



# Women's Representation in General Elections Perspective Human Rights

Irma Dwi Fahriyani<sup>1</sup>, I Gusti Ayu Rachmi Handayani<sup>2</sup>

<sup>1,2</sup>Faculty of Law, Sebelas Maret University, Surakarta, Indonesia

Email Corresponding: [irmadwifahriyani1@gmail.com](mailto:irmadwifahriyani1@gmail.com)

## Abstract

The involvement of women in politics has become a crucial discussion on the development of political issues in the era of democracy. Women's rights need to be promoted for their existence because it is human rights. Woman representatives are regulated in Law No. 7 of 2017 concerning General Elections in Article 245 that requires women's political participation in the prospective candidates with a minimum number of 30% (thirty percent), and Article 246 Paragraph (2) confirms that for every 3 (three) candidates there is at least one woman. This research uses a normative-descriptive method which aims to analyze the phenomenon of Indonesian women representatives in parliament and associated with laws and regulations regarding women's political rights and interpretation based on legal norms and theories/concepts of gender equality until it results in an ideal and fair concept for Indonesian women in politics. The results indicated that the affirmation policy about the number of women's representation and the provisions for the serial number of candidates as regulated in the Election Law have not fulfilled the requirements or have not shown the principle of gender equality. The recommendation of this research is that the ideal number of women's representatives for fair candidates and those who agree with the principle of gender equality should be increased to 50% (fifty percent). Likewise, with the determination of the serial number in the list of prospective candidates, it should be regulated that for every 2 (two) candidates, there will be 1 (one) female candidate.

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## I. Introduction

The issue of men's and women's representatives has become a focal point in democratic political development. Gender equality always takes attention in public life. In a democracy, political rights are integrated for both men and women as fundamental human rights. Human rights are rights that every human being, both men and women, has. Human rights provide moral power to guarantee and protect human dignity based on the law, not on the basis of certain wills, circumstances, or political tendencies. Surbakti, et al. explain that democracy is a system that demands all group representatives. The goal is to avoid the negative consequences of underrepresenting one group in decision-making<sup>3</sup>.

According to Tridewiyanti, the political system in Indonesia still shows inequality and injustice against women. The factors include as follows, the presence of an understanding that politics is the sphere of men, it does not need women political representatives, men are concerned as leader or head of families, and women only need to be members at all levels, women are only as a complement in politics, so they are usually placed in nonstrategic and unimportant positions/orders/positions and the legal system in Indonesia, especially in the political aspect, is still discriminatory against women<sup>4</sup>.

According to the statistics, the number of males and females in Indonesia is relatively equal. The latest data from the 2020 Population Census indicates that the male population comprises 136,661,899 people, or 51%, and the female population comprises 133,542,018 people, or approximately 49%, of Indonesia's total population of 270,203,910 people. Compared to a gender ratio of 102, which indicates that there are 102 men for

every 100 women, there are 102 men for every 100 women<sup>5</sup>.

On the basis of population data, the ideal ratio of women to men in Indonesian political bodies, such as the legislature, should be equal or a balanced percentage. Nonetheless, based on the results of the general election, this ratio has not reached the anticipated level. The following table compares the number of women and men on the Permanent Candidate List (DCT) of the Democratic People's Republic (DPR) for each political party in the 2019 General Elections.

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<sup>3</sup>Ramlan Surbakti, dkk. *Meningkatkan Keterwakilan Perempuan: Penguatan Kebijakan Afirmasi*. (Jakarta: Kemitraan Partnership, 2012), hal. 2

<sup>4</sup> Kunthi Tridewiyanti. *Kesetaraan dan Keadilan Gender di Bidang Politik "Pentingnya Partisipasi dan Keterwakilan Perempuan di Legislatif"*. (Jurnal Legislasi Indonesia, Vol. 9, No. 1, 2012), page. 80

