



## Electoral Law Innovation to Strengthen Women's Representation in Parliament

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**Abstract.** *In a healthy democratic system, it is important to involve women and men in policy-making and decision-making processes to achieve balance and justice. In Indonesia, despite the requirement for 30% female candidates for parliamentary positions, the representation of women elected remains below this target. This study uses a juridical-normative method with conceptual, legislative, and comparative approaches to answer how to ensure at least 30% female representation in parliament. The findings show that the current electoral system affects the low level of female election success, especially with the plurality voting system that presents significant challenges for women. Currently, Indonesia implements a gender quota as a candidate quota, which only mandates the nomination of 30% of women. However, its implementation has been ineffective as women still struggle to be elected, particularly under the open proportional system. To ensure at least 30% female representation, Indonesia needs to consider adopting a gender quota system like the reserved seat model, as applied in Rwanda, which allocates 30% of parliamentary seats for women, or in Uganda, where seats are specifically allocated for women in each district, thus increasing the chances for women to be elected.*

**Keywords:** *Electoral Law; Innovation; Parliament; Representation; Women.*

### 1. Introduction

Since its independence, Indonesia's founding fathers have designed the country to be a democratic rule of law. This commitment is reflected in the 1945 Constitution, which serves as the country's legal basis and ideology. Efforts to realize the ideals of a democratic rule of law were further strengthened during the Reformation period, which was marked by constitutional amendments. One of the important changes made is the affirmation of the concept of the rule of law, which was previously only listed in the explanation of the 1945 Constitution, it is now included in the body of the constitution, precisely in Article 1 paragraph (3) which explicitly states that "Indonesia is a state of law."



The constitutional amendment indicates that Indonesia is committed to ensuring justice, human rights, and transparent governance, where the law must be the main guideline in every state policy and action. By strengthening the concept of the rule of law, it is hoped that all elements of the state, whether the government, state institutions, or society, can act by applicable laws, creating a democratic and equitable government.

In the theory of the rule of law put forward by Albert van Dicey and Friedrich Julius Stahl, there are two main principles that must exist, namely equality before the law and the guarantee of human rights protection. Therefore, every individual, regardless of gender, whether male or female, must be treated equally before the law. One form of human rights guarantee is political rights as part of citizens' rights, which ensures that everyone has equal rights to participate in political life.

In addition to the rule of law, Indonesia also wants to realize a democratic state. This can be seen from Article 1 paragraph (2) of the Constitution, which states that "Sovereignty is in the hands of the people and shall be exercised according to the Constitution".

A key principle in a democracy is that every individual has the right to participate in the political decision-making process. One way to realize a democratic state is through political participation, where elections serve as an important pillar that supports a sovereign system of government in the hands of the people (Budiarjo, 2008 : 36). Elections are the mechanism used to accumulate the will of the people, which in turn determines the direction and policies of the state. As asserted by Larry Diamond, in a democracy, there are four fundamental elements that must be fulfilled, one of which is that the political system must allow for the election and change of government positions through free and fair elections.(Diamond, 2004)

In the context of a true democracy, it is important to involve both genders women and men in every stage of policy-making and decision-making. This will not only affect social balance at all levels but also has the potential to create more equitable justice in various sectors. Therefore, the presence of women in politics is essential to realizing a more inclusive and equitable democracy. Women's participation in politics is also key to building a more transparent and accountable government. Without women's involvement, the existing system cannot be said to be a true democracy, because democracy means giving equal voice to all citizens.

Women's participation in politics is increasingly important to realize a democratic state. Women's presence in politics is not only to fulfill quotas but also to ensure their voices are heard in decision-making that affects their lives. Law No. 39/1999 on Human Rights emphasizes the importance of women's representation in elections, political parties, the legislature, and the executive and judiciary. Women's political rights have also been strengthened through the ratification of international conventions, such as the Convention on the Political Rights of Women (Law No. 7/1984) and the Convention on the Elimination of Discrimination against Women (ratified 1984), as well as the Convention on Civil and Political Rights (Law No. 12/2005).

Overall, to realize an inclusive democracy, it is crucial for women to not only be part of the political system but also to have strong representation and an equal voice in policy-making, both at the legislative and executive levels.

Article 28H paragraph (2) of the Constitution of the Republic of Indonesia states that “Everyone is entitled to facilities and special treatment to obtain equal opportunities and benefits to achieve equality and justice”. Within the framework of this norm, women are positioned as a group entitled to “special treatment” to achieve equality and justice, especially in the political sphere, with a focus on increasing women's representation in parliament. The special treatment referred to refers to affirmative measures that are part of Indonesia's commitment after ratifying various international conventions that emphasize the need to create equal opportunities for women.

Affirmation, in this context, is a policy designed to provide greater opportunities for groups that have been marginalized, such as women or minority groups, to access strategic positions in society. This step aims to realize substantive equality, not just a formality. In other words, affirmation focuses on removing structural barriers that prevent these groups from obtaining their rights equally (Clayton & Faye, 2001). In this case, women, who have often been marginalized due to gender-based discrimination, are given special attention to ensure they have equal opportunities in various fields, including political participation and public office.

Thus, affirmative action is not just a temporary or symbolic policy, but a real step to address long-standing inequalities, especially in terms of women's representation in the legislature and political decision-making. This action is a concrete manifestation of the commitment to achieve social justice, which includes providing women with fair opportunities to participate more effectively in the social, political, and economic development of the country.

The regulation of 30% of women's representation in parliament is an example of an affirmative policy, which is a temporary measure to address inequality towards justice and equality. This policy is implemented to create fair opportunities for vulnerable groups, in this case women.

The hope of affirmative action is as a solution to overcome the gender gap in political activity, where women are expected to play a role according to their abilities and talents to help create opportunities for women to access positions that have been dominated by men.

When women are elected to parliament, they can represent women's perspectives and ideologies, so that the resulting legal products better reflect their interests. Women's representation in Indonesia's parliament remains an important issue for democratic development and gender equality. Despite affirmative policies and legal support such as Law No. 7/2017 which sets a 30% quota for women candidates in political parties, the reality is that women's representation in the legislature has yet to reach this target. Since the setting of the 30% quota for women parliamentarians in the 2004 elections, the number of women elected is still below the expected number.

