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The moral turn and polarization in Indonesia: Evidence from recent legislative debates

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The moral turn and polarization in Indonesia:

Evidence from recent legislative debates



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Abstract. Indonesia is experiencing a phenomenon that is called the moral turn. Increasingly, people are aiming to regulate the moralities of others and their private lives. This trend is happening at the same time as others, like polarization. By analysing three pieces of recent (proposed) legislation that are examples of the moral turn (the Family Resilience Bill, the Sexual Violence Bill and the Criminal Code), I look at whether and to what extent the moral turn is polarizing Indonesian society. In the end, I argue that the moral turn in Indonesia has highlighted the divisions between pluralists, nationalists and liberalist on the one hand and moralists and Islamists on the other, but that it has most importantly brought these groups together as they came to several agreements around the legislative debates.

Keywords. Indonesia, moral turn, polarization, legislating morality

1. The moral turn

Indonesia is close to celebrating its 25th anniversary as a democracy, which followed after the fall of the authoritarian Suharto regime in May 1998. In these 25 years, the archipelago managed to lay important foundations for a successful democracy: free, fair, and frequent elections (Bland 2019). Furthermore, the *reformasi* period offered promising signs that progress was being made in widening people's freedoms in the broadest sense of the word (Platt, Davies and Bennett 2018: 5). Despite this, there are scholars who point out that these freedoms are increasingly being limited because of a phenomenon that is called the moral turn (Davies 2019a, 2020b). According to Davies, Indonesia has been increasingly experiencing that so-called moral turn ever since the early years of the archipelago's democratic reform. Another trend discussed by scholars of Indonesia is growing socio-religious polarization (Aspinall and Mietzner 2019; Nuraniyah 2020). Although there is evidence that elections in recent years have had polarizing effects, some also argue that these effects do not show significantly in Indonesian society in between elections (Warburton 2019b). This thesis dives into the two previously mentioned phenomena in order to determine whether the moral turn has polarized Indonesian society. I do so by looking at patterns of support for and opposition to moralistic legislation within the Indonesian legislature and the Indonesian public. By doing this, this thesis contributes to a better understanding of these phenomena and how they relate to each other in contemporary Indonesia. The specific research question that will be answered in this thesis is the following: "To what extent has the moral turn polarized Indonesian society?"

So, what exactly is the moral turn? Before we can understand what the moral turn means in practice, we must know what morality is. In broad terms, morality refers to certain codes of conduct or standards put forward by a society or a group (such as a religious group), or accepted by an individual for his or her own behaviour (Gert 2020). An action can be morally right or wrong, and whether actions are morally right or wrong is determined by those codes of conduct or standards (Ibid.). What is key here is that morality is mostly concerned with private aspects of people's lives (Ibid.). Therefore, the

moral turn in Indonesia can be seen as a concept that captures a phenomenon that is characterized by a growing tendency of regulating these moral, private aspects of people's lives. Keeping the previously mentioned definitions of morality in mind, it specifically means that what is happening in Indonesia is that there is a growing tendency of legislators that are focussing on regulating what moral, private actions people can or cannot pursue. Increasingly, the boundaries and meaning of what is public and what is private are changing. These are strange things, as moral and private issues are different for different societies, groups or individuals, and therefore there is no definite right or wrong (Davies 2020a; Gert 2020). The fact that there is no definite right or wrong and that thoughts on what is moral and what is not are both natural phenomena, as not one person is the same, nor is one group nor one society. These things basically mean that it is actually not possible to legislate morality. Moreover, legislation cannot tell someone how to live their life if they are not harming another, which in much of these moral issues is not the case (Mech 2021). Furthermore, it is impossible to legislate morality because an action's morality or immorality is not a sufficient condition to justify making an action legal or illegal (Swartz 1997; Mech 2021). In assessing whether something is legal or illegal, there is more that should be brought into the picture, like the circumstances of a situation for example (Mech 2021).

Despite that legislating morality is something really strange and quite impossible as described above, there is much evidence that that is exactly what some people are aiming to accomplish in Indonesia. As mentioned, the moral turn can be traced back to the early years of democratic reform. Before that, Suharto's government had strongly condemned sexual liberties as an unwanted western import (Reid 2014: 9). Indonesia's post-New Order trajectory gave hope that (sexual) rights and freedoms of all Indonesians would be protected, but the country has since then turned more and more against these rights and freedoms. According to Davies (2020b), the first foundation of the moral turn was laid around the 2000s. Around the change of the century, various Indonesian provinces used the decentralization policy of that time to implement laws that worked against sexuality, ranging from prostitution to homosexuality (Davies 2020b). This relates to Reid's (2014) argument that there is an ideology of puritanical piety present in Indonesia, and there is a certain suspicion of women outside the home. According to Reid, neo-traditional Islam particularly imposes forms of puritan dress and behaviour on the model of morality (Reid 2014: 11). Another scholar who touched on the moral turn is Brenner (2011), who explains the trend as a significant convergence between conservative-extremist Islamic movements and the democratization movement that both gained more momentum from the 2000s onwards. Increasingly, these movements are intersecting and intervening with moral issues of the people, drawing up laws that limit peoples' moral freedoms (Brenner 2011: 486, 487). As is clear from these explanations of what the moral turn entails, the phenomenon is mostly concerned with sex and (limiting) the sexual freedoms of people. More and more there are forces in Indonesian democracy that aim at an increased punitive control of sexuality, often through interpretations of Islam (Davies 2019b: 1070). To be more specific, as will become more clear later on, the moral turn is mostly concerned with limiting those sexual freedoms of women and LGBTQ-minorities.

The first major expression of the moral turn in Indonesian national legislation is found in 2008, when the controversial Pornography Bill was ratified (Gelling 2008). The Pornography Bill, which had been a decade in the making, is a bill that outlaws pornographic acts and images (Ibid.). Furthermore, it makes public performances that could “incite sexual desire” illegal (Ibid.). Despite the fact that the version of the Pornography Bill that was eventually ratified was less controversial than the original version, it still regulates people’s sexual freedoms. In practice, especially people from the LGBTQ-community have experienced limitations in their (moral) freedom as a result of the bill (Davies 2020). These events link directly with what Van Bruinessen (2013) has popularly called Indonesia’s conservative turn. Van Bruinessen describes the period around 2005 as a time that was characterized by a growing popularity of conservative thoughts amongst Muslims, instead of modernist and liberal views that had until then had found relatively broad support (Van Bruinessen 2013: 3-5). Since the Pornography Bill, many trends and events happened in Indonesia that can be related to this moral turn. The year of 2016 was a particularly relevant year in this sense, as two events in respect to the moral turn took place then. These two events, which are the so called LGBTQ crisis and the Ahok crisis, caught much attention in the media and in scholarship, indicating that in recent years the moral turn has become a well-known phenomenon. The first crisis refers to a series of anti-LGBTQ events. Examples are the banning of LGBTQ people in TV shows, the rejection of UN funding to support LGBTQ-communities and a series of anti-LGBTQ protests (Human Rights Watch 2016). Furthermore, during this time the Islamic newspaper *Republika* published a piece stating “LGBT poses serious threat to nation” and the Indonesian Psychiatrists Association (*Himpunan Psikologi Indonesia*) labelled homosexuality, bisexuality and transsexualism as mental disorders (Mariani and Sampeliling 2016; Yosephine 2016). Around the same time, Indonesia was the scene of another set of protests, known as the anti-Ahok protests (Lamb 2016). These were protests against Basuki Tjahaja Purnama, also known as Ahok, a Chinese Christian politician who then was the governor of Jakarta. He was accused and jailed for blasphemy after involving the Quran in one of his speeches (Coca 2017). After all these events, Davies (2020b) argues “it was clear that the separation of state, religion and sexuality had shattered”.

