big the level of violence experienced by women, where the perpetrators of the acts of violence are the closest people to the victims themselves, especially violence against wives which is the most widely reported, which is 61% or as many as 2,307 cases. This is in accordance with the 3 forms of violence conveyed by Dermawan which usually occurs in the household, namely attitude violence (demeaning), language violence (cursing or uploading) and the last physical violence (hitting or kicking). [2]

When looking at the cases of sexual violence that occurred above, sexual violence is not only classified into cases of rape or sexual harassment but is classified again into several other forms of sexual violence which are also included with numbers or numbers that explain the high number of cases. The following are forms of sexual violence against women in the realm of domestic violence as follows:

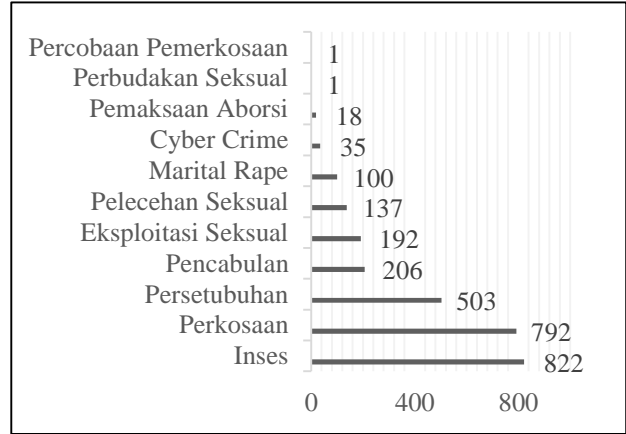


Figure 1. Forms of Sexual Violence in Domestic Violence CATAHU 2020

From graph 1.3, it is clear that currently Indonesia has been categorized as a sexual violence emergency due to the weakness of laws that take action and provide a deterrent effect to perpetrators of sexual violence and the handling and protection of victims of sexual violence is very, very lacking. This is the basis for Komnas Perempuan as the anti-violence against women commission to be active in voicing protection and law enforcement to protect victims of sexual violence from getting the rights they should get from the state.

The sexual violence data above became the basis for the birth of an idea for the 2014 Draft Law on the Elimination of Sexual Violence (RUU P-KS) which Komnas Perempuan initiated in 2014, the P-KS Bill is a policy that is considered as prevention, reduction, and protection from sexual violence, because it has policy substance in various aspects, namely aspects of recovery, criminal aspects and efforts to eliminate sexual violence. The elaboration points above are one of the legal frameworks of the Draft Law on the Elimination of Sexual Violence; this is what underlies the formation of the P-KS Bill, namely due to the lack of policies or regulations that regulate sexual violence in its entirety and in detail. Therefore, the P-KS Bill becomes a strong legal umbrella for victims of violence because there are still shortcomings in the criminal law rules regarding sexual violence in the Criminal Code. [3]

The existence of affirmative action in Indonesia which began to be implemented at the time of the 2004

election and aimed at efforts and strategies to increase the number of women's political representation in parliament, this is because women in Indonesia have long been absent and involved in the political world so that men have more experience in politics than women. Efforts have been made to encourage women's representation in politics, namely by implementing affirmative action for nominating women in elections of at least 30% in Indonesia, where there is a sanction if the women's quota does not meet 30%, the sanction is in the form of not being able to take part in the election. [5, p. 79]. However, women's interests are still considered lacking so that this condition can be seen in the abolition of the P-KS Bill in the 2020 Priority Prolegnas and re-inclusion in the 2021 Priority Prolegnas list. (Kompas.com). The urgency can be seen from the data that the author has explained above, namely, with an increase in the number of sexual violence every year; this happens because men do not see the interests of women, so that the process of discussing the P-KS Bill is not something that must be prioritized. Whereas in the Komnas Perempuan website, it is explained that the presence of the P-KS Bill is very necessary, because there are things that are not regulated in the Act and other statutory regulations.

This research refers to previous research as the basis for formulating research problems. The previous research used as a reference is as follows: First, research conducted by Nur Izzati Ramadhani [7] with the title "Failure to ratify the Draft Law on the Elimination of Sexual Violence (RUU PKS)" in 2020, in the process of analysis this study focuses on analyzing the failure of the DPR to ratify the Draft Law on the Elimination of Sexual Violence (RUU PKS) by using qualitative methods in the form of in-depth interviews and literature review. The purpose of this research has a research focus on the failure of the ratification of the P-KS Bill. Due to the inherent patriarchal culture, the lack of commitment and understanding of the political representation of legislators in defending women's rights, as well as the persistence of institutional sexism in the Indonesian legislature, are the findings of research related to the causes of the failure to ratify the PKS Bill in 2019.