**Table 1.** Women's representation in the House of Representatives of the Republic of Indonesia.

No	Election Year	Percentage of Women	Total number of seats
1	1955	5,88%	272
2	1971	6,74%	460
3	1977	8,04%	460
4	1982	9,13%	460
5	1987	11,80%	500
6	1992	12,40%	500
7	1997	11,60%	500
8	1999	8,80%	500
9	2004	11,80%	550
10	2009	17,86%	560
11	2014	17,32%	560
12	2019	20,08%	575
13	2024	21,9%	580

Indonesia has implemented affirmative action policies by setting gender quotas in legislative candidacy through electoral regulations. Since the 2004 elections, the nomination rules require political parties to nominate at least 30% of women in the list of legislative candidates. This policy aims to increase women's representation in the legislature, which is still dominated by men.

Although political parties have met the quota requirements for women's candidacy, election results show that the number of women elected still falls short of the target. This is due to the weak implementation of quotas, where many parties only list women candidates to fulfill administrative requirements, without placing them in strategic positions. As a result, women are often placed on a less competitive slate, reducing their chances of being elected. Therefore, a more effective policy is needed to increase women's representation in parliament.

The question is why the representation of women elected to parliament is still below 30% even though the nomination requirements already require a minimum of 30% of women. What is the future formulation in order to guarantee women's representation in parliament by at least 30%?

## 2. Research Methods

To analyze and provide answers to the legal issues previously described, the research method used is Normative Juridical, which focuses on the study of the application of legal norms in the applicable positive legal system. This method focuses on analyzing the rules of law governing and related to affirmative action as an effort to achieve women's representation in the Indonesian Parliament. Therefore, this research is conducted by examining various relevant legal regulations, such as the Law on Elections and Political Parties, as well as the Regulations of the General Election Commission. In addition, literature containing theoretical concepts is

also used as a reference, which is then connected to the issues discussed in this study. In this research, several legal approaches are used, including the statute Approach, which focuses on the texts of relevant legislation, to see how existing regulations support or hinder the implementation of affirmative action in the context of women's representation. Conceptual Approach, which is used to explore the meanings of theoretical concepts related to the principles of representation and gender equality in politics, as well as how these concepts are translated into legal practice. Comparative Approach, which allows us to compare the Indonesian legal system with other countries in terms of the implementation of affirmative action policies and women's representation, to gain greater insight into the practices that have been carried out in other countries. By using this method, a deeper understanding of how existing laws and policies can be improved to support women's representation in the Indonesian Parliament is expected.

### **3. Results and Discussion**

The issue of strengthening women's role and participation in politics remains one of the main topics in the debate on gender equality. Gender equality refers to the idea that men and women should have equal rights and positions in various aspects of life, including in the social, economic, legal, and political spheres (Judiasih, 2022).

Meanwhile, political participation is defined as community involvement in various political activities, both in elections and in other political activities. Miriam Budiardjo describes political participation as the active involvement of individuals or groups in political life, which can be in the form of elections, attending political meetings, communicating with government officials or members of the House of Representatives, and participating in political party activities or becoming party supporters (Suparto, 2021).

One tangible form of women's participation in politics is their representation in the legislature, namely the parliament. The presence of women in parliament has an important role in achieving gender equality and strengthening the democratic system. With the presence of women in parliament, it is expected that they can contribute to the formulation of policies that take into account the interests of women, such as policies in the fields of education, health, and human rights (Tias et al., 2023).

Valina Singka Subekti (2008) reveals several reasons that underlie the importance of women's representation in politics. First, women's political rights are an integral part of human rights. Second, in a democratic system, every group of people needs to have a voice that plays a role in strategic political decision-making. Third, women are a large part of Indonesia's population. Fourth, women are often the group most affected by social problems such as poverty, limited employment opportunities, and national integration problems, so they are often in conditions of poverty and underdevelopment (Rafni, 2020).

Women's representation in parliament is also in line with the Sustainable Development Goals (SDGs) set by the United Nations. One of the goals of SDG number 5 is to achieve gender equality, with indicators that include the proportion of seats in parliament that must be occupied by women, both at the central and regional levels (*Pedoman Teknis Penyusunan Rencana Aksi Tujuan Pembangunan Berkelanjutan (TPB)/Sustainable Development Goals (SDGs)*, 2020). Simply put, political representation is the relationship between a representative and the represented based on the interests of each party in a particular political context (Marijan, 2011). The emergence and development of women's representation in parliament is part of the recognition of women's human rights in the political sphere. Women's political rights include the right to participate in political activities without discrimination (Budiarjo, 2008).

This recognition is further affirmed by a formal legal basis through legislation, such as that contained in Article 21 of the Universal Declaration of Human Rights, which guarantees the right of everyone to participate in government, either directly or through freely elected representatives. The Declaration also guarantees equal opportunity for individuals to hold public office and affirms that government power must be based on the will of the people realized through free, fair, and secret elections (*Deklarasi Universal Hak-Hak Asasi Manusia (DUHAM)*, n.d.).

In Indonesia, Law No. 68 of 1958 on the Approval of the Convention on the Political Rights of Women guarantees women the right to vote in every election as well as equal opportunities to be elected in general elections and hold government positions without discrimination (Law No. 68 of 1958). After the amendments to the 1945 Constitution, women's rights were further strengthened, especially in the political sphere, signaling progress in a more democratic constitutional system that respects basic human rights (Rishan, 2020).

Women's human rights contain two important dimensions. First, the basic dimension recognizes that women are part of humanity and therefore have equal rights with men. Second, women's human rights reflect social transformation efforts through changes in gender-based power relations. This second dimension is more revolutionary, as it integrates women's rights into overall human rights standards (Budiarjo, 2008).

