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Topic: *Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children*

The Urgency of Protecting Women as Legislative Candidates in Cases of Violence Against Women in Politics During Regional Legislative Member Elections

Fandri Irawan

Faculty of Law, Universitas Islam Sultan Agung (UNISSULA) Semarang, Indonesia,

E-mail: fandri.std@unissula.ac.id

Abstract. *Women often experience violence against women in politics (KTPP), KTPP not only causes physical and psychological harm, but also prevents women from taking leadership roles and advocating for issues that are important to their constituents, even though the impact of KTPP is so worrying, efforts to eradicate KTPP have not been seen clearly. Method The approach used in this research uses two approaches, namely the normative and empirical approaches. Based on the study conducted, it can be understood that Women who have constitutional guarantees to participate in politics are currently not in line with protection from violence against women in politics. This is demonstrated by the existence of KTPP issues in the form of psychological and verbal violence, physical violence, patriarchal structures within Indonesian political parties significantly hamper women's representation and leadership by perpetuating gender discrimination and limiting access to political opportunities, sexual violence against women in politics. The obstacles in addressing violence against women in politics are the lack of support networks which are one of the biggest obstacles to women's participation in politics. Financial constraints, lack of party support, socio-cultural barriers, and psychological pressure also contribute.*

Keywords: *Protection; Politics; Violence; Women.*

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1. Introduction

General elections are both the most important means and instrument for democratization. However, the realization of democracy will be truly felt by the people when the general election process is held to determine the leadership candidate worthy of holding the reins of power. Without this step, the truth of democracy as a means of realizing popular sovereignty will continue to raise a number of its own issues, which then open up space for the emergence of challenges to the legitimacy of the ruling government. According to Samuel P. Huntington in his book, "The Third Wave of Democratization in the Late Twentieth Century," elections are the most important instrument in state life for realizing the ideals of democratization. Elections, which are the driving force for realizing the ideals of democracy in a country, in reality cannot proceed without obstacles. A crucial obstacle to elections is the emergence of social divisions within the community.¹

After the birth of the Republic of Indonesia Law Number 32 of 2004 concerning Regional Government, as intended in Article 56, Article 24, Article 90, Article 226, and Article 233 of the Republic of Indonesia Law Number 32 of 2004 concerning Regional Government, the election of Governors and Deputy Governors as well as Regents and Deputy Regents and Mayors and Deputy Mayors were elected directly by the people. In line with the system of direct election of Regional Heads, then in 2004, the government also issued Law of the Republic of Indonesia Number 20 of 2004 concerning the Determination of Government Regulation in Lieu of Law Number 2 of 2004 concerning Amendments to Law Number 12 of 2003 concerning the General Election of Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council, Becoming Law. Based on Article 2 and Article 88 of the Republic of Indonesia Law Number 20 of 2004 concerning the Stipulation of Government Regulation in Lieu of Law Number 2 of 2004 concerning Amendments to Law Number 12 of 2003 concerning the General Election of Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council, becoming Law, the Election of DPRD Members is elected directly. The existence of these two direct regional election legal provisions has problems in its implementation.

¹Janpatar Simamora, "The Existence of Regional Elections in the Framework of Realizing Democratic Regional Government", *Mimbar Hukum*, Volume 23, Number 1, 2011, p. 222.

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One of the problems that arose was related to the nation's election system, especially local elections. Its existence began to be felt after the emergence of Law No. 32 of 2004 as the basis for the birth of Direct Regional Elections in various regions in Indonesia. It turned out to give rise to a series of conflicts in its implementation, this is in contrast to the aim of the direct election system which aims to produce more qualified regional leaders. The conflicts that emerged tended to culminate in a series of anarchic actions by supporters of certain elites. If this is not handled seriously, it is feared that it will lead to the problem of national disintegration and also become a paradox for this nation in implementing political agendas at the local level.²

Following the enactment of Law No. 32 of 2004, which raised the issue of the vulnerability of social conflict, this led to the enactment of Law of the Republic of Indonesia Number 7 of 2017 concerning General Elections. Law of the Republic of Indonesia Number 7 of 2017 concerning General Elections was enacted as a government effort to ensure the elections of Regional Heads and Members of the Regional People's Representative Council (DPRD) are based on the concept of peacebuilding, or building a peaceful perspective among politicians and the public. Politicians are expected to refrain from using religious issues as a campaign tool. This is done to minimize the spread of hate speech in money politics ahead of the 2018 simultaneous regional elections and the 2019 general elections, as politicized religious issues have the potential to cause conflict within the community. Money politics and the politicization of ethnicity, religion, race, and intergroup relations (SARA) are poisons to democracy.³

²Felix Baghi, *Pluralism, Democracy, and Tolerance*, Moya Zam-Zam Printika, Yogyakarta, 2012, p. 143.

³Ministry of Home Affairs of the Republic of Indonesia, *Dynamics of Election and Regional Election Implementation in Indonesia Reflective Notes of the Chairperson of the Provincial Election Commissions throughout Indonesia*, Ministry of Home Affairs of the Republic of Indonesia, Jakarta, 2018, pp. v-vii.