Second, research conducted by Dian dini Firdausi Hidayat [8] with the title "The Existence of Women's Rights in the Draft Law on the Elimination of Sexual Violence" in 2020, in the analysis process this research uses a qualitative method, by describing the narrative obtained from interviews and documentation. With purposive sampling technique and data processing using triangulation reduction method. This study aims to discuss sexual violence, which has always been a major issue, where the number of victims continues to increase every year. Women's rights are also often omitted, and the presence of the P-KS Bill is considered a form of

equal rights by dividing into 9 types of sexual violence that can be criminalized.

Third, research conducted by Muhammad Arif Billah [9] with the title "Optimizing the Role of Komnas Perempuan in Preventing Violence Against Women in Indonesia (Analytical Study at the National Commission on Violence Against Women)" in 2020, in the process of analysis this research uses qualitative research with an empirical approach method to determine the implementation of legal norms that have been implemented. The purpose of this study is to discuss the formation of the National Commission on Violence against Women and its performance and the role of Komnas Perempuan in preventing acts of violence against women. The results of this study focus more on the role and performance of Komnas Perempuan in preventing acts of violence against women, where Komnas Perempuan faces many obstacles in carrying out its duties and performance.

Fourth, research conducted by Nikodemus Niko, *et. al.*[10] with the title "Class Struggle for the Ratification of the Bill on the Elimination of Sexual Violence" in 2020, this research uses descriptive qualitative research methods in the process of analysis. The purpose of this study is to discuss the impact of the demands for the ratification of the P-KS Bill, which triggers a class or the camp between the pros of the P-KS Bill and the contra of the P-KS Bill. The result of this research is that there is a class struggle in the process of ratifying the P-KS Bill, the class in Marx's view is the social class, namely the working class or the lower class (proletariat) and also the owners of capital or the upper class (bourgeoisie).

Fifth, research conducted by Novi Nur Lailisna [11] with the title "Polemic of the Draft Law on the Elimination of Sexual Violence (RUU PKS): Critical and Prospective Study" in 2020, in the process of analyzing this research, uses a qualitative research method based on literature review (Library Research). The purpose of this research is on the polemics or problems that occur in the P-KS Bill, which are reviewed with critical and prospective reasoning as long as this Bill has not been ratified. The results of this study examine critical studies in delaying the ratification of the P-KS Bill and the perspective that can be drawn from the process.

Sixth, research conducted by Reno Efendi, *et. al.*[12] with the title "The Urgency of Accelerating the Ratification of the Draft Law on the Elimination of Violence "Sexual" in 2021, in the process of analyzing this research uses normative research methods. The purpose of this research is related to the things that underlie the importance of accelerating the ratification of the P-KS Bill, because of the dominance and discrimination against women by men. The result of this research is that there is urgency, so that it is necessary to

accelerate the process of ratifying the P-KS Bill, because of the imbalance of power that makes protection for women weak.

Referring to the previous research that has been described above, the basic difference between this research and other research that will try to be researched is that this research tries to examine how Komnas Perempuan's efforts in fighting for the P-KS Bill, which are still being discussed for ratification, have an impact on the increase in cases of sexual violence in 2020. Based on the analysis of the data above, this paper discusses the Policy for Women's Protection.

2. METHOD

In this study, researchers used the Creswell qualitative research method [13, p. 7] said that the qualitative research method is a descriptive approach and literacy study. This research will be carried out through interviews with research informants who have been determined, due to the Covid-19 pandemic in Indonesia and PPKM regulations; therefore the study cannot conduct interviews directly or face to face, instead this interview is conducted using video calls. There are two data sources used, namely primary data sources and secondary data sources. Primary data sources used in interviews and secondary data collection can be done in two ways: manually (library studies, books, newspapers, magazines, etc.) and online (websites, online news, etc.). The informants of this research consisted of the Commissioner of the National Commission for Women, P2TP2A experts, and the Jakarta Women's Organization without Stigma.