In the international context, women's human rights are protected through various human rights declarations and conventions, such as the Universal Declaration of Human Rights, the Convention on the Political Rights of Women, and the Convention on the Elimination of All Forms of Discrimination against Women. Indonesia ratified the Convention on the Elimination of All Forms of Discrimination against Women through Law No. 7/1984, which affirms the country's commitment to eliminating discrimination against women (El-Muhtaj, 2005)

Constitutionally, women's human rights in the political field have been regulated in various laws and regulations, among others:

1. Indonesian Constitution: The Indonesian Constitution guarantees the principle of non-discrimination and provides human rights protection for all citizens. These rights include the right to participate in government, the right to work, and freedom of association and opinion (UUD 1945 Articles 27, 28D, 28E);
2. Law No. 68 of 1958 on the Approval of the Convention on the Political Rights of Women: Recognizes women's political rights to vote and be elected in elections and to hold public office without discrimination;
3. Law No. 7 of 1984 on the Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women: Eliminate all forms of discrimination against women in social, economic, and political life;
4. Law No. 39 of 1999 on Human Rights: Guarantees women's political rights in freedom of association, voting in elections, and holding government positions;
5. Law No. 7 of 2017 on General Elections: Ensuring a minimum of 30% women's representation in the list of legislative candidates.

In a democracy, the concept of representation is very important as it can be used to measure how good a democracy is. With more representation, more democracy can be expected. The ideal representation is a system that can include all interest groups, especially politically unrepresented groups, such as women. Sometimes, women's interests are not effectively represented due to a lack of representation in the group. As a result, there is a need for substitute measures to ensure that gender-equitable regional development is realized.

In a system of political representation, there are four key interconnected components: the elected representative, the individual or group being represented, the entity facilitating the representation process, and the political context in which the dynamics take place (El-Muhtaj, 2005). Many studies on how women are represented in the political sphere use the theory of representation proposed by Hanna F. Pitkin. Pitkin classifies the concept of representation into four main categories that complement each other (Pitkin, 1967):

1. Formalistic Representation, which refers to political representation that occurs within formal representative institutions, such as parliaments, where formally elected representatives represent the interests of the people in the legislative process.
2. Substantive Representation, which occurs when a representative acts on behalf of the groups or individuals he or she represents, with the aim of advancing their interests, rather than merely representing them in a formal sense.
3. Descriptive Representation, which refers to a form of representation in which a representative shares characteristics with the group they represent, whether in terms of social identity, culture, or relevant life experiences. This leads to the view that diversity in representation will create a more accurate and authentic representation of various groups.
4. Symbolic Representation, which is more about identity and symbolic similarity, where a representative stands up for the group he or she represents in the context

of recognition of cultural and social identity, although not always directly involved in policy or political action.

5. In terms of descriptive representation, particularly in relation to women, the role of a woman legislator is very important. A woman parliamentarian should be able to contribute actively to addressing issues faced by other women, either through policy advocacy or by being directly involved in activities that support women's empowerment. Direct interaction with constituents, especially women's groups, is an effective method to explore and realize their wants and needs in public policy.

The hope is that with more women in parliament, this will have a significant positive impact, not only for themselves but also for the women's group as a whole. For example, a woman legislator plays a key role in substantive representation, acting in the interests of other women and other marginalized groups. Substantive representation emphasizes that the role of the representative is not only to represent in a symbolic or descriptive sense but also through real policies and deep advocacy to achieve better social change (Lovenduski, 2008). As such, policies and actions taken by women representatives should reflect their commitment to justice and the well-being of the groups they represent.

This approach suggests that women's political representation is not just a matter of quantity in terms of the number of women in parliament, but also the quality of the actions and policies they push for the interests of their group, as part of their responsibility to their constituents and wider interest groups.

In addition to the theory of representation proposed by Pitkin, Jean Mansbridge also put forward a theory that provides an additional perspective on the forms of political representation. Mansbridge classifies representation into four main categories, namely promissory, anticipatory, gyroscopic, and surrogacy.

1. Promissory representation refers to a type of representation where a representative is evaluated based on the promises he/she made to his/her constituents during the campaign period. In this case, a representative's success is measured by the extent to which he or she is able to fulfill these promises once elected.
2. Anticipatory representation differs from the previous type of representation in that it focuses not only on the promises that have been made but rather on future elections. Representatives under this model tend to adjust their actions to take into account the future needs and preferences of voters, often without considering prior commitments.
3. Gyroscopic representation emphasizes the importance of a representative's personal experience in understanding and representing the interests of their constituents. In this model, a representative often refers to his or her personal life experiences and views as a basis for determining appropriate policies, attempting



to create a balance between personal interests and the needs of the community he or she represents.

4. Surrogacy representation refers to a form of representation in which a representative seeks to represent the interests of his or her constituents even if they do not come from the same constituency. In this context, the representative seeks to be a "surrogate" for the constituents they represent, even if they have no direct geographical or cultural connection to the area (Mansbridge, 2011).

By understanding these four categories, we can gain a richer picture of how different forms of political representation operate in the context of modern democratic life, where representatives must navigate the various dynamics between self-interest, constituency and the upcoming election.

Women's representation in Parliament refers to the presence of women elected through elections to represent the aspirations of the people, especially women. The aim is to fight for the interests of those they represent. Before we proceed to discuss more about how women are represented, let us first discuss an interesting issue that is closely related to women's representation, namely gender equality. Talking about gender equality cannot be separated from women's representation in parliament, because one of the goals of women's presence in parliament is to realize gender equality.

Gender equality means that men and women have equal rights as human beings, such as educational rights, and social, economic, and political rights. Gender inequality occurs when there is gender injustice or inequality. Gender injustice includes marginalization, subordination, stereotyping, violence, and workload (Nugroho, 2008).

According to Nur Imam Subono, there are several reasons for women's representation in politics, namely (Subono, 2009) :

1. Justice and equality are clearly stipulated in the constitution (1955 Constitution). In addition, in terms of numbers, there are equal numbers of women and men. So it is unfair that women are only represented less than 30% in the legislative body of parliament.
2. Men must understand that not all interests can be represented. There are many specific issues that can only be represented by women. With the involvement of women in making policies, the resulting policies will be more inclusive.

After realizing how important women's representation is in politics, we need to consider affirmative action (AA). AA uses the concept of "positive discrimination" to temporarily increase the number of women represented. This AA policy can be in place until various barriers to women's participation in politics are overcome. (Dahlerup & Freidenvall, 2005) The implementation of this gender quota is "a transitional measure that will lay the foundation for a broader acceptance of women's representation..." (True et al., 2012).