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The existence of the Republic of Indonesia Law Number 7 of 2017 concerning General Elections, which was later amended by the Republic of Indonesia Law Number 7 of 2023 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2022 concerning Amendments to Law Number 7 of 2017 concerning General Elections into Law, in reality has not been able to completely suppress the problem of social conflict due to the simultaneous regional elections. This is because the results of Bawaslu's supervision show that in the implementation of the 2019 Election there were a number of violations. There were 380 election criminal cases decided by the court, the most occurring in South Sulawesi Province with 41 cases. Of these cases, 483 people were accused, and 437 of them were found guilty. The most convicted were voters/communities, as many as 122 people related to money politics cases and criminal acts that caused division and conflict between communities.⁴This situation occurred not only in the 2019 regional elections; according to Rahmat Bagja, Chairman of the Elections Supervisory Agency (Bawaslu), identity politics could become an increasingly prevalent trend in the 2024 election. This includes the exploitation and capitalization of identity politics by elites such as political consultants, political party members, campaign teams, and elite mass organizations, through the spread of rumors, hoaxes, and identity politics. Based on previous election experience, cases of hate speech in places of worship have been found, leading to polarization among religious leaders.⁵Monash researcher Derry Wijaya explained the method and a series of monitoring processes, it was found that the category of attacks on identity dominated the form of hate speech as many as 123,968, insults 104,664, profanity 42,267, threats/incitement 39,153 texts, sexual/vulgar 3,528 texts, and others 5,665 texts.⁶Based on various existing data, it can be seen that since the enactment of Law of the Republic of Indonesia Number 7 of 2017 concerning General Elections, the government is still somewhat hesitant in suppressing the negative impact of regional elections in the form of social conflicts that develop through various means. In the current digital era, social conflicts do not only occur through physical contact and the spread of hatred through opinions in print media spaces and television or radio. The spread of hate speech and hoaxes that are detrimental to a party or political group and society is carried out through framing (exaggerating news) by conveying news and news detonation through social media. This shows that the democratic life of the nation is faced with the issue of human security or human security which is part of state security with the presence of political proxy attacks that color the simultaneous regional elections in Indonesia. The presence of social polarization due to the impact of the framing of information by a political figure and group in this simultaneous regional election year is clearly closely related to the issue of national security. Monash researcher Ika Idris stated that social polarization in simultaneous regional elections often occurs due to hate speech and hoax news related to the personal



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⁴Central Statistics Agency, Political Statistics 2019, Central Statistics Agency, Jakarta, 2019, p. 25.

⁵<https://www.bawaslu.go.id/>, accessed on May 12, 2026.

⁶Independent Journal Alliance, 2024 Election Campaign, Hate Speech Against Minority Groups Increases, accessed via <https://aji.or.id/informasi/kampanye-pemilu-2024-ujaran-kehatan-terhadap-grup-minoritas-meningkat>, on May 12, 2026.

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lives of certain figures and groups, as well as framing attacks that create blind social belief in the truth of a condition themed Defense, Security, International Relations, and pseudo-Geopolitics. This makes the public reluctant to trust a figure and social group competing in the simultaneous regional elections, causing supporters of both the framed and the framing groups to launch political attacks that lead to social conflict.⁷ Various issues of social polarization in these simultaneous regional elections also affected women. Women also have the right to participate in national political progress. This is affirmed in decision number 169/PUU-XXII/2024.

The Constitutional Court granted the lawsuit filed by the Association for Elections and Democracy (Perludem), the Indonesian Women's Coalition, and Titi Anggraini regarding women's representation in the DPR RI AKD. Through decision number 169/PUU-XXII/2024, the Constitutional Court stated that every AKD starting from the Commission, the Consultative Body (Bamus), the special committee (Pansus), the Legislative Body (Baleg), the Budget Agency (Banggar), the Inter-Parliamentary Cooperation Agency (BKSAP), the Council's Ethics Court (MKD), the Household Affairs Agency (BURT), and every leader of the council's supporting apparatus must have female representation. The Constitutional Court's decision is considered to emphasize the importance of women's representation throughout the DPR leadership structure, including in commissions, bodies, and other supporting apparatus. Puan views that the Constitutional Court's decision is in line with the spirit of gender equality that has become a national and global commitment. The composition of the DPR RI for the 2024–2029 period shows significant progress in terms of women's representation compared to previous periods.⁸ While women's involvement in parliament as a form of democratization is recognized, it is not yet matched by adequate protection for women from political polarization, which is carried out through political framing that undermines women's dignity as candidates and legislators. In 2021, the Westminster Foundation for Democracy (WFD) interviewed 45 female leaders from diverse backgrounds in Indonesia and several Southeast Asian countries. The results: 88% of women had experienced violence and harassment related to the political activities of female legislative candidates. Women working at the grassroots level were particularly vulnerable to violence against women (94%) compared to politicians (82%). This finding is consistent with the National Democratic Institute's (NDI) finding that 44% of politically active women globally had faced threats of murder, rape, assault, and/or kidnapping.⁹

⁷Loc, cit.

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KTPP not only causes physical and psychological harm, but also prevents women from taking leadership roles and advocating for issues important to their constituents. WFD research confirms KTPP as one of the main obstacles for women in Southeast Asia who want to achieve and maintain political office. In Indonesia, women's political participation has shown some progress, supported by the affirmative action policy of a 30% quota for female legislative candidates. Women's electability has continued to increase since the first direct elections in 2004. However, there is also a paradox: increasing women's participation also exposes them to many forms of violence, including comparisons with men, which make female politicians feel compelled to imitate male politicians' behavior to be accepted in the political sphere.¹⁰ This situation has clearly violated the right to become a legislative candidate (caleg) which is guaranteed and regulated in Article 22E Paragraph (3) and Article 22E Paragraph (4). 1945 Constitution, as well as the mandate of Pancasila democracy.

2. Research Methods

Method The approach used in this study uses two approaches, namely a normative approach to the basics of criminal law and related statutory regulations by comparing the enforcement of criminal law according to positive criminal law which is synchronized with the enforcement of existing criminal law. An empirical approach to the reality of the enforcement of positive criminal law which will be synchronized with the enforcement of existing criminal law. In the enforcement of the Hate Speech case that occurred in the Semarang Governor Election, empirical facts were