3. RESULT AND ANALYSIS

3.1. *Komnas Perempuan's Efforts in Fighting for the P-KS RUU Bill*

Komnas Perempuan as the initiator of the birth of the P-KS Bill, which was presented in order to fill the void in the applicable laws, therefore Komnas Perempuan has the task of fighting for the P-KS Bill and trying to get this Bill on the Elimination of Sexual Violence to be immediately ratified. Then what forms of efforts have been made by Komnas Perempuan in fighting for the P-KS Bill? According to Aminah, as Commissioner of the 2020-2024, Komnas Perempuan said that: "When asked what Komnas Perempuan has made role or efforts for the P-KS Bill, there are 3 indicators, first is substance, then lobbying and finally campaign. If the form of the campaign is as can be seen on Instagram, Youtube, or Komnas Perempuan's Facebook, yes. And I happened to be on the substance team, namely the drafting team such as the formulation of articles and the formulation of this substance very close to data research, or decision research, and then

researching national legal instruments and international law, then testing from the experiences of victims and what their practices were like. We are also drafting the NA and the Bill on the Elimination of Sexual Violence proposed by Komnas Perempuan, not the one from the DPR." (Personal interview with Aminah on August 15, 2021, 19.00 WIB).

From the results of the interview with Aminah above, there are several efforts made by Komnas Perempuan not only in one way but by using three indicators at once as a form of action, the following researchers try to describe the indicators following what was said by Aminah as the research resource person above, where an indicator is a form of the efforts that Komnas Perempuan has made, following the 3 (three) indicators that have been mentioned, namely: Efforts to Formulate Academic Papers and Bills.

In the process of formulating the Academic Manuscript and Draft Law, a special team within the Komnas Perempuan body was carried out, the special team was the Komnas Perempuan 2020-2024 Plenary Commission (Komisioner). The commissioner has the duty and authority to compile, formulate, conduct research, and test his research. One of the substances carried out by the Commissioner is to make Academic Papers and Draft Laws initiated by Komnas Perempuan, including the following: Law on the Elimination of Domestic Violence (UU PKDRT), Draft Law on Protection of Domestic Workers (RUU PPRT), the Draft Law on Gender Equality and Justice (RUU KKG), and the Draft Law on the Elimination of Sexual Violence (RUU P-KS). Approach Efforts through Political Communication.

In the effort to approach through political communication carried out by Komnas Perempuan is to establish political relations and come through lobbying to parties who can support Komnas Perempuan's efforts. The following are the forms of activities and communications carried out by Komnas Perempuan, namely:

- 1) Policy harmonization in the preparation of the 2010-2014 RPJMN
- 2) P-KS Bill Campaign in 2015-2019
- 3) Hearing between Komnas Perempuan and the Indonesian Broadcasting Commission
- 4) Public Hearing Meeting with Baleg DPR Republic of Indonesia Communication with the Network of Religious Organizations in Indonesia regarding the P-P-KS Bill campaign for the Elimination of Violence Against Women. The campaign carried out by Komnas Perempuan has quite several activities to campaign for the elimination of violence against women to the community, where Komnas Perempuan is not only active in using social media accounts such as Instagram, Twitter, Facebook and Komnas Perempuan's personal Youtube to voice

issues. about women, but Komnas Perempuan also has an annual campaign agenda, as follows:

1) Social Media

Social media applications that are used actively and routinely are Instagram, Twitter and Komnas Perempuan's personal Youtube channel; the news and issues used are still about violence against women, Komnas Perempuan's posts are also not far from the activities being carried out by Komnas Perempuan.

2) Annual Campaign

An annual campaign is a form of the campaign carried out annually by Komnas Perempuan in voicing major events or tragedies that have occurred to women in Indonesia or internationally:

- 16 Days Against Violence Against Women
- Women's Pundi
- Let's Speak the Truth
- Bhinneka is Indonesia

3.2. Komnas Perempuan Complaint Service

As an effort to prevent acts of violence against women, Komnas Perempuan has therefore created a complaint service that will be directly connected to Komnas Perempuan and is a form of fulfilling victims' rights to justice and recovery, namely by contacting Sapa 129, which includes complaint services, case management services, mediation services, outreach services, temporary shelter access services, and victim assistance services. Dapat dilihat dari penjelasan diatas bahwa upaya-upaya yang dilakukan oleh Komnas Perempuan dalam memperjuangkan RUU P-KS sudah menggunakan semua akses-akses yang dapat dilalui oleh Komnas Perempuan, namun kita juga harus melihat sebuah penghalang mengapa RUU P-KS belum juga disahkan.