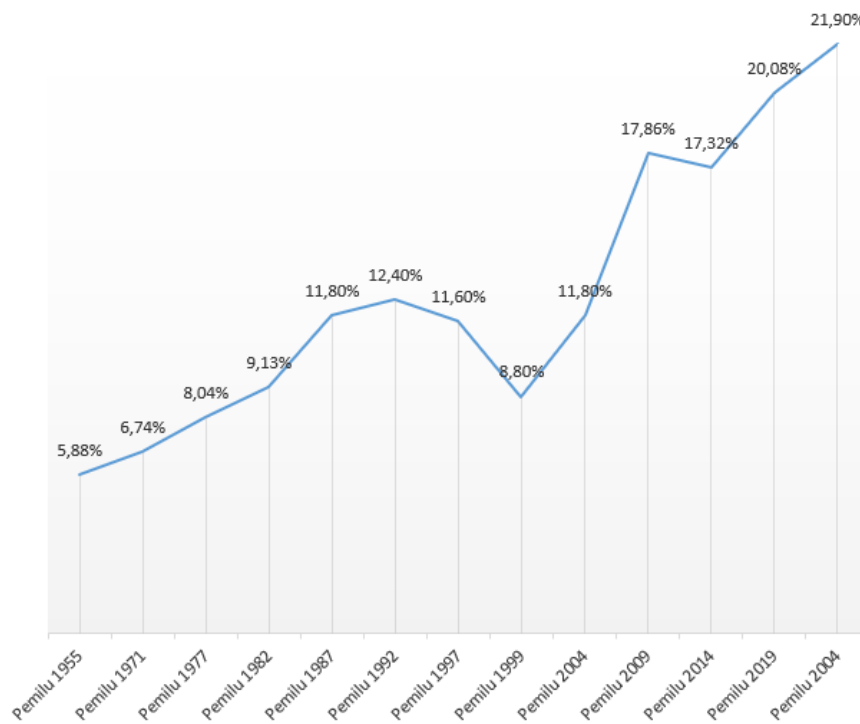
Dahlerup then states that affirmative action in the form of gender quotas sets a specific percentage or number of women in political institutions. It is explained that: *“The core idea behind quota systems is to recruit women into political positions and to ensure that women are not only a few tokens in political life”* (Dahlerup, 2002).

### **3.1. The failure to fulfill 30% of women in the Indonesian Parliament.**

Women's involvement in politics plays a very important role in encouraging increased women's participation and creating inclusive, fair, and gender-perspective decision-making. In Indonesia, although there are regulations aimed at increasing the number of women in politics, this has not yet fully materialized in the form of policies that actually support women's interests substantially. While existing regulations encourage women's participation, their impact on pro-women policies is not always immediately apparent, especially in terms of tangible influence on policy-making that supports gender equality.

Various challenges still stand in the way of achieving this goal, including the persistence of gender stereotypes and unequal access to proper education, which often limit women from being able to compete fairly in the political arena. Societies that still view women in terms of traditional stereotypes often assume they are not as competent as men in leadership roles, and this exacerbates existing gender gaps. In addition, women's access to education, especially political education, is still hampered by socio-economic factors that make it difficult for them to obtain equal opportunities to acquire the skills needed to participate in politics.

While steps have been taken to increase women's participation and promote more inclusive and gender-perspective decision-making, the challenge is far from over. Greater and more coordinated efforts are needed to overcome these barriers and realize more meaningful change. This includes empowering women through education, eliminating gender stereotypes, and improving access to resources that enable women to play a greater role in the country's political and social development. With more holistic and comprehensive efforts, women in Indonesia can truly play a significant role in decision-making and ensure that the country's development reflects the needs and aspirations of all levels of society, without exception.



**Figure 1.** Women's Seats in the House of Representatives

Women's representation in Indonesian politics has increased significantly, but the figure is still far from reaching the desired target. One of the most visible indicators is the increasing trend of women's representation in parliament, although until now the number of women's representation has not reached 30%, despite various efforts that have been made through a number of regulations.

According to data compiled by the Inter-Parliamentary Union (IPU) in 2022, Indonesia ranks 105th with only 21.5% of women sitting in parliament. Meanwhile, countries like Rwanda top the list with 61.3% female representation in parliament, followed by Cuba with 53.4%, Nicaragua with 50.6%, and Mexico and the United Arab Emirates, each with 50.6%. These figures show how far behind Indonesia is compared to countries that have managed to realize higher political representation of women.

Since 2003, Indonesia has formulated various laws aimed at promoting equality between men and women in various sectors of life, especially in socio-political organizations, policy formulation institutions, and guarantees of the right to vote and be elected. One important step taken is the implementation of a 30% quota for women's representation in politics. In addition, a "zipper" system stipulated in the law was also put in place to ensure that each

legislative or executive candidate list includes at least one woman in each of the top three candidates in the list order, i.e. in the first three serial numbers.

However, despite these regulations, the number of women elected to parliament is still far from the target. Despite systematic efforts and affirmative policies such as quotas and zipper systems, there are still many challenges that hinder the achievement of 30% of women's representation in Indonesia's parliament. Several factors, such as lack of resources, cultural barriers, and the dominance of money politics, are still significant barriers for women to penetrate the existing political structure and obtain a position equal to men.

Thus, while Indonesia has made progress in introducing policies that support women's representation, achieving 30% of women's representation in parliament still requires greater effort and deeper systemic change.

An in-depth investigation into the factors that drive inequality in women's political representation in Indonesia is needed. One important question is, is the low level of women's representation caused by a lack of adequate political education? Or is there an electoral system factor that does not support women in obtaining political positions? If so, which electoral system can better accommodate the interests and facilitate women's participation in politics?