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<sup>5</sup>Badan Pusat Statistik. *Hasil Sensus Penduduk 2020, Berita Resmi Statistik No.7/01/Th.XXIV*. (Jakarta: Badan Pusat Statistik (BPS), 2021), page. 4



Table 1  
 The Comparison of the Number of Women and Men of the House of Representatives in the  
 Permanent Candidate List (DCT) In General Elections of 2019

No.	Political Parties	Men		Women		Total
		Amount	%	Amount	%	
1	PKB	355	61,74%	220	38,26%	575
2	GERINDRA	360	63,27%	209	36,73%	569
3	PDIP	358	62,48%	215	37,52%	573
4	GOLKAR	357	62,20%	217	37,80%	574
5	NASDEM	354	61,57%	221	38,43%	575
6	GARUDA	115	51,11%	110	48,89%	225
7	BERKARYA	341	61,55%	213	38,45%	554
8	PKS	321	60,23%	212	39,77%	533
9	PERINDO	347	61,09%	221	38,91%	568
10	PPP	321	57,94%	233	42,06%	554
11	PSI	300	52,26%	274	47,74%	574
12	PAN	356	61,91%	219	38,09%	575
13	HANURA	250	58,55%	177	41,45%	427
14	DEMOKRAT	350	61,08%	223	38,92%	573
15	PBB	239	59,90%	160	40,10%	399
16	PKPI	61	44,53%	76	55,47%	137
<b>Total</b>		<b>4.785</b>	<b>59,92%</b>	<b>3.200</b>	<b>40,08%</b>	<b>7.985</b>

Source: Perludem<sup>6</sup>

<sup>6</sup> Perkumpulan untuk Pemilu dan Demokrasi (Perludem). (2019). *Siaran Pers: Peta Pencalonan Perempuan di Pemilu Serentak 2019*. accessed from [http://perludem.org/2018/09/26/peta-pencalonan-perempuan-di-pemilu-serentak-2019/#\\_ftn1](http://perludem.org/2018/09/26/peta-pencalonan-perempuan-di-pemilu-serentak-2019/#_ftn1), on September 29, 2021



Based on the data presented above, it is clear that the number of men and women members of the House of Representatives (DPR) differs significantly. The number of men shows 4,785 people (59.92%) and 3,200 people (40.08%). This number has actually increased when compared to the previous general elections. For example, in General Election 2009, with 605 house of representative candidates consisting of 419 men (69.26%) and 186 women (30.74%), as well as in General Election 2014, with a total of 558 legislative candidates consisting of 355 men (63.62%) and 203 women (36.38%)<sup>7</sup>. This number basically has based on the provisions of Law no. 7 of 2017 concerning General Elections in Article 245 which requires that "The prospective candidates contains at least 30% (thirty percent)<sup>8</sup> women representatives." Each political party is "forced" to fulfill the minimum number for women's representatives, so it can complete the requirements and accepted by the KPU.

Furthermore, the placement of women as the top candidate is still relatively low, as it has become the first or second position of political candidates. Although the proportional electoral system is possible for candidates, it is more welcome for the highest votes to occupy the seat. It has been proven from the results of an analysis conducted by the Center for Political Studies (Puskapol) of the University of Indonesia (UI), which analyzed the acquisition of DPR RI seats in the General Election 2019, as follows:

Table 2  
 The Position Number of The House of Representative Candidates 2019

No	Position Number	Men	Women
1	First Position	68 People	48 People
2	Second Position	17 People	25 People
3	Third Position	3 People	12 People
4	Other Position Number	12 People	15 People

<sup>7</sup>Ibid

<sup>8</sup>Law of the Republic of Indonesia Number 7 of 2017 regarding General Election, Article 245  
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Source: Puskapol UI<sup>9</sup>

Based on the data, it can be concluded that prospective legislative candidates with the first and second position still tend to have a better chance of being elected than the other position number. The determination of position number for female legislative candidates is also regulated in Law No. 7 of 2017 concerning General Elections in Article 246 Paragraph (2). It is emphasized "The prospective candidates have at least 1 (one) female candidate for every 3 (three) candidates."<sup>10</sup>Regarding the description of the background, it finds some questions, has the representatives of women been appropriate with the law of general election to the principle of gender equality? Or has it represented a fair and ideal gender equality for women representatives in politics? What about the rules regarding the position number of female candidates, is it fair? To answer this question, researchers have conducted a study of literatures on gender equality and women's representatives in politics, then analyze an ideal and fair numbers for women's involvement according to the concept of gender equality and provided recommendations on these problems.