Apart from these examples from Indonesia itself, there are also examples of similar events in other countries, meaning that the moral turn is not just something that is happening in Indonesia only. At the time of writing, Iran is the scene of heavy protests and counter-reactions from the government (Al Jazeera 2022), as a result of their own moral turn. The recent protests were caused by the death of Mahsa Amini, a woman who passed away after she was harshly put in jail by the so-called Iranian morality police for wearing what they deemed inappropriate clothing (Ibid.). This police force was introduced by the Iranian government to enforce the laws on Islamic dress codes in public (Ghaedi 2022). Those laws state that all grownup women must wear a head covering and loose clothing in public at all times (Ibid.). Apart from this, there are no clear guidelines on what types of clothing are appropriate and which are not, leaving much room for interpretation (Ibid.). This gives the morality police more power in determining whether a woman is acting against the law or not. This situation has

caused for many women over the years to be arrested for their way of clothing, in other words for their moral behaviour. Another recent example of the moral turn is found in the United States, specifically in the renewed abortion laws announced earlier this year (BBC News 2022). Last June, the United States Supreme Court overturned a ruling that stated that pregnant women were entitled to an abortion during the first three months of their pregnancy (Ibid.). Now that this ruling is overturned, individual states can ban abortions earlier than those three months (Ibid.). As a result, around twenty states throughout the country have banned or are making moves towards banning abortion, limiting the moral freedoms and free choice of those who are and in the future will be unwillingly pregnant (Ibid.). These cases show how laws that limit the moral freedoms of citizens are influencing people's lives, in these cases especially those of women, and that the moral turn is a phenomenon that should be researched in order to understand better what it means for these women and society as a whole.

In this introductory chapter, I have explained what the moral turn is and what it means in Indonesia. To be as clear as possible, in what follows I do not dive into the reasons and mechanisms behind the moral turn and I do not describe what is driving it. Instead, I specifically look at whether or not and to what extent that moral turn is polarizing Indonesian society. In order to answer the research question on that specific topic, which I mentioned earlier on, I do the following. This first chapter has captured what the moral turn is exactly and how we know that it is actually happening in contemporary Indonesia. The following, second chapter provides context when it comes to politics and political parties in Indonesia. Furthermore, it seeks to explain the basis of the divisions in Indonesian politics. The three chapters that follow thereafter all focus on different pieces of (proposed) legislation, all examples of Indonesia's moral turn: the Family Resilience Bill (rejected legislation), the Sexual Violence Bill (accepted legislation), and the Criminal Code (very recently accepted legislation). I analyse these bills, and specifically the debates and reactions that followed their introduction, in order to determine whether and to what extent they are polarizing Indonesian society. In the final, concluding chapter I discuss the findings from these three chapters and merge these separate findings into my main conclusion. Overall, I conclude that the moral turn in Indonesia has highlighted the divisions between pluralists, nationalists and liberalist on the one hand and moralists and Islamists on the other, but has most importantly brought these groups together as they reached agreement on several points around the legislative debates.

2. Legislating morality in Indonesia's political arena

The first chapter of this thesis explained what the moral turn is and how we know it has been happening in Indonesia in recent years. There is enough evidence of the moral turn in Indonesia, and one distinctive category of evidence is found in (proposed) legislation. In this chapter, I explain which people are trying to control people's moralities by legislating it in Indonesia by roughly sketching the country's political context and its political parties. Indonesia's political landscape knows heavy fragmentation and can be

roughly divided into two broad groups: secular political parties and Islamic political parties (Bulkin 2013; Fiona and Tomsa 2017: 2). The parties that are categorized as secular are the following, ordered alphabetically: Gerindra (Greater Indonesia Movement Party, nationalist), Golkar (Party of Functional Groups, right-wing and known for neoliberal economic policies), Hanura (People's Conscience Party, centre nationalist), NasDem (National Democratic Party, centre-left), *Partai Demokrat* (PD or Democratic Party, centre-left), PDI-P (Indonesian Democratic Party of Struggle, centrist and currently the ruling party under president Joko Widodo), and PKP (Justice and Unity Party, centrist). The parties that are categorized as Islamic parties are, also ordered alphabetically: PAN (National Mandate Party, centre-right), PBB (Crescent Star Party, right-wing), PKB (National Awakening Party, centre-right), PKS (Prosperous Justice Party, far-right), and PPP (United Development Party, right-wing). Within these two broad groups of secular and Islamic parties, there is not really a wide variety of distinctive ideologies (Aspinall, Fossati, Muhtadi and Warburton 2018). Instead, Aspinall, Fossati, Muhtadi and Warburton (2018) explain that the differences between Indonesian political parties is mainly based on the degree in which they believe in Islam and to what extent that religion should play a role in public affairs. Furthermore, scholars have argued that Indonesian politics is mainly dominated by parties characterized by their common desire to share "the spoils of office", rather than by ideological differentiation (Ibid.). Because of this, political parties in Indonesia often form broad coalitions comprising of both secular and Islamic factions.

When it comes down to the moral turn and parties that aim at legislating morality, the Islamic parties in the political arena of Indonesia have a more significant role than the secular parties, as will be shown later on in this thesis. Being more religiously conservative, these parties have a tendency of advocating for more conservative policies, especially when it comes down to the (sexual) freedoms of women and LGBTQ-minorities (Brenner 2011, Reid 2014). For example, these factions often advocate for certain restrictions on the free choice of women concerning their clothing (Reid 2014). Another example is that they often press for limits on the sexual freedoms of LGBTQ-minorities in the sense that heterosexual sex inside marriage is deemed as the only right and legal form of sexual intercourse (Davies 2019b: 1063). Apart from the limits on the (sexual) freedoms of women and LGBTQ-minorities, these parties generally advocate for a strong family with a strong father-head as leading figure in that family. This is actually a point on which most Indonesian political parties would find common ground, as Indonesia is very much a family-centred state (Bourchier 2015). For this reason, Indonesian politicians and political parties are keen on regulations that promote the resilience of families. These topics will come back later on in this thesis, as I assess the three pieces of legislation as examples of the moral turn in Indonesia.

The efforts of politicians and political parties to legislate morality as just described do not go without any resistance. Given the fact that the different factions in the Indonesian political arena are based on different beliefs (especially religious beliefs) it is to be expected that there occur disagreements. These disagreements can be seen as polarizing factors in the political arena. As it is, as

previously mentioned, a very fragmented political arena, there is potential for forms of polarization here. Without yet including the (reactions to the) three laws that are analysed hereafter, it is worth saying that Indonesia is indeed experiencing certain polarization. This polarization is, maybe unsurprisingly, especially centred around debates concerning religion and its place in the state. This cleavage between nationalists, pluralists and liberalists on the one hand and moralists and Islamists on the other has deep roots in Indonesia, and they have become more prominent in the electoral discourse in recent years (Warburton 2020). This polarization is not just seen between people of certain religions or certain ideologies, but also within these groups (Nuraniyah 2020: 83). As stated in the introductory chapter, polarization and whether or not it is on the rise is something that is a point of discussion amongst scholars of Indonesia. That discussion is not just about polarization within Indonesia's political system, it is also about polarization among the Indonesian public. Just to be clear, in what follows it is not my aim to explain whether or not there is more polarization happening in Indonesia and why or why not. The aim lies solely in assessing whether or not the moral turn is polarizing Indonesian society, in other words whether or not there are strong (dis)agreements on matters regarding moral issues that are aimed to be legislated. So, in what follows, I look at three pieces of (proposed) legislation (the Criminal Code, the Family Resilience Bill and the Sexual Violence Bill) in order to determine whether and to what extent they had a polarizing effect on Indonesian society.