According to recent research, the strengthening of women's political position is significantly related to their increased representation in parliament (legislature). Despite affirmative efforts to increase women's representation, there are still obstacles to overcome. Some of the biggest obstacles to strengthening women's political position stem from deep cultural factors that are rooted in the social structure of society. Here are some of these obstacles (Bhirawati, 2000):

1. **Patriarchal Culture:** In the patriarchal culture that is still strong in many parts of Indonesian society, women are often placed in a subordinate position. In this system, the existence of women is often considered less important or always second to men, including in the political sphere. This inequality makes it difficult for women to gain an equal place in political decision-making.
2. **Negative Perceptions of Politics:** Many women are reluctant to get involved in politics because of the perception that the political world is full of intrigue and dirty games. This creates mental and psychological barriers that make women hesitant to run for office or get involved in political activities because they are worried that they will be caught up in unhealthy or harmful political dynamics.
3. **Need for Popularity:** To become a politician, one of the main requirements that is considered important is to have a high level of popularity. In Indonesia, the media and the public are often more interested in political figures who are already widely known, which makes it difficult for new or lesser-known female candidates to break through this barrier, despite their abilities and capacities.

4. High Political Costs: The current open proportional electoral system requires very high campaign costs, which is a major obstacle for women, especially those with less access to financial resources. This makes it difficult for women with limited resources, both in terms of finances and networks, to compete equally with male candidates who generally have greater capital support.
5. Resistance from Male Politicians: Despite efforts to strengthen women's representation in parliament, some male politicians feel threatened by the increase in women in politics. They often oppose or doubt the effectiveness and necessity of women's representation, as it is perceived to disrupt established structures of male dominance. This resistance stems from the view that women's presence in the political arena can change existing power dynamics.

Thus, to overcome these obstacles, there needs to be an in-depth evaluation of the existing political system, especially in terms of political education, the electoral system, and policies that can strengthen women's representation. One step that can be taken is to consider changes to the electoral system that are more responsive to women's needs, such as the implementation of a stricter quota system and the integration of mechanisms that allow women to more easily access political positions without being hindered by unfair external factors.

In addition to the factors discussed above, there are other issues that contribute to the low representation of women in parliament, namely the electoral system applied today, namely the open proportional system. This electoral system has a significant impact on the level of electability of women in elections.

Open and closed proportional electoral systems have quite fundamental differences in influencing women's representation in the legislature. In an open proportional system, voters are given full freedom to choose legislative candidates according to their personal preferences, without being limited to the order of candidates determined by the parties. This gives women the opportunity to be elected based on their popularity and individual qualities, as they are not tied to a position in the list of candidates predetermined by political parties. Thus, in theory, this system provides more opportunities for women to gain more votes, as they can attract direct support from voters.

However, while this system provides opportunities for women to be elected, there are significant challenges, which often make it difficult for women to compete with male candidates. One of the main barriers is the strong patriarchal culture in society, which often makes voters more likely to vote for male candidates than female candidates. In addition, economic inequality also plays an important role, with many female candidates not having equal access to the resources necessary for effective campaigning, such as funds or extensive political networks (Arhansyah et al., 2024).



Furthermore, the dominance of money politics in elections is also a major challenge, as candidates who do not have sufficient financial capital find it difficult to gain the attention of voters or build effective campaigns. In open proportional systems, where every vote counts and voters' decisions depend more on individual candidates, inequality in access to campaign resources is a huge problem. Therefore, even though this system opens up space for women's representation, the reality is that women who have limited resources or political networks often lose out to male candidates who have more advantages in both aspects.

As such, open proportional electoral systems, while essentially offering opportunities for women, also exhibit a number of weaknesses that exacerbate gender inequality in politics. Achieving this requires deeper changes in access, resource support, and recognition of the importance of women's representation in parliament.

In contrast, a closed proportional system gives full control to political parties in determining the list of legislative candidates. In this system, parties have the opportunity to promote women's representation by placing them at the top of the candidate list. If political parties are committed to gender equality, this system can increase the number of women elected. However, in practice, many parties tend to maintain the status quo by prioritizing male candidates or well-known individuals. In addition, gender stereotypes and internal party biases often prevent women from gaining strategic positions on candidate lists (Kurniawan, 2016).

The determination of electability with a majority vote system with an open proportional system requires candidates to fight freely to get as many votes as possible. Competition in the open list system with the most votes is no longer between parties participating in the election but also between legislative candidates and even within the party itself.

This very free and open battle for votes requires enormous political capital and effective campaign strategies. Here, it is certainly difficult for women to compete with male candidates. What's more, the current regulation requires a minimum of 30% women only at the nomination stage (candidate quota). After being appointed as a candidate, they will fight freely to get the most votes with other candidates. Currently, the allocation of 30% of women in parliamentary seats has not been regulated. That is why until now the percentage of women sitting in parliament cannot achieve what is expected and is still below 30%.

Since every legislative candidate has the same opportunity, women's representation in parliament "may" be hampered if women are unable to compete in political rhetoric during the campaign (Hevriansyah, 2021).

### **3.2. Innovations in Women's Reserved Seat Arrangements in the Indonesian Parliament for the Future**

The development of provisions regarding women's representation in the Indonesian parliament did not occur spontaneously but through a long process involving the struggle and

influence of various parties to achieve legislation regulation. Women's representation in parliament is a tangible manifestation of the implementation of women's political rights, inspired by the concept of affirmative action, which is accommodated in the Political Party Law and the Election Law.

The process of developing regulations regarding women's representation in the Indonesian parliament can be divided into several periods of election implementation, where each period shows significant progress in realizing gender equality in Indonesian politics:

1. 2004 Legislative Elections: During this period, provisions regarding women's representation began to be strengthened by regulating the affirmation article in Law No. 31/2002 on Political Parties, which requires political parties to include women in their management. Article 7 and 13 of this law emphasize the importance of gender equality and justice in the political recruitment process in political parties. In addition, Law No. 12/2003 on the Election of the House of Representatives also provides a stronger legal basis with Article 65 paragraph (1), which states that every political party participating in the election must nominate legislative candidates with due regard to women's representation of at least 30%.
2. 2009 Legislative Elections: In this period, Law No. 2/2008 on Political Parties further strengthened women's representation by requiring every political party to have a minimum of 30% women's representation in its management. This was reinforced by Law Number 10/2008 on General Elections, which stipulates that the list of legislative candidates submitted by political parties must include at least 30% women. Thus, this regulation strengthens the state's commitment to increasing women's political representation.
3. 2014 Legislative Elections: During this period, Law No. 2/2008 underwent significant changes with the issuance of Law No. 2/2011, which reaffirmed the obligation of political parties to pay attention to women's representation of at least 30% in the recruitment of legislative candidates. In addition, a zipper system was introduced, ensuring that the list of legislative candidates consisted of alternating female and male candidates. This measure is expected to strengthen women's representation in parliament.
4. Legislative Elections 2019 and 2024: Under Law No. 7/2017 on General Elections, which applies to these elections, political parties are required to include a minimum of 30% women in the list of legislative candidates. This regulation further strengthens women's position in Indonesian politics by emphasizing that political parties must meet this requirement so that women have a greater opportunity to be represented in parliament.