## II. Research Methods

The research method used is normative-descriptive. It presents scientific research procedures to find valid information based on scientific logic from the normative aspect<sup>11</sup>. Research data is obtained from secondary data sources in the form of legislation, books, scientific journals, and other secondary sources. Data analysis was carried out by describing the phenomenon of Indonesian women representatives in parliament and comparing it to the legislation

<sup>9</sup>Pusat Kajian Politik (Puskapol) Universitas Indonesia (UI). (2019). *Keterpilihan Caleg Perempuan Berdasarkan Nomor Urut*. Diakses dari <https://www.puskapol.ui.ac.id/infografis-pemilu-2019-nomor-urut>, diakses pada 29 September 2021

<sup>10</sup>Law of the Republic of Indonesia Number 7 of 2017 regarding General Election, Article 246

<sup>11</sup>Johnny Ibrahim. *Teori dan Metodologi Penelitian Hukum Normatif*. (Malang: Bayumedia, 2013), page. 57



on women's political rights and interpreting it based on theories and concepts of gender equality to find an ideal and fair concept for women representatives in Indonesia.

### III. Result and Discussion

Many people believe that women do not belong in politics because it is hard and filthy like the world of men. In addition, politics is regarded as something strange and alien to the feminism mentality. In the case of politics involving ascendancy, competition, authority, and mass mobilization, then, women, who prioritize peace and harmony, have no natural affinity for other activities. In reality, whether anyone likes it or not, non-political individuals will indirectly hand over their fate to others. Even though many decisions and policies are concerned with the dignity of human life. It comprises women's issues that can be addressed through legislative and executive institutions via the political process<sup>12</sup>. Therefore, it can be said that women's participation in politics is common and not necessarily stigmatized. Politics affects women's life goals globally, whether directly or indirectly.

It is understandable that increased female participation in politics does not occur immediately. Nonetheless, women's rights must be embodied in order to obtain justice and equality on an ongoing basis. According to Parawansa, the history of women's representation in the Indonesian parliament is a lengthy one. In 1928, the first Indonesian Women's Congress was a turning point because it increased women's awareness and nationalism. In addition, it increases the opportunities for Indonesian women to participate in development, particularly in politics.<sup>13</sup> In Indonesia, legal norms have been attempted to appreciate human rights. Especially for women's rights, such as ratifying

some international conventions as the following rules of law:

1. *The convention about Political Rights of Women of 1952 becomes the Laws number 68 of 1958, concerning to the Political Rights of Women Convention Agreement.*
2. *The convention about an Elimination of All Women Discrimination Forms of 1979. It becomes the Laws number 7 of 1984 concerning to Convention of Ratification as to Elimination of All Women Discrimination Forms.*
3. *The convention of Torture and Cruel Handling or Condemnation, Inhumane, or Human Demean becomes the Laws number 5 of 1998 concerning to Convention of Ratification Torture and Cruel Handling or Condemnation, Inhumane, or Human Demean.*
4. *The International Convention about Rights of Economy, Social, and Culture becomes the Laws number 11 of 2005 concerning to International Convention of Ratification Rights of Economy, Social, and Culture.*
5. *The International Convention Civil and Political Rights becomes the Laws number 12 of 2005 concerning to International Convention of Ratification Civil and Political Rights.*