3. Family Resilience Bill

As described in the previous sections, Indonesia is experiencing a phenomenon referred to as the moral turn. Proof of that moral turn is found in several recent law proposals, of which three are elaborated on in this thesis. The first of these proposals is the Family Resilience Bill (*Rancangan Undang-Undang Ketahanan Keluarga*), a law that several Indonesian politicians have proposed over the years and of which a new draft version was introduced in the beginning of 2020. The bill was introduced by members from the political parties PAN, PKS, Gerindra and Golkar, being respectively Ali Taher, Netty Prasetiyani and Ledia Henifa, Sodik Mudjahid, and Endang Maria Astuti. The latter politician helped introducing the bill, but was eventually forced to go with the ideas of the rest of the factions by opposing the bill, which I discuss in more detail later.

The Family Resilience Bill was a draft law that was meant to turn around a few trends that are according to its proposers occurring in Indonesia in present day, all related to the presumed lowering resilience of families. Trends that these politicians claimed to be happening are the lowering of education levels of Indonesian people, increasing divorce statistics, and a rising percentage of people who have sex outside of marriage (Fauzi, Ashilah and Maisaroh 2020: 118-120). It should be mentioned, though, that that first point is actually not true. On the contrary, education levels in Indonesia have risen over the years, although the general quality of the education can be said to be relatively low

(Pramana, Chamidah, Suyatno, Renadi and Syaharuddin 2021: 1977-1980). Unlike the first, the second trend is indeed argued to be reality: the number of divorces in Indonesia has been increasing significantly on a yearly basis in recent years (Epa 2020). Because of this, Muharam Marzuki, an official at the Indonesian Ministry of Religious Affairs, called on families to strengthen their ties and maintain harmony (Ibid.), a similar message as from the proposers of the Family Resilience Bill. The third and last trend mentioned is one that can be hard to monitor, and therefore one should be wary of making strong claims about it. However, studies do show that there seems to be a rise of people who have sex outside of marriage in Indonesia (O'Donnell, Utomo and McDonald 2020: 3). With the Family Resilience Bill, the proposers said they wanted to provide means for Indonesian families to overcome these three trends and become resilient and therefore more prosperous (Meidianto 2020). That also explains the name of the bill, as it derives from the idea that families are the smallest units of society, and their resilience is what lays the foundation of the resilience of the society and country as a whole (Fauzi et al. 2020: 117). They form the basis for making public policies and should therefore be protected from becoming more and more vulnerable. Furthermore, the proposers believed the bill would address the social gap between rural and urban areas, which is also causing social issues that disrupt family resilience across the country (The Straits Times 2020).

The draft bill, consisting of 146 articles in total, includes several moral restraints for the Indonesian public on different levels and has therefore been considered controversial by many (Meidianto 2020). Furthermore, opponents believe the bill puts the responsibility of dealing with social problems in the hands of families, instead of in the hands of the state (Bexley and Bessell 2020). The articles of the draft bill that have been considered especially controversial are the following. First of all, article 24 is about the regulation of feelings (Family Resilience Bill 2020: 17). It obligates people that are married to love each other and respect each other. Second, article 25 obligates the wives to take care of the household of the family (Family Resilience Bill 2020: 17, 18). Furthermore, it makes the man of the family the one who bears legal responsibility over the family to protect them from discrimination, (sexual) abuse, exploitation, exposure to porn, alcohol, drugs, and gambling (Ibid.). Third, article 31 regulates the use of sperm and ovum, focusing on outlawing surrogacy (Family Resilience Bill 2020: 20, 21). Fourth, article 33 obligates families to separate the rooms of parents and children, and of sons and daughters (Ibid.). Fifth, articles 85, 86 and 87 are about the regulation of sexual activities (Family Resilience Bill 2020: 43, 44). Article 85 prohibits 'deviant sex activities', with which the draft bill refers to any other sexual activities than between a man and woman who are married (Idem: 43). With other words, the draft bill here refers to any sexual activities outside marriage, including any sexual activities from people from the LGBTQ-community. With this article, the draft bill criminalizes these sexual activities. If such activities take place, article 86 and 87 of the bill oblige people to either report themselves when 'guilty', or 'guilty' family members, to a rehabilitation center for treatment (Idem: 43, 44). Looking at all these articles, it is clear that they all touch on people's morality and their private lives, and that the bill was meant to strongly control people's sex lives, especially those of women and

LGBTQ-minorities. As I will describe later, these things are what caused for much resistance against the Family Resilience Bill.

Eventually, the Family Resilience Bill and its controversial articles were dropped by the Indonesian House of Representatives in November 2020, over half a year after the proposal was published (Jakarta Globe 2020). It was dropped after five factions in the House of Representatives expressed their objections (Bhwana 2020). The political parties rejecting the bill were NasDem, PDI-P, Golkar, PKB, and *Partai Demokrat*. It is important to note here that, as mentioned before, the Family Resilience Bill was rejected by Golkar, the party to which one of the initiators of the draft bill belongs: Endang Maria Astuti. Head of the Golkar faction in the House of Representatives, Nurul Arifin, stated that Astuti did not consult the rest of the faction before proposing the bill (Meidianto 2020). When asked, other spokespersons from the Golkar party stated that they deny any support for the draft bill, saying any expression of support came from individual lawmakers acting on their own (The Straits Times 2020). Eventually, Astitu was forced by the rest of the faction to go with the ideas of the rest of the faction and oppose the Family Resilience Bill (Meidianto 2020). In the following subchapter, I elaborate more on these events and specific debates and reactions that followed the introduction of the draft Family Resilience Bill, both in the political arena as in civil society. I then use these debates and reaction to assess whether or not this specific draft bill, being an example of the moral turn, is polarizing Indonesian society.

3.1 Family Resilience Bill: Debates and Reactions

The Family Resilience Bill has been subject of discussion in both politics and civil society from the introduction in February 2020 until the turning down of the draft bill in November that same year. After the bill was introduced, it was immediately put on the priority program of Indonesia's parliament (The Straits Times 2020). Despite the fact that the bill was part of that priority program, it did not gain much attention in parliament again until September 21st of the same year. On that day, a harmonization meeting took place in the House of Representatives, which marked further advancement of the draft bill (Simanjuntak 2020). At this meeting, the initiators of the bill had the chance to elaborately explain their intentions behind the bill, which I explained in the previous section (Ibid.). In the next stage of the legislation process, the different party factions had the time to come to their own views, which were initially meant to be expressed and discussed on November 18th of the same year (Bhwana 2020). However, these discussions were postponed as the political party NasDem declared that the draft bill needed more studying and internal discussion (Ibid.). The party then declared their formal rejection against the bill on November 24, together with the parties PDI-P, Golkar, PKB, and *Partai Demokrat*, resulting in the bill being dropped as five out of nine parties in the House of Representatives were against it (Bhwana 2020; Gumelar 2020). The main reason given for the rejection was that these parties were concerned about legislative overreach into people's private lives (Gumelar 2020).

The whole legislative process around the Family Resilience Bill has had both divisive and unifying factors. To start off with the divisive factors: throughout the entire process, there has been continuous disagreement amongst politicians and their political parties about the bill. What makes the Family Resilience Bill most divisive is the fact that the parties from some of the individual initiators opposed the draft bill (The Strait Times 2020). As mentioned before, the initiators of the Family Resilience Bill were Ali Taher (PAN), Netty Prasetyani and Ledia Henifa (both PKS), Sodik Mudjahid (Gerindra), and Endang Maria Astuti (Golkar). Both Gerindra and Golkar eventually declared their rejection of the bill, turning themselves against (the ideas of) their own party members. This shows that initially there were divisions between parties, but, arguably more problematic, also within parties themselves. The initial divisions between parties can be explained rather logically by looking at the backgrounds of the parties: most parties in favor of the bill can be considered to be Islamic or Islamist political parties (among the proposers: PAN and PKS), whereas the parties against the bill can be considered to be more secular-nationalist political parties (among the proposers: Gerindra and Golkar) (Tanuwidjaja 2010: 34). The ideological differences between these parties cause for an almost natural division in the political arena, making it common for the parties to disagree on certain matters. These divisions are part of democratic political systems, where there should be room for all different ideologies and ideas. However, the division within parties themselves is less logical and arguably more problematic. It is proof of disagreement within these parties and of divisions on within-party-level, which makes the party look less reliable in front of its constituency. Because politicians within their own parties cannot agree on certain policy-related matters, how much does that say about the legitimacy of that party as a whole?