Until now, Law No. 17/2017 on Elections is the prevailing regulation, and Article 245 states that "The list of candidates for members of parliament contains at least 30% representation of women." This shows that Indonesia has adopted affirmative action methods to ensure women's political representation by implementing a type of electoral gender quota known as

candidate quota. This system aims to strengthen the role of women in political policy-making at the legislative level, thereby reducing gender inequality in politics.

Overall, the development of regulations related to women's representation in Indonesia's parliament reflects the country's commitment to creating a more inclusive and equal political system where women have equal rights and opportunities to participate in political decision-making. These affirmative steps are part of an ongoing effort to achieve gender equality in politics.

According to International IDEA, the two most common types of electoral gender quotas in political systems are candidate quotas and reserved seats.<sup>1</sup>

1. **Candidate Quotas:** This type of quota is applied to the list of candidates submitted by political parties in a general election, stipulating the minimum percentage of female candidates that must be on the list. The legal basis for candidate quotas is usually set out in the constitution, the Election Law, or the Political Parties Law. With these quotas in place, all political parties must recruit a certain percentage of women on their candidate lists. Some countries make these quotas mandatory, forcing political parties to meet these percentages. Meanwhile, some political parties may apply these quotas voluntarily, especially centre-left parties, which are more open to this policy. However, parties with more conservative or liberal ideologies often oppose or are more reluctant to adopt such quotas. However, some countries with more progressive political systems still prioritize female representation through candidate quotas.
2. **Reserved Seats:** This quota sets aside a certain number of seats that can only be contested by women in the legislature. Establishing these quotas is explicitly stipulated in the constitution or law, thus ensuring adequate representation of women in the political decision-making process. These reserved seats provide a special space for women to fill seats in parliament or other legislative bodies, which is part of an effort to ensure fairer representation in politics.

Reserved seats are a system in which parliament allocates certain seats specifically for certain groups, in this case, for women. This is one method of affirmation to ensure women's political representation, which can be applied in several ways. The two main approaches often used are quotas set by the constitution or law and quotas set by political parties.

1. **Constitutional or statutory quotas (reserved seats):** Some countries have adopted this quota system, which allocates a certain number of parliamentary seats to women, ranging from 10% to 40% of the total seats available. Countries that have adopted this system include eleven countries in Latin America, as well as France, Belgium and Italy. This system is regulated in the constitution or law, which

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<sup>1</sup> (Dahlerup, 2005) Hlm. 141-153.



provides a strong legal basis for women to gain equal space in the political decision-making process.

2. Quotas through political parties: In Scandinavian countries such as Denmark, Norway and Sweden, which are known for their very high levels of women's representation in politics, women's quotas are more often set by political parties, even though there are no specific provisions in the constitution or laws governing "reserved seats". In contrast, women's activists in these countries have applied consistent pressure to encourage political parties to increase the number of women nominated as legislative candidates. In response to this pressure, political parties in these countries began to implement internal quota systems. For example, in Norway, the Labor Party has a minimum quota of 40% women, while in Denmark, the Socialist Democratic Party has a similar quota. In Sweden, the Socialist Democratic Party established the principle that "every two candidates on the list must be a woman," which ensures gender balance in every legislative candidate election. Thanks to this policy, the number of women represented in the Swedish parliament currently stands at 40%, Finland at 34%, Norway at 38%, Denmark at 34% and Iceland at 25%.

Implementing reserved seats and quotas within political parties represents two different but complementary approaches to the fight for gender equality in politics. Whether through legal provisions governing the allocation of reserved seats for women or through internal political party initiatives, both systems play an important role in ensuring women have equal opportunities to engage in political decision-making processes and governance.

Quota systems have evolved into an important tool for increasing women's representation in the political process and ensuring that women's interests are represented and voiced. Developing a democratic political system based on the principle of gender equality includes the introduction of quotas or affirmative action approaches. Quotas are an important part of the demands for women's rights in politics.

The gap between women and men in politics is a global problem and remains a major challenge in many countries. This inequality means that women often do not have equal opportunities with men to participate or lead in the political arena. While efforts to address this inequality are important, significant change is difficult. One of the key steps to change this situation is to provide adequate political education for both women and men so that they can understand, respect and work together to build a more inclusive political system.

However, the biggest obstacle to this change is the patriarchal social values that have long been entrenched in many societies. This value system, which prioritizes male dominance, often views women's position in politics as unimportant or even inappropriate. This view has taught women to accept male dominance as an unquestionable norm, which prevents genuine change. Achieving this requires a concerted effort to tear down social structures that discriminate and introduce equality values that value all individuals' contributions, regardless

of gender. This will create a more just society where women have equal opportunities to participate and play an active role in political life (Kurniaty, 2015).

Currently, Indonesia implements a gender quota for Candidate quotes as stipulated in the Election Law, which requires the nomination of at least 30% of women legislative members. However, the implementation has not been able to realize the election of women in the election up to 30%. This is due to several reasons that have been mentioned in the description above, plus the absence of strict sanctions for political parties that are not serious about implementing this policy. In addition, the nomination system applied in Indonesia still provides flexibility for political parties in determining the serial number of candidates so that women are often placed in an unfavourable position.

In addition to constraints in the nomination system, another factor affecting women's low representation in parliament is the lack of political support and resources for women candidates. In many cases, women who run for office face structural barriers, such as lack of access to campaign funding, lack of political networks, and a strong patriarchal culture that views politics as the domain of men. Therefore, although a gender quota system has been implemented by regulation, without more concrete affirmative steps, women's representation in parliament remains difficult to reach the ideal number.