Nevertheless, in spite of this, Indonesian law has considered women's rights protection by formulating various rules of law. While in reality, those things are not running as well. Women are still marginalized either in household life, profession/occupation, even government or political fields.<sup>14</sup> Men's domination over women is often linked up with social values, health considerations, legal instruments, even religion and cultural symbols. Those values are often attached and ingrained within community life, making them difficult to reform. Consequently, even though the country has ratified several international women's rights conventions, it has not

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<sup>12</sup>Loura Hardjaloka. *Potret Keterwakilan Perempuan dalam Wajah Politik Indonesia: Perspektif Regulasi dan Implementasi*. (Jurnal Konstitusi, Vol. 9, No. 2, 2012), page. 408-409

<sup>13</sup>Khofifah Indar Parawansa. *Hambatan Terhadap Partisipasi Politik Perempuan di Indonesia, dalam Perempuan di Parlemen: Bukan Sekedar Jumlah*. (Jakarta: Internasional IDEA, 2002), page. 46



maximally implemented them yet. Since the individual who works in government is a part of preserving that culture, As a result, those policies and rules have not yet fully provided justice and advantage to women. According to that, it is important for women to participate in politics since they actually understand and comprehend women's matters. As a result, the presence of women in politics is expected to influence and result in real changes to policies and rules. while, especially related to women's life<sup>15</sup>.

In accordance with Tridewiyanti, gender discrimination is the entire of restriction, differentiation or excommunication based on sex. It purposed to reduce or remove recognition and utilization of human rights and freedoms in economy, politic, social and culture even another towards women. Regardless of marital status, based on gender equality between men and women, the statement is strictly against any forms of discrimination, gender inequality or women representation in politic field<sup>16</sup>. In essence, political rights of women are human rights. It means that the essence of democracy framework. So that, an absolute requirement into implementation of democracy system is involving men and women in the decision-making process, regardless of gender fairly and balanced. Due to this theory, there should be nothing differences of male and female in politics anymore<sup>17</sup>.

The political rights confirmation for women in fair and balanced included to ratification of Political Rights of Women Convention, within the Laws Number. Related to the equality of men and women rights, Ministry of Woman Empowerment and Child Protection Indonesian Republic is formulating 4 indicators as parameter of gender equality in order to laws establishment. Those are fulfilling the indicators of Access, Participation, Control and Benefit. One of the government efforts to increase women representation in politics is affirmative action. Affirmative policy is an effort that able to and

should be used to solving problem of women obstacle in the political field<sup>18</sup>. The affirmative policy of political field for women is start with ratified Laws Number. 12 of 2003 concerning to People's Representative Council, Regional Representative Council, and Regional People's Representative Assembly election. Those included in Chapter 65 Verse (1) mentioned: "Every Election Participation of Political Parties can apply to be member candidates of People's Representative Council, Regional People's Representative Assembly Province, and Regional People's Representative Assembly Regency/City for each Constituency through observing women representation at least 30%."<sup>19</sup> That policy will be more perfect through times by times.

Women representation in political field getting expanded based on minimum crisis number of 30% (thirty percent). Based on that, composition of Election organizer/member has to be attention of women representation around 30% minimum. Those arranged in Laws Number. 22 of 2007, concerning to Organizer Election.<sup>20</sup> Moreover, institution of political parties also has arranged the terms of establishment for political parties includes 30% of women representation that regulated in Laws number.2 of 2008.<sup>21</sup>Other than that, more terms of affirmative policy is applying zipper system rules which arranged of 3 (three) candidates will be consist of 1 (one) woman at least. It regulated in Laws Number. 10 of 2008 concerning to People's Representative Council, Regional Representative Council, and Regional People's Representative Assembly election.<sup>22</sup>

The example of zipper system is, when political parties assigned that serial number 1

<sup>18</sup>*Ibid*, page. 417

<sup>19</sup>Law of the Republic of Indonesia Number 12 of 2003 regarding General Election of DPR, DPD and DPRD

<sup>20</sup>Law of the Republic of Indonesia Number 22 of 2007 regarding Election Administrator

<sup>21</sup>Law of the Republic of Indonesia Number 2 of 2008 regarding Political Parties