3.2.1. Supporting and Inhibiting Factors in Komnas Perempuan's Efforts in Fighting for the P-KS Bill

The following are the supporting factors for Komnas Perempuan in fighting for the P-KS Bill and eliminating violence against women as a form of commitment to the protection of women's rights, namely:

Legislation regarding Sexual Violence

The following are some of the laws and regulations governing sexual violence:

- Undang-Undang Nomor 23 Tahun 2004 About the Elimination of Domestic Violence. Undang-Undang Nomor 23 Tahun 2002 about Child Protection.
- Undang-Undang Nomor 231 Tahun 2007 About the Eradication of the Crime of Trafficking in Persons [14].

The above legislation is one of the laws made by the government as a form of preventing violence against

women, but looking at the current state of violence against women, the above laws and regulations do not cover all cases of sexual violence against women, because That is the presence of the Bill on the Elimination of Sexual Violence to eliminate all forms of sexual violence against women and guarantee the rights of victims of violence.

1) Millennium Development Goals (MDGs)

Millennium Development Goals or MDGs is a declaration that was established as a result of an agreement between the heads of state of more than 189 countries who were also members of the United Nations (UN) in 2000. In which the MDGs have eight development goals that must be achieved, one of the goals is to promote gender equality and empowerment of women, the following objectives in gender equality: Improving the quality of life and the role of women in the development

- Protection of women against various forms of violence
- Increasing the institutional capacity of PUG (Gender Mainstreaming) and empowering women [15].

With the Millennium Development Goals (MDGs) agreement, the author can conclude, as described above, the MDGs are agreements made by nations almost all over the world; therefore every element of the stated goals is an obligation for every country in the world. in it to realize the agreement that has been made.

2) Integrated Service Center for Women and Children Empowerment (P2TP2A)

P2TP2A is a service center established by the Ministry of Women's Empowerment and Child Protection of the Republic of Indonesia (Kemenpppa RI) and is one of Komnas Perempuan's partners. P2TP2A was formed to empower women in various fields of development and also protect women and children from acts of discrimination and violence [16]

3) Women's Organization without Stigma

The role of Non-Governmental Organizations (NGOs) or Community Organizations (Ormas) is also crucial, they have a role in being a direct bridge with civil society; besides that they also fight for and defend the interests of the community.

One of The organizations that supports Komnas Perempuan's efforts is the Women's Organization Without Stigma.

The Role of Civil Society

The role of the community is huge to support the elimination of sexual violence against women. The number of cases of violence against women can decrease, because as stated in Komnas Perempuan's Annual Record data, it is noted that the number of violence against women increases every year, with an open society mindset. On issues of violence will greatly

assist Komnas Perempuan in dealing with issues of violence against women.

3.3. Inhibiting Factors of Komnas Perempuan

As a mode of action, the motives of altruism cannot be categorized and standardized, but their existence is an important marker for togetherness in a society [11]. Therefore, altruism is essential to be used as a basis for developing urban community relations, which must be cared for and internalized as a mode of existence of a society.

In addition to the above-supporting factors, Komnas Perempuan also has obstacles in pursuing the P-KS Bill, in this case, it is an inhibiting factor, therefore here the researcher tries to describe the inhibiting factors experienced by Komnas Perempuan from various events in the field, as follows:

1) Negative Stigma About the P-KS Bill

A stigma is a form of negative thoughts, views, and beliefs that develop in society because of an issue or influence that causes the spread of news that is not necessarily true. The P-KS Bill is no exception, where this bill is considered to legalize adultery and support the LGBT movement. Women's protection policies are a form of government commitment; therefore if the policies made by the government do not provide solid legal protection for women victims of violence, it is necessary to ask where the government's commitment is. According to Aminah, as Commissioner of the 2020-2024 Komnas Perempuan said that:

"This P-KS Bill is essential because the Criminal Code does not cover all aspects in the context of violence against women." (Personal interview with Aminah on August 15, 2021, 19.00 WIB).

Like Aminah's view above, the birth of the P-KS Bill is based on the fact that the Law in the Criminal Code which regulates violence against women has not covered cases of sexual violence that occurred in Indonesia

2) Lack of Influence of Women in Politics

The stipulation of a 30% quota for women in parliamentary seats is applied in Indonesia and other countries. The allocation has not been fully fulfilled to 30% even though the distribution of the quota is also to show the state's commitment to gender equality and justice as stated in the Millennium Development Goals (MDGs). The role of women in parliamentary seats is also for decision-making and political policies can also be adapted to the needs of women [17, p. 1].