The Family Resilience Bill did not cause resistance within the political arena only, members of the public have also criticized the draft bill ever since it was introduced (Yulisman 2020). Different kinds of women activists, civil society organizations and LGBTQ advocacy groups from Indonesia have been strongly advocating against the bill throughout the entire time it was being discussed (Cahya 2020; Lang 2020; Kholifah 2021: 69). Women activists say the bill is part of a bigger picture of gender issues in Indonesia. According to them, the bill causes inequality between genders, putting women below men, and it defines family roles which tend to be detrimental to women and tend to control them (Kholifah 2021: 70). As Frenia Nababan of the Mother and Child Health Movement (GIA, *Gerakan Kesehatan Ibu dan Anak*) stated in an interview with the Jakarta Post: “The bill covers areas that are considered private, as it wants to manage Indonesian’s family life. However, each family has their own way of handling their own problems. We do not need government intervention or new regulations” (Cahya 2020). Furthermore, according to Usman Hamid of Amnesty International Indonesia, “[the family resilience bill] is a very patriarchal bill and it will set back progress in gender equality and women’s rights protection” (Davies and Coghill 2020).

All these concerns are not new, as in recent years there have already been signs of Indonesian society pushing (moral) restraints on Indonesian families, specifically on women (Davies 2020b). For

example, markers of morality have been heavily inscribed on the bodies of women and what a woman can and cannot do with her own body (Ibid.). Next to these women activists, LGBTQ-advocacy groups on their turn fear the impact of the bill on both gender and sexual minorities in Indonesia, as it would limit their personal freedoms (Lang 2020). LGBTQ-rights were already a hot topic in Indonesian civil society in recent years, since they were under attack especially in 2016 (Human Rights Watch 2016). In that year, and ever since, a series of anti-LGBTQ public comments by politicians grew into threats against members of the LGBTQ-community by state commissions, Islamists, and mainstream religious organizations (Ibid.). These events have led to proposals of laws that pose a threat to the rights of these people, of which the Family Resilience Bill can be considered one. Dede Oetomo, co-founder of the LGBTQ-organization *Gaya Nusantara* and anti-Family Resilience Bill protester, claimed that Indonesian legislators are aiming to increase the already existing moral panic around LGBTQ-peoples in Indonesia (Lang 2020). According to Oetomo, there are many Indonesian parents who for this reason are afraid their children will be gay, lesbian or transgender, as “they think if you sit with a trans kid in school, you will be trans – that it is contagious” (Ibid.). The forms of resistance of various groups and organizations against the Family Resilience Bill as just discussed reflect the already existing fault lines between progressive women- and LGBTQ-activists, or more generally said liberal-inclusivists, and Islamists and moralists in Indonesian society. It deepens these fault lines, laying more foundations for further polarization in Indonesian society.

Despite the fact that the Family Resilience Bill initially has caused for opposition in the political arena and for much dissatisfaction at the liberal-inclusivists side of society, the draft law was in the end actually not divisive. The reason for this is the fact that the bill was dropped in November 2020, over half a year after the bill was introduced. The fact that the bill was dropped then means that a majority of the political parties in the House of Representatives found a common ground and agreed with each other that the bill should not be implemented. The fact that two of the parties who were responsible for initiating the bill, being Golkar and Gerindra, eventually decided to oppose it shows that it was probably clear that the Family Resilience Bill was a step too far when it comes down to policing people’s private lives, and that they realized this. This means there was not only a significant amount of agreement in the political arena, but that that agreement also linked with the point of view of many of those women- and LGBTQ-activists who have been advocating against the bill for a long time. In other words, the bill eventually also had a unifying character between the political arena and Indonesian civil society.

Overall, the following can be said about the Family Resilience Bill and to what extent it is polarizing Indonesian society. Multiple factors show how the proposal has had some polarizing effects, both in politics as in civil society. The draft bill has been a frequent point of debates and discussions when it was proposed in February 2020. The fact that there was strong disagreement about the proposal within political parties itself shows that there is within-party-polarization happening as a result of the Family Resilience Bill proposal. Furthermore, when it comes to Indonesia’s civil society, the Family Resilience Bill is part of a trend of growing dissatisfaction among liberal-inclusivists and the way of

life Islamists and moralists want the archipelago to move towards. However, and for what I argue, more importantly, the bill simultaneously had its unifying factors. The central argument here is that the Family Resilience Bill was in the end never accepted and dropped by the House of Representatives, meaning that a majority was reached that disagreed with it and then agreed to turn it down. To sum up this chapter, the Family Resilience Bill was a bit divisive at first, but worked unifying in the end. Therefore, it is not polarizing Indonesian society, although it did cause much dissatisfaction in civil society when it was proposed. In the following chapter, I look at the Sexual Violence Bill in the same way as I just did with the Family Resilience Bill, in order to assess if and to what extent it is polarizing Indonesian society.

4. Sexual Violence Bill

The previous chapter described the Family Resilience Bill and the debates and reactions around it in Indonesian parliament and society as a whole. In this chapter, a second law will be discussed, which is the Sexual Violence Bill. The Sexual Violence Bill (*Rancangan Undang-Undang Penghapusan Kekerasan Seksual*) is a bill focusing on broadening and deepening legal definitions of the crimes concerning sexual violence, providing a legal framework that can help victims in the aftermath and imposing harsher punishments for perpetrators (Sexual Violence Bill 2016; Strangio 2022). Furthermore, the bill recognizes that apart from women, men and children can also be victims of sexual violence (Ibid.). These are all points that are lacking from the Criminal Code, which only recognizes sexual violence as being a crime committed against women (Strangio 2022). The Sexual Violence Bill was first initiated in 2012 by *Komnas Perempuan*, which is the National Commission on Violence Against Women, a specialized national human rights body and mechanism established by a presidential decree in 1998 (Theofany 2021; Buchanan 2022). The National Commission on Violence Against Women has a mandate to monitor violence against women in Indonesia and undertake policy and legal development accordingly. The commission stated the Sexual Violence Bill was introduced to provide a more comprehensive legal framework for victims of sexual violence to secure justice, a framework that was still missing in Indonesian society (CNN 2022). Furthermore, with the bill the commission wanted to increase awareness around the issue and create a sexual violence-free environment (Ibid.). This was deemed necessary, as sexual violence was until recently in politics never seen as something that had to be resolved, despite the fact that there was plenty evidence that it was a problem (Eddyono 2021: 177; Civicus 2022; Widiyanto 2022). In 2016, a survey from the United Nations revealed that one in three Indonesian women have suffered violence, often at the hands of an intimate partner (Civicus 2022). As urgency grew, not only for the public but also in politics, the Sexual Violence Bill was eventually submitted to the House of Representatives in 2016 and was immediately put on their priority-list (Buchanan 2022).