<sup>22</sup>Law of the Republic of Indonesia Number 10 of 2008 regarding General Election of DPR, DPD and DPRD

<sup>15</sup>Loura Hardjaloka. *Op.cit.*, hlm. 420-421

<sup>16</sup>Kunthi Tridewiyanti. *Op.cit.*, hal. 76

<sup>17</sup>Loura Hardjaloka. *Op.cit.*, hal. 411





up to 3 will be legislative candidates. Then, one of them supposed to be women. Either it will be number 1, 2 or 3 and not under the serial number. So on, from serial number 4 up to 6, a woman supposed to be in number 4, 5, or 6.<sup>23</sup> Those chapter provisions will be perfected and maintained continuously until the latest rules of laws still be valid, it is Laws number.7 of 2017 concerning to Elections. According to those provisions above, it can be analyzed that is still not in accordance with the gender equality theory/principle. In this case, those provisions mean that minimum quota of women representative in the amount of 30% (thirty percent). Then, the serial number provision in every 3 (three) candidates there is 1 (one) woman at least. Based on Ministry of Woman Empowerment and Child Protection, when the provision related to gender equality indicators in laws formation, it is not contains of fourth indicators as follows:

1. Access Indicator, related to minimum quota and serial number of candidates is not required to similarity and equality between men and women. Since, in Indonesian politics still holds a patriarchal culture, so that women potentially will be given limited access according to the minimum quota.
2. Participation Indicator, whether women get the opportunities to participating in political field, will not reach of men similarity and equality related to the provision and quota required.
3. Control Indicator, those provision and quota is not capable to give women opportunities for occupying the government controlling or supervising through fairly and equal to men.
4. Benefit Indicator, according to the minimum quota and provision, women cannot acquire an equal and fair benefit clearly.

Based on the analysis above, supported by other gender equality theories/concepts, it can be conclude that the affirmative policy of

provision and minimum quota for women representative as regulated in Laws is not required or appropriate with gender equality principle. The fulfillment of the 30% quota for women's representation in the nomination general election for members of the DPR RI can be fulfilled by 16 political parties that have passed administration with amount whole number of candidates for members of the DPR RI as many as 7,985 candidates, where 3,200 of which female gender and 4,785 are male gender, so that female representation who are running to become members of the DPR RI are 40.08%. This shows that women's participation in politics is quite high.

However, from the results of the 2019-2024 election, political parties that managed to occupy seats in the DPR RI for the 2019-2024 as much 9 parties, namely PDIP, Golkar, Gerindra, NasDem, PKB, Demokrat, PKS, PAN and PPP. amount 9 political parties the, there are 575 members of the DPR RI who were elected, namely from the PDIP party with 128 seats, from the Golkar party with 85 seats, from the Gerindra party with 78 seats, from the NasDem party with 59 seats, from the PKB party with 58 seats, from the Demokrat party with 54 seats, from the PKS party with 50 seats, from the PAN party with 44 seats and the last one is from the PPP party with 19 seats. Of the 575 members of the DPR RI in total, there were only 118 women who were elected or 20.5%, which means that they have not met the 30% quota as stated in the laws and regulations.

#### IV. Conclusion

Consideration must be given to the fact that Indonesia still closely reflects patriarchal culture and the gender inequality that discredits women; consequently, the government must evaluate and improve the affirmation policy by modifying a number of provisions in the General Election Law that still have the potential to cause gender inequality, particularly for women. The researcher suggests that, in accordance with the principle of gender equality, the ideal number of women's representation should be increased to 50 percent (fifty percent).

<sup>23</sup>Loura Hardjaloka. *Op.cit.*. Jurnal Konstitusi, Vol. 9, No. 2, page. 419  
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Similarly, when determining the number of prospective candidates for a position, it should be mandated that for every two male candidates, there must be at least one female candidate. It is anticipated that the affirmative policies for women's representation in politics will be improved in accordance with the principle of gender equality.

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