In a joint interview with Aminah said that women's representation in the DPR has not yet reached the 30% quota for women. Maybe only around 13% or 14%, and not all women in parliamentary seats voice women's

voices, because according to Aminah, women's representation in parliament is currently mainly in the system. The previous political dynasty, so the votes cast by women in parliament were more directed at the interests of their party groups only.

This is following Tamerius' view [18, p. 39] who said that even though there was already a representation of women in the political world, it was still challenging for women to voice other women's rights, even though there was already women's representation. The percentage of party factions who support the passage of the P-KS Bill illustrates that not all parties understand women's issues or maybe this is because it is not in line with the party's goals or the goals of the state? In Bappenas [19], even though there was already a representation of women in the political world, it was still complicated for women to voice other women's rights, even though there was already women's representation. The percentage of party factions who support the passage of the P-KS Bill illustrates that not all parties understand women's issues or maybe this is because it is not in line with the party's goals or the goals of the state? In Bappenas.

1. Strengthening economic resilience.
2. Develop territory.
3. Improving human resources (HR).
4. Mental revolution and cultural development.
5. Strengthen infrastructure and support economic development.
6. Building the environment, increasing resilience to disasters and also climate change

Strengthening the stability of Polhukam and public services. Of the seven development focuses to be achieved, there is no single focus on women's issues. Even though if we look at the data previously described, Indonesia has entered the seriousness of violence against women, even sexual violence is not only experienced by women but can also be experienced by women. In 2017, Komnas Perempuan and the UN Human Rights Council through the Universal Periodic Review (UPR). Issues about women in Indonesia ranked highest in the UPR record, and should be Indonesia's priority. [20]

The issue of sexual violence against women in Indonesia has become a recurring problem every year. Even the United Nations Council and several countries have also addressed the issue. Still, the presence of the Draft Law on the Elimination of Sexual Violence, why has it not received a good response until now? This illustrates the lack of the state's attention to women's issues. If the condition is sensitive to existing cases, the P-KS Bill should be ratified immediately as a form of policy to protect women from sexual violence.

The conclusion that researchers can draw from this is that the mindset of the members of parliament is still not open. As evidenced by the support received by Komnas Perempuan, only a handful of party factions from their representatives in the DPR have voiced support for the P-KS Bill; then where are the representatives? from other parties? Supposedly with the existence of women's political representatives from every political party faction in Indonesia through affirmative action, as much as 30% of women's representation in the DPR, it can voice the rights of women, but women's voices are still hit by many obstacles for women in expressing their voices and opinion in parliament.

4. CONCLUSION

It can be said that Komnas Perempuan's efforts to fight for the P-KS Bill have been carried out as much as possible. Komnas Perempuan uses all its access and social media to voice the P-KS Bill, both through the formulation of Academic Papers designed to be included in the Priority Prolegnas and carrying out political communication with members of the DPR RI. However, this effort cannot be said to be successful, due to the lack of direct attention from the government, with the fact that only a few parties have expressed support for the P-KS Bill, this is the basis that the interests of their party groups still limit women's voices, and not on their power. In addition, the current focus of the state's goals is infrastructure development and improving the country's economy; this causes women's issues to have not become a matter that might be considered essential to discuss because the state itself does not yet have a focus on these matters, this is also what causes the Draft Law has not yet been ratified even though it has received quite a lot of support from various parties.

So it can be interpreted that from this paper, the author makes a discovery that the political representation of women in parliamentary seats is still intervening with the supporting parties. Most women in the DPR are descendants of previous political dynasties so that the role of women in the DPR is more inclined to the interests and interests of the DPR. The needs of their respective parties, so that women's rights have not been considered an urgent and needed interest, and the state does not yet focus on issues of violence against women so that the discussion of the P-KS Bill has not become a priority.

In this study, the author has several views in the form of suggestions for Indonesia's legal system and political policy. The legal system in Indonesia should be given more attention, if indeed there is a lack of law in this regard regarding violence against women, then form or add more regulations, as initiated by Komnas Perempuan, namely the P-KS Bill, because the protection of women from violence is the responsibility

of the state. Therefore the state and government need to realize this, as stated in the 1945 Constitution.

AUTHORS' CONTRIBUTIONS

Putri Alifah: Conceptualization, Formal Analysis, Writing- Original draft, Writing- Reviewing and Editing, Visualization. Restu Rahmawati: Formal Analysis, Writing- Reviewing and Editing. Dodi Faedulloh: Writing- Reviewing and Editing.

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