The most important articles from the Sexual Violence Bill to highlight in order to understand what it exactly entails are the following, named in numerical order. First of all, article 1 acknowledges that sexual violence is a punishable crime and describes that sexual violence is understood as any kind of act of degrading, insulting, attacking and/or other acts against another person against that person's will (Sexual Violence Bill 2016: 1-3). Furthermore, it states specifically that victims can be any person, no matter gender or age (Ibid.). Second, article 11 specifies what is understood as sexual violence, and describes it as sexual harassment, sexual exploitation, forced contraception, forced abortion, rape, forced marriage, forced prostitution, sexual slavery and/or cyber sexual abuse (Sexual Violence Bill 2016: 5). Furthermore, it states that sexual violence can also happen within the scope of the marriage, within the household, in personal relationships and at work (Ibid.). Third, article 22 ensures that help can be given to victims of sexual violence (Sexual Violence Bill 2016: 7). Under Indonesian law, a minimum of two pieces of evidence must usually be presented in a criminal case, but the Sexual Violence Bill allows for one piece of evidence to be sufficient to make such a case (Llewellyn 2022a). This is one of the ways in which the bill helps victims. A second way the bill aims to help victims of sexual violence, is that it states that victims receive restitution and can receive counselling if they want to (Ibid.). As for perpetrators who violate the crimes as stated in the Sexual Violence Bill, they can, to illustrate, face up to 12 years jail-time for crimes of physical sexual abuse, both within as outside of marriage, and up to 15 years jail-time for sexual exploitation (Strangio 2022; Widianto 2022). Furthermore, up to nine years jail-time can be given for forced marriage, which includes child marriage and marriage between rapists and victims, and four years for spreading non-consensual sexual content (Widianto 2022).

Immediately after the bill was received it got support from a variety of political parties, being Gerindra, PDI-P, PKB and PAN (Margret and Pandjaitan 2020; Putri 2021: 9). This support was shared with big parts of civil society and numerous action groups, who had long been advocating for a bill like the Sexual Violence Bill to be implemented to protect Indonesians from all sorts of sexual violence (Strangio 2022). The bill did not only meet support when it was submitted, it also received resistance. In the political arena, that resistance came from the party PKS, which objected the bill from the start (Putri 2021: 9). For years, the bill had received resistance from conservative and Islamic constituencies and organizations (Strangio 2022). Despite that resistance, a vast majority of the parties in the House voted to support the bill, finally officially passing it in April 2022 after being a decade in the making. In the following subchapter, I elaborate more on the events and specific debates and reactions that followed the introduction of the Sexual Violence Bill, both in the political arena as in civil society. I then use these debates and reaction to assess whether or not this specific draft bill, being an example of the moral turn, is polarizing Indonesian society.

4.1 Sexual Violence Bill: Debates and Reactions

The Sexual Violence Bill has been catching much attention in both politics and civil society from the moment the National Commission on Violence Against Women initiated it, through 2016 when it was submitted in the parliament, and until it was accepted in April 2022. When the National Commission on Violence Against Women initiated the bill in 2012, it took four more years before it was eventually submitted. The chair of the commission, Azriana, said after the bill was submitted that her commission had worked very closely with the House of Representatives to formulate it over the years (Mariani 2016). When it was submitted in 2016, the bill was immediately put on the priority agenda of the House. The Sexual Violence Bill straight away received support from several political parties, like Gerindra, PDI-P, PKB and PAN (Margret and Pandjaitan 2020; Putri 2021: 9).

However, the bill did not only receive support. The PKS fraction immediately called out their resistance against the bill. Political parties took their stand, but for a few years not much happened around the legislative process of the bill. This changed when in 2019 the debate around the bill really started taking off, drawing more and more attention in the media and in the public, and therefore also in the political arena. From then on, PKS really started to take a strong stand against the draft bill. The party raised its concerns about the bill's concept of marital rape and the bill's purported promotion of a western view of sexuality and deviant sexual activities (Jones and Walden 2019; Putri 2021: 10; Buchanan 2022). According to PKS, the definitions used in the bill are terms that are not widely known in Indonesia, and should therefore be deliberated further (Putri 2021: 10). Furthermore, PKS was concerned about the definition of sexual violence itself and suggested to change the definition from "sexual violence" to "sexual crimes" (Ibid.). The party wanted to implement a religious approach to prevent such crimes, as the party believed it would keep people from committing these sort of crimes as they are considered to be sins (Ibid.). PKS backed their arguments by saying they were in line with Pancasila, Indonesia's state ideology, and that they were therefore legit (Ibid.). Jazuli Juwaini, chairman of PKS in the House of Representatives, stated in a plenary session that Indonesia "needs firm and comprehensive laws that are based on the values of Pancasila, religion and national culture, not with ambiguous and strongly perceived regulations departing from liberal-secular ideologies which are contrary to the character and identity of the Indonesian nation itself" (Putri 2021: 10). The Indonesian Ulama Council (*Majelis Ulama Indonesia*, the archipelago's top Muslim clerical body) supported these arguments, stating the bill would destroy marital harmony and encourage promiscuity (Davies 2020b; Putri 2021: 8). Apart from their arguments against the Sexual Violence Bill, PKS did also give some support to the bill by stating that they supported the general goal of it to prevent, reduce and eliminate sexual violence which is increasingly occurring in Indonesia (Putri 2021: 8). Summing this up, PKS has been arguing over many parts of the Sexual Violence Bill, from its name to the contents of the bill itself, and with that requiring repeated revisions, which caused for the legislative process to last around six years (Llewellyn 2022a).

The introduction of the Sexual Violence Bill did not only cause for reactions within the political arena, it also caused for reactions in civil society. The National Commission on Violence Against Women received support from activists and people from the public from the moment it initiated the draft law. As mentioned, activists had long been advocating for a better legal framework to criminalize sexual violence and to support victims of such violence. Activists argued that the legal framework was much needed, as cases of sexual violence and specifically of sexual violence against women has been astonishingly high in the archipelago in recent years (Chun 2022). Furthermore, sexual violence was until recently in politics never seen as something that had to be resolved, despite the fact that there was plenty evidence that it was a problem, making the bill even more urgent (Civicus 2022; Widiyanto 2022). According to Nuril Qomariyah, coordinator of Indonesian civil society organization and women's rights movement *Perempuan Bergerak*, the bill is fundamental in helping victims of sexual violence: "Getting this law passed is one step further in claiming the rights of especially women and children, including their right to live in a safe and secure environment" (Civicus 2022). Apart from these activists, there was also support for the Sexual Violence Bill from Nahdlatul Ulama (NU), Indonesia's largest Islamic organization (Llewellyn 2022a). Two important female figures of NU, Yenny and Alissa Wahid, daughters of late former NU-leader and Indonesia's 4th president Abdurrahman Wahid, outed their support for the Sexual Violence Bill, positively influencing the ideas of NU-members about the bill (Ibid.). Despite the resistance of PKS in the House and their multiple actions to postpone the Sexual Violence Bill, the general support for the bill among the public never changed. The urgency of and the support for the bill only grew when several cases of severe sexual violence came to the light, one of a teacher on Java who was suspected of raping 13 of his students and also impregnating some of them (Strangio 2022). In response to these cases, members of parliament from PKB called on president Jokowi to speak out about the bill. As a result of these events, Jokowi urged the parliament to speed up deliberations on the Sexual Violence Bill in order to protect the (future) victims of such crimes. Shortly after this, in April 2022, the Sexual Violence Bill was indeed accepted after years of deliberation. It got the support from all parties in the House of Representatives, except from the PKS faction (Lane 2022a).