The application of the Candidat quote-type gender quota system that is currently used needs to be evaluated because its application has not provided optimal results. So, it is necessary to find alternative solutions that are more effective to increase women's representation in Parliament.

Given these conditions, more effective policy innovations are needed to increase women's representation in parliament. One solution that can be considered is the implementation of reserved seats, a system that directly allocates a certain number of parliamentary seats to women, regardless of the election results. Unlike the nomination quota system, which still relies on the mechanism of competition between candidates, reserved seats provide a more concrete and effective guarantee of women's representation.

In an effort to realize the dream of substantial democracy, namely the realization of the representation of all elements in parliament, especially women, it is necessary to apply the type of gender-reserved seat quota of 30% in parliament. Some practices in other countries that have succeeded in realizing the representation of women in parliament above 30% are Rwanda, Tanzania and Uganda.

#### 1. Practice in Rwanda

Rwanda currently holds the record as the country with the highest female representation in parliament worldwide. Based on global data from the National Parliament released by IPU Parline and Statista, women in Rwanda account for 61.3% of parliamentarians. (*Women in*

*Selected National Parliaments*, n.d.) This remarkable success is inseparable from implementing the gender quota policy with a reserved seats system, which is stipulated in the 2003 Rwandan constitution, specifically in article 75, which states, "At least thirty per cent (30%) of the members of parliament must be women."

Rwanda's 2003 constitution establishes a minimum 30% quota for women in all decision-making institutions, including the bicameral parliament, political parties, and other government institutions. Within Rwanda's parliamentary structure, 24 of the 80 seats in the lower house (Chamber of Deputies) are reserved exclusively for women. These seats are elected through a unique electoral system, where a special electoral college, made up of female members of regional councils and district councils, selects the female representatives. Women entirely contest the electoral process for the 24 seats. Women can be candidates, and only women have the right to vote.

Rwanda's success in achieving this remarkable level of female representation not only reflects a commitment to gender equality but also demonstrates the importance of affirmative action in promoting women's political representation. This quota system ensures women have greater access to participation in legislation and decision-making processes while contributing to creating policies that are more inclusive and responsive to the wider community's needs. Rwanda has become a model for other countries looking to increase women's participation in politics and governance.

## 2. Practice in Tanzania

Tanzania is a country that has managed to maintain a level of women's representation in parliament above 30% consistently throughout the period 2008 to 2022. During this period, the number of women who managed to occupy parliamentary seats always exceeded 30%, with the highest achievement in 2022 reaching 36.86%. (*Proportion of Seats Held by Women in Tanzania National Parliament*, n.d.) Keberhasilan ini tidak terlepas dari kebijakan kuota gender yang Implemented through the reserved seats system, an important part of efforts to increase women's participation in politics. The policy is stipulated in the Tanzanian constitution, specifically in article 66 (1b), which stipulates that "At least 20% of the total number of seats shall be reserved for women."

Implementing this quota system allows women to be directly involved in decision-making at the legislative level, ensuring that women's voices are heard and their role is taken into account in the governance process. With the reserved seats mechanism, women in Tanzania can access more space to participate in politics, creating a more inclusive and representative space in parliament. This achievement also reflects Tanzania's strong commitment to gender equality and increased representation of women in politics, which is expected to strengthen the quality of policies that are more responsive to the needs of all levels of society. By maintaining and developing this policy, Tanzania has set an important example for other countries seeking to promote gender equality in their political structures.

### 3. Practice in Uganda

Each district in Uganda must have one parliamentary seat reserved for women by the provisions contained in the Ugandan constitution, specifically in article 78 (1b). The article states, "Parliament shall consist of one woman representative for each district". This policy aims to increase women's political engagement in Uganda by ensuring that women's voices are represented in the decision-making process at the legislative level. In addition to seats reserved specifically for women, women are elected to parliament through reserved seats that do not distinguish between genders. Based on recent data, women's representation in Uganda's parliament has reached 33.9%, reflecting significant progress in women's political participation. This policy also reflects Uganda's commitment to gender equality in its political system and governance (*Women in Selected National Parliaments*, n.d.).

From the examples above, reserved seats appear more effective in ensuring women's representation in parliament than the candidate quotas system currently implemented in Indonesia. With seats specifically reserved for women, the structural barriers that have prevented women from being elected can be reduced, thus ensuring women's participation in politics.

From the examples above, reserved seats appear more effective in ensuring women's representation in parliament than the candidate quotas system currently. Learning from the success of other countries in implementing reserved seats, Indonesia can consider two main models for implementing this system. The first model is that of Rwanda, where 30% of parliamentary seats are reserved specifically for women. This policy can be regulated in the Election Law or even included in the constitution to have a strong legal basis. The second model is the Ugandan model, where each province or constituency must have at least one seat reserved for women. mented in Indonesia. With seats specifically reserved for women, the structural barriers that have prevented women from being elected can be reduced, thus ensuring women's participation in politics.

In implementing the reserved seats policy in Indonesia, some important aspects that need to be considered are the selection mechanism of female candidates and the integration of this system with the prevailing electoral system. In addition, there needs to be clear regulations regarding the procedure for filling these reserved seats so as not to cause political conflicts at the national and regional levels.

In addition to reserved seats, efforts to increase women's representation also need to be supported by other policies, such as improving political education for women, leadership training, and financial support for women candidates in elections. With a combination of these strategies, it is hoped that women's participation in politics will increase quantitatively and in quality so that they can truly contribute to making policies that are more inclusive and responsive to the needs of society.

#### 4. Conclusion

Although Indonesia has implemented a gender quota system in legislative candidacy, the results are still far from the expected target. One of the main reasons is that the current electoral system significantly affects women's electability level in elections. Determining electability with a majority vote system and an open list system requires candidates to fight freely to get as many votes as possible. Competition in the open list system with the most votes is no longer between parties participating in the election but also between legislative candidates and even within the party itself. This free and open battle for votes requires enormous political capital and effective campaign strategies. Here, women indeed find it difficult to compete with male candidates. Moreover, the current regulation requires a minimum of 30% women only at the nomination stage (candidate quota). That is why, until now, the percentage of women sitting in parliament has not reached what is expected and is still below 30%.