Despite the fact that the Sexual Violence Bill experienced opposition within the political arena, as we have seen earlier in this subchapter, I argue that the bill has actually had a unifying effect on Indonesian society. Yes, the draft law did receive opposition from the most conservative Islamic political party (PKS), but it did eventually receive a majority and was passed. As we have seen, actors with differing backgrounds gave their support for the bill. It came from a varied group: from progressive activists, members of an Islamic organization, and from political parties over a wide spectrum, from secular parties with a very nationalist (Gerindra) or centrist (PDI-P) character, to Islamic parties with a centrist (PKB) or more centre-right character (PAN). The fact that these different actors, who all have different ideologies and beliefs, found a common ground in supporting the Sexual Violence Bill (being that sexual violence is not a good thing) shows that it has a unifying character in Indonesian society. In the following chapter, I look at the Criminal Code in the same way as I just did with the Family

Resilience Bill and the Sexual Violence Bill, in order to assess if and to what extent it is polarizing Indonesian society.

5. Criminal Code

The two previous chapters described recent law proposals that are proof of the moral turn that is happening in Indonesia. In this chapter, a third and final law will be discussed, which is the Criminal Code. The Criminal Code (*Kitab Undang-Undang Hukum Pidana*, or Morality Bill) refers to the changes to Indonesia's already existing penal code that dates back to the days of Dutch colonial rule (Criminal Code 2019; Lamb 2019a). Indonesian politicians had been working on their own Criminal Code and therefore changing the Criminal Code as established by the Dutch for decades already, with a first proposal being introduced (but not accepted) in 1958. An obvious reason for wanting to change the Criminal Code is to be able to step away from another remnant from colonial times (Octora 2016: 369; Ardiansyah and Handoko 2018: 131-134). Furthermore, according to Indonesian politicians, the already existing Criminal Code did not match with today's Indonesian conditions and society (Octora 2016: 369, 370). Eventually, Indonesia's very own first draft Criminal Code was finalized by a parliamentary taskforce in September 2019 (Criminal Code 2019; Lamb 2019a). As it had been decades in the making, it is not really possible to point out which persons or which political parties were responsible for initiating (particular parts of) the draft bill. The drafting process has been a project spread over various years and various administrations, a process that was never completed until recently. What is clear, however, is that the new finalized version of the Criminal Code was eventually introduced by the current president Joko Widodo, also popularly known as Jokowi, and his administration (Lamb 2019a).

The proposal of the new Criminal Code consisted of 628 articles, divided into three parts: one part for general provisions, a second for crimes and a third for misdemeanors (Criminal Code 2019). Out of the 628 articles that the draft consisted off, more than 20 are considered to be controversial (Lamb 2019a; Davies 2020b). Opposers believe that because of these controversial articles, the Criminal Code is threatening democracy, (sexual) freedoms and civil liberties, and that it policies people's moralities (Davies 2020b). The articles that are considered as controversial are the following, discussed in numerical order. First of all, articles 188 and 189 criminalize spreading communist or Marxist teaching outside of academia, and therefore limit ideological freedom of Indonesians (Criminal Code 2019: 42). Second, article 219 is about insulting heads of state, punishing anyone who publicly "attacks the dignity" of the president or vice-president with up to 4,5 years jail-time (Criminal Code 2019: 50). Third, articles 241, 353 and 354 are closely related to article 219, as they propose similar jail-sentences to those who insult the government publicly, or do similar things towards any state institutions (Criminal Code 2019: 55, 84). Fourth, articles 251 and 470-472 criminalize unauthorized

abortions and helping women to get an abortion, something that on its own is already illegal in the archipelago (Criminal Code 2019: 57, 114, 115). Fifth, articles 262 and 263 prohibit spreading fake news and with that causing public unrest (Criminal Code 2019: 61, 62). These two articles can be seen as limitations to freedom of press. Sixth, articles 304, 305 and 306 further criminalize any actions of blasphemy, or in other words publicly conveying hate speech against any of Indonesia's "officially recognized religions" (Criminal Code 2019: 70, 71). These articles, too, can be seen as limitation to freedom of press in Indonesia. Not only that, this article can be seen as a threat to the freedom of religious minorities, as blasphemy accusations have limited the freedoms of religious minorities before as we have seen in the case of Ahok (Lamb 2016). Seventh, article 414 prohibits the promotion or advertisement of contraceptives by adults to children (Criminal Code 2019: 100). Eighth, premarital sex or adultery is criminalized in article 417 (Ibid.). According to activists and other opposers, this article in other words criminalizes any kind of sex different from sex between a married man and woman, or any kind of LGBTQ sexual activities. Ninth, article 419 criminalizes cohabitation, that is here defined as two people living together as man and woman outside of marriage (Criminal Code 2019: 101). Tenth, articles 440 and 446 focus on expanding provisions on defamation (Criminal Code 2019: 106, 108). These articles are believed to limit freedom of expression, according to opposers of the draft Criminal Code.

Despite all these controversial articles, on December 6th of this year the new version of the Criminal Code got accepted by the Indonesian House of Representatives (Teresia and Lamb 2022). Up until that recent day, over a course of three years much had happened around the bill. In general, the bill has received much resistance, in politics as well as in the public. From the beginning onwards, the Indonesian public has protested against the Criminal Code. When these mass protests happened in 2019, president Jokowi surprisingly announced that he ordered the parliament to postpone and revise the bill (Lamb 2019a). From that moment on, the bill was sent back to parliament for further deliberation and was stuck there for a long time (Sundari 2022). In May 2022, the Indonesian government and parliament discussed the modification of problematic provisions in the draft and agreed that they would follow up the legislating process without reopening discussions on the draft Criminal Code (Ibid.). The government claimed that 14 controversial articles had been amended. However, when in June 2022 an alliance of 82 civil society groups led by the Indonesian Legal Aid Foundation (*Yayasan Lembaga Bantuan Hukum Indonesia*) urged the Indonesian government to release the latest draft of the Criminal Code to ensure that the public was fully informed and could participate in the discussions around it, they refused (HRW 2022). This request was specifically refused by the minister in charge of the Criminal Code negotiations with the parliament, Edward Omar Sharif Hiariej, who stated that publishing the draft would cause "much unrest" (Ibid.). His decision ironically caused for exactly that, as mass protests continued thereafter (Ibid.).

As I just mentioned, the Criminal Code got accepted very recently, on December 6th. During the time of writing this thesis, it seemed quite unlikely that the draft would pass anytime soon, or

actually that it would pass at all. Several political parties, being PDI-P, Golkar and Hanura, had before strongly opposed the draft bill (Llewellyn 2018). These three political parties have before called for the draft to be deleted, as they called it overcriminalization of the public and stated that it goes too far in controlling the private lives of Indonesians (Ibid.). However, the Criminal Code eventually got accepted by all political parties in the Indonesian House of Representatives (Teresia and Lamb 2022), meaning that in the end Golkar, PDI-P and Hanura gave their support for it. On the contrary, in the public there has been and there still is much resistance against the bill, as protests have continued in 2022, especially now that the bill is accepted. In the following subchapter, I elaborate more on these events and specific debates and reactions that followed the introduction of the Criminal Code, both in the political arena as in civil society. I then use these debates and reaction to assess whether or not this specific bill, being an example of the moral turn, is polarizing Indonesian society.

5.1 Criminal Code: Debates and Reactions

The draft Criminal Code has been subject of heavy discussion and resistance in both politics and especially civil society from the introduction in September 2019 until very recently when it was accepted by the House of Representatives. As just discussed, the revision of the Criminal Code is a bill that had been in the making for decades and was eventually introduced by Jokowi and his administration. Straight after the draft was published, three political parties called out their strong opposition: Golkar, PDI-P, and Hanura (Llewellyn 2018). The main reasons for their opposition was that these parties believed the draft overcriminalizes the public and that it focuses too much on controlling people's private lives (Ibid.). However, the opposition of these three parties was at the time not enough to overthrow the draft, as it did not form a majority in the Indonesian House of Representatives. Apart from Golkar, PDI-P and Hanura, no other parties in the House have distinctively spoken against the draft bill during the deliberations. This implies that during the deliberations, these other factions were already in agreement about the Criminal Code. Eventually, Golkar, PDI-P and Hanura voted in favor of the bill alongside the other parties, which is evidence of the fact that within the legislation, the Criminal Code has had unifying effects. This is especially surprising given the fact that there was such a strong opposition before. It shows that despite their initial and significant differences, the parties in the parliament came to a shared agreement on the matters they at first were divided on. The agreement on the Criminal Code as a whole and therefore on the passing of the bill was not the only point of agreement throughout the draft deliberations. Earlier on, the different political parties already managed to come to an agreement about a small part of the draft bill. The first draft of the Criminal Code as introduced by the Indonesian government in September 2019 included an article on "lying for sex" (Criminal Code 2019). It stated that a man who has premarital sex with a woman under the promise that he would marry her, then does not hold that promise, faces jail-time up to four years (Ibid.). If the sex leads to a pregnancy and the man does not want to marry the woman in question, another year could be added to that jail-time (Ibid.). As we have seen, many articles in the draft are

considered to be controversial. This one specifically received that much resistance from both politicians and the public that it was immediately removed from the draft bill right after it was published (CNN Indonesia 2019). The resistance against this specific article was based mainly on the fact that most people, both in politics and in the public, thought it would very much overcriminalize affairs that have to do with the private business of the public (Ibid.). This small point of agreement can be seen as the first piece of evidence that, in the end, the Criminal Code has had a unifying effect for Indonesian politicians and between their political parties, given the fact that later on all Indonesian parties were in favor of the bill.

Despite the fact that in the legislation the Criminal Code has had unifying effects, there has been much resistance against it from Indonesian civil society. As mentioned before, straight after the bill was finalized and handed in in September 2019, a series of mass protests occurred spread over a few days throughout the entire archipelago (Lamb 2019b). The heaviest ones occurred in the capital city of Jakarta, where thousands of people, especially students, took to the streets (Ibid.). These protesters claimed the draft Criminal Code limits people's (sexual) freedom and civil liberties and puts too much control in the hands of the state over people's private lives (Lamb 2019b; Lane 2022b; HRW 2022). Following these protests, Human Rights Watch condemned the draft bill as "disastrous not only for women and religious and gender minorities, but for all Indonesians" (Lamb 2019b). Furthermore, opposers have accused the government of trying to return to how things were during Suharto's New Order-era, a time of authoritarianism and heavy corruption (Ibid.). For these reasons, the protesters called for the government to suspend the plans to officialize the draft bill. The police responded harshly, firing teargas and using water cannons in order to make the protesters stop (Lamb 2019). As the pressure from the public grew and grew, president Jokowi was faced with so much resistance that he could not do anything else than to declare the draft Criminal Code would not yet become official and needed more deliberation. However, this did not take away the fear of the protesters that the Criminal Code could still be finalized within a few days, especially not given the fact that the administration that proposed the bill was at the end of its term and elections were approaching. A couple of days after, a parliamentary commission that was overseeing the legislation process of the bill declared that the decision-making process around it had officially been carried over to the next set of legislators (Lamb 2019b). This could have been a moment of change in the whole process, as a potential new government could have different views on the matter. However, Jokowi got re-elected and big parts of his administration remained the same. Protests from the public settled down, only to start again when the government refused to make the draft code public when deliberations about the draft code continued in 2022 (HRW 2022). The government assured the public that they had amended 14 articles in the draft, but as they were refusing to publish the document, this could not be checked, causing for even more dissatisfaction among civil society (Sundari 2022). Moreover, minister Hiariej claimed to have held public consultations in 12 cities throughout the country with different civil society organizations, in order to make the public believe the government was open about the most recent draft of the Criminal Code (HRW 2022). However,

these sessions turned out to simply be PowerPoint presentations roughly explaining the draft law, but not presenting the exact text of the law itself (Ibid.). In other words, the participants did not learn anything about the exact content of the latest draft, leaving them unsatisfied and still opposing the ideas of the Criminal Code.

The beforementioned points prove that the Criminal Code has had unifying effects within Indonesia's parliament, but polarizing effects between that parliament and Indonesian civil society at the same time. In the Indonesian political arena, the first clear sign of overall agreement around the Criminal Code was around the article on "lying for sex". This specific article was deleted from the draft as the government agreed with politicians and the public that the article had to be taken out (CNN Indonesia 2019). However all political parties agreed on taking out this article, the political parties Golkar, PDI-P and Hanura still strongly opposed the rest of the draft bill. Therefore, it was not to be expected that the bill would be accepted, or at least not any time soon. It thus came as quite a surprise that on the 6th of December this year, after three years of deliberation and much uproar, the Criminal Code was accepted with the approval of all political parties. This is core evidence that the Criminal Code has had unifying effects in the Indonesian political arena. On the contrary, as I also explained in this chapter, the bill has caused for much division outside of that political arena. The many mass protests that came after the bill was introduced up until this very day are the key evidence of this. And despite the fact that Jokowi and his administration have responded to the protests by sending the bill back for further deliberation, it still got accepted including many controversial articles that the protesters wanted to be deleted (Llewellyn 2022b). The division caused by the introduction of the Criminal Code between Indonesia's civil society and government here is not just a phenomenon on its own, it links directly with already existing fault lines between (Islamic) conservatives and progressives. This is a fault line that can be placed in the nationalist/pluralist/liberalist vs moralist/Islamist opposition as described in the previous chapter. Summing this up, the Criminal Code, an example of the moral turn, works as a unifying factor in Indonesian politics. It has brought together political parties with very different ideologies and backgrounds to agree on the same ideas. At the same time, the law has had polarizing effects between the Indonesian legislature and the Indonesian public. These divisions link to already existing fault lines, mostly between (Islamic) conservatives and progressives.

All of this makes the Criminal Code different from the Family Resilience Bill, but in the end quite similar to the Sexual Violence Bill. As I concluded from analyzing the Family Resilience Bill, that piece of proposed legislation was not very divisive nor very unifying. The bill did experience support, mainly from moralists and Islamists, but was eventually not passed as it did not receive enough of that support in the House of Representatives. It seems that most people realized the bill was a bridge too far in policing people's moralities and their private lives. The fact that the bill was initiated and deliberated for a long time despite many people opposing it can be seen as divisive. However, the bill was, as I already mentioned, never accepted, pointing out that in the end people mostly agreed on the matter. When it comes to the Sexual Violence Bill, it experienced some opposition within the political

arena, but despite this it actually had a unifying effect on Indonesian society, just like the Criminal Code. In the end, both bills were accepted by the House. It seems that in this case, most people realized that sexual violence is something bad and that people should be protected against it. Summing this chapter up, I argue that the Criminal Code has actually had a unifying effect on Indonesian society, which means it had a similar effect on the society as the Sexual Violence Bill (which was also unifying), but different from the Family Resilience Bill (which was not super divisive nor unifying).

6. Conclusion

As Reid (2014) has argued, Indonesia is the scene of a certain ideology of puritanical piety that particularly imposes forms of puritan dress and behaviour on the model of morality. Increasingly, Indonesia is experiencing a phenomenon that links directly with Reid's argument, which is the moral turn. This moral turn implies that people are trying to decide for others what they can or cannot do, to the extent that it is breaching their own personal choices and private lives, limiting these freedoms. As I have shown in this piece, this can be done via various ways, and limiting people's moral freedoms by drawing up certain moral laws is one of them. In the almost 25 years that Indonesia has been democratizing since the fall of the authoritarian Suharto regime in 1998, several of those laws have been proposed, and some have also been accepted. The first major expression of the moral turn in national legislation was when the controversial Pornography Bill was ratified in 2008. This was followed by several other expression of the moral turn, like the LGBTQ-crisis and the crisis around Ahok. Next to this moral turn, some scholars have argued that Indonesia has been experiencing some sort of polarization. In this thesis, I have explored whether and to what extent these two phenomena (the moral turn and polarization) relate to each other. Specifically, my aim was to answer the question "to what extent has the moral turn polarized Indonesian society?". By assessing three different pieces of legislation (the Family Resilience Bill, the Sexual Violence Bill and the Criminal Code) and analyzing the debates and reactions that followed their introduction, I come to several conclusions. These conclusions are related to the pieces of legislation separately, but also related to them jointly.

First of all, when looking at the Family Resilience Bill, I argue that it was a bit divisive at first, but worked unifying in the end. The bill at first had dividing effects in both politics as in civil society, as it was a continuous point of debates and discussions from the time it was proposed onwards. It caused for within-party-polarization in the Golkar party, as one of the initiators of the bill was part of Golkar but the rest of that party opposed the entire bill and forced that specific politician to go with the ideas of the party. Furthermore, when it comes to Indonesia's civil society, the Family Resilience Bill can be seen as part of a trend of growing dissatisfaction among liberal-inclusivists and the way of life moralists and Islamists want to archipelago to move towards. However, and for what I argue, more importantly, the bill eventually became a unifying factor. In the end, the Family Resilience Bill was dropped as a

majority of parliament found a common ground in disagreeing with it. For these reasons, I argue that in the end, this bill is not polarizing Indonesian society, although it did cause for tensions within Golkar and for dissatisfaction in civil society. On the contrary, the bill can in the end be seen as a unifying factor in Indonesian society. Secondly, when looking at the Sexual Violence Bill, I argue that it has had a unifying effect on Indonesian society. The bill did receive opposition from the most conservative and extremist Islamic political party (PKS), but was still passed with a majority in the end, consisting of quite a wide variety of parties with different backgrounds. In the public, the bill was also supported by a wide variety of people: from progressive activists to members of an Islamic organization. The fact that these different actors, who all have different ideologies and beliefs, found a common ground in supporting the Sexual Violence Bill shows that it has a unifying character. That common ground was, as I explained, found in the notion that sexual violence is not a good thing and that everyone should be protected from it, as well as that victims should be supported. Thirdly, when looking at the Criminal Code, I argue that it had unifying effects within Indonesia's parliament, but a more divisive effect between that parliament and Indonesian civil society. Given the longstanding opposition against the draft Criminal Code both in parliament and in civil society, it seemed unlikely it would pass. It did, however, with support of all political parties. This means that the different parties, all with different backgrounds, found a way to agree about a bill on which they were first very divided, indicating the unifying aspect of this. Despite this, there was much and still is some resistance to the bill among the Indonesian public. Therefore, the Criminal Code at the same time has had some polarizing effects, specifically between the parliament and all the parties that accepted the bill and the people of the public who oppose it.

So, what does all of this mean when looking at the research question of this thesis? At the core of this thesis are the three laws discussed, which are all examples of the moral turn. In some ways they have had, and therefore the moral turn in some ways has had, polarizing effects on Indonesian society. That polarization is especially based on the division between pluralists, nationalists and liberalists on the one hand, and moralists and Islamists on the other, and can be noticed in tensions between the parliament and the public. This was the case both with the Family Resilience Bill and with the Criminal Code as they caused for, however the latter more than the first, dissatisfaction among the public. In the case of the Family Resilience Bill, especially women's and LGBTQ-activists raised their strong concerns about the bill and advocated against it until the bill was turned down. In the case of the Criminal Code, the reaction coming from civil society was bigger, as protests occurred throughout the entire archipelago which were joined by many kinds of peoples. The tensions between pluralists, nationalists and liberalists on the one hands and moralists and Islamists on the other are generally and often also present amongst members of the parliament and their factions, however when analyzing the three bills discussed it becomes clear that they are not. That brings me to my following argument, which I like to argue is the most important one in this thesis. Ultimately, I argue that the three bills, and therefore the moral turn, have had a unifying effect on Indonesian society. Furthermore, those effects

are more significant than the polarizing effects just mentioned as in the end in all three cases the legislation came to an agreement.

In conclusion, the moral turn in Indonesia has highlighted the divisions between pluralists, nationalists and liberalist on the one hand and moralists and Islamists on the other, but has most importantly brought these groups together as they reached agreement on several points. Both sides eventually agreed that the Family Resilience Bill had to be turned down, probably as it went too far in controlling people's lives. Moreover, in the case of the Sexual Violence Bill, both sides agreed to pass it as they both could agree that sexual violence is something bad. Likewise, when it comes to the Criminal Code, both sides eventually agreed to accept it. As mentioned before, for around three years it seemed quite unlikely that the parliament would actually come to an agreement on the Criminal Code. What could explain the sudden passing of it is that the next Indonesian general elections are approaching, which are scheduled for February 2024. The current ruling party is that of president Jokowi, the PDI-P. In some national opinion polls from the last six months on the 2024 elections, the PDI-P faction is not doing as good as before (Arifianto 2022). Instead, at first Prabowo Subianto (Gerindra) was considered to be doing best in the polls (The Jakarta Post 2022). Now, the most recent survey shows that Anies Baswedan, currently governor of Jakarta and NasDem's presidential candidate, is gaining momentum among prospective voters. On the contrary, the support for Ganjar Pranowo, currently governor of Central Java, member of PDI-P and supported candidate by Jokowi, seems to be stalling (Arifianto 2022). This is of course worrying for the PDI-P, that wants to maintain their position as ruling party. Therefore, it could be that the PDI-P is aiming to consolidate by voting in favor of the Criminal Code, in order to make the party more likeable for more (moralist) voters. I believe that for the other two parties who used to oppose the Criminal Code but eventually backed it, being Golkar and Hanura, it is likely that they too consolidated with the 2024 elections in mind. With this I mean to say that I believe the passing of the Criminal Code has more to do with the strategic agenda of some of the parties in the parliament rather than with the fact that all parties really agreed on the content of the bill. Whether these efforts will actually have an effect in the time leading up to and the eventual result of the 2024 national elections is yet to be seen.

In this thesis, I have focused on Indonesia's moral turn and to what extent it has had polarizing effects on its society. What I have not done is look at why the moral turn is happening or what other effects it has on Indonesian society or Indonesian politics. These are issues that are relevant for further research, especially since the moral turn is not a phenomenon that is in decline. It is rather increasingly occurring, in Indonesia and also outside of it. The cases of the Iranian morality police and the dreadful passing away of Mahsa Amini, and the advancements towards more restrictions on abortion in the United States are examples of this in other countries besides Indonesia. Whether and in what forms the moral turn will keep on occurring is of course not known yet, but given what already happened, there seems to be a high chance that it will continue in the following years. In order to keep on creating a better understanding of these developments, both in Indonesia and outside of it, it is necessary to keep

on researching the moral turn, not just its effects but also the reasons behind it and its implications for society. I believe this thesis contributes to the knowledge about the moral turn and some of its implications for Indonesia, and that it contributes to the process of creating a better understanding of what the phenomenon entails. The fact that the Criminal Code got accepted unexpectedly (as least for me, for what it is worth) very recently shows how relevant the topic of the moral turn in Indonesia is and also that there is much more to learn about it. The passing of the bill will have major implications for those living in Indonesia, but also for those planning on visiting it. The exact consequences of the Criminal Code and how it will have an influence on how Indonesian society is shaped further will only become clear in three years' time, as it will take that amount of time to put the bill into full operation. This too is a reason why further research is needed on this topic in the future, in order to determine the eventual effects of the Criminal Code, but also of other pieces of legislation that might be examples of the moral turn.

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