Learning from the best practice of implementing reserved seats for women in several countries such as Rwanda, Tanzania and Uganda, it can be applied in Indonesia in the future to guarantee a minimum of 30% female representation. For example, imitating the practice in Rwanda by allocating 30% of seats in parliament and regulating the Indonesian election law. The second model option, as in the Republic of Uganda, is to regulate a certain number of seats in each district, which must be allocated to women. Of the two options above, the technical practice can be further regulated in the regulations of the General Election Commission

#### 5. References

##### Journals:

- Deen, Thaufiq., Ong Argo Victoria & Sumain. 2018. Public Notary Services in Malaysia. *JURNAL AKTA*, Vol. 5, No. 4: p.1017-1026. Doi: 10.30659/akta.v5i4.4135, accessed from <http://jurnal.unissula.ac.id/index.php/akta/article/view/4135>
- Dahlerup, D., & Freidenvall, L. (2005). Quotas as a 'fast track' to equal representation for women. *International Feminist Journal of Politics*, 7(1), 26–48. <https://doi.org/10.1080/1461674042000324673>.
- Hevriansyah, A. (2021). Hak Politik Keterwakilan Perempuan dalam Sistem Proporsional Representatif pada Pemilu Legislatif. *Awasia: Jurnal Pemilu Dan Demokrasi*, 1(1), 67–85.
- Judiasih, S. D. (2022). Implementasi kesetaraan gender dalam beberapa aspek kehidupan bermasyarakat di Indonesia. *ACTA DIURNAL Jurnal Ilmu Hukum Kenotariatan*, 5(2), 284–302.

- Kurniaty, E. Y. (2015). Affirmative Action: Reservation Seats untuk Perempuan di Parlemen India. *JPPUMA: Jurnal Ilmu Pemerintahan Dan Sosial Politik UMA (Journal of Governance and Political UMA)*, 3(2), 187–196.
- Kurniawan, N. (2016). Keterwakilan Perempuan Di Dewan Perwakilan Rakyat Pasca Putusan Mahkamah Konstitusi Nomor 22-24 PUU-VI 2008. *Jurnal Konstitusi*, 11(4), 714–736. <https://doi.org/10.31078/jk1146>.
- Mansbridge, J. (2011). Clarifying the Concept of Representation. *The American Political Science Review*, 105(3), 621–630. <http://www.jstor.org/stable/41480861>.
- Rafni, A. (2020). Kesetaraan Gender dalam Politik: Pembinaan Kader Perempuan oleh Partai Politik, Upaya Menuju Penguatan Kapasitas Legislatif Daerah. *Jurnal Ilmiah Kajian Gender*.
- Tias, R. N., Nisrina, A. D., Destriputra, N., Al Putra, F. A., & Prakoso, S. G. (2023). Tantangan Kebijakan Affirmative Action Sebagai Upaya Penguatan Keterwakilan Perempuan di Legislatif. *Jurnal Politica Dinamika*.

#### **Books:**

- Bhirawati, Y. R. (2000). *Meningkatkan Partisipasi Politik Perempuan Melalui Proses Konstitusional dan Pemilu*. IDEA-CETRO.
- Budiarjo, M. (2008). *Dasar-Dasar Ilmu Politik* (C. Pertama (Ed.)). Gramedia Pustaka Utama.
- Clayton, D., & Faye, J. (2001). *Justice, Gender and Affirmative Action BT - Panduan Parlemen Indonesia* (A. W. Soejipto (Ed.)).
- Dahlerup, D. (2002). *Using Quotas to Increase Women's Political Participation BT - Women in Parliament Beyond Numbers* (J. Ballington & A. Karam (Eds.)). International IDEA.
- Dahlerup, D. (2005). *Increasing Women's Political Participation: New Trends in Gender Quotas BT - Women in Parliament: Beyond Numbers* (J. Ballington & A. Karam (Eds.)). International IDEA.
- Deklarasi Universal Hak-Hak Asasi Manusia (DUHAM)*. (n.d.).
- El-Muhtaj, M. (2005). *Hak Asasi Manusia dalam Konstitusi Indonesia* (I. Cetakan (Ed.)). Kencana.
- Lovenduski, J. (2008). *Politik Berparas Perempuan*. Kanisius.
- Marijan, K. (2011). *Sistem politik Indonesia: Konsolidasi demokrasi pasca orde baru*. Kencana.
- Nugroho, R. (2008). *Gender dan Strategi: Pengurus Utamannya di Indonesia*. Pustaka Pelajar.
- Pedoman Teknis Penyusunan Rencana Aksi Tujuan Pembangunan Berkelanjutan (TPB)/Sustainable Development Goals (SDGs)* (Edisi II). (2020). Kementerian Perencanaan Pembangunan Nasional/Badan Perencanaan Pembangunan Nasional.
- Pitkin, H. F. (1967). *The Concept of Representation*. University of California Press.

Rishan, I. (2020). *Hukum & Politik Ketatanegaraan*. FH UII Press.

Suparto, D. (2021). *Membangun Kesadaran dan Partisipasi Politik Masyarakat*. CV. Cendekia Pers.

**Internet:**

Diamond, L. (2004). *What is Democracy?*  
<http://www.standard.edu/~diamond/Iraq/whalsDemocracy012004.htm>.

*Proportion of Seats Held by Women in Tanzania National Parliament*. (n.d.).  
<https://www.statista.com/statistics/1248349/proportion-of-seats-held-by-women-in-tanzania-national-parliament/>.

Subono, N. I. (2009). Representasi Politik Perempuan yang Lebih Bermakna. *Jurnal Sosial*, 6(2), 56–61. <https://library.fes.de/pdf-%0Afiles/bueros/indonesien/07003%0A>.

True, J., Parashar, S., & George, N. (2012). *Women's Political Participation in Asia and the Pacific*. <http://www.artsonline.monash.edu.au>

*Women in Selected National Parliaments*. (n.d.). <https://data.ipu.org/women-ranking?month=2&year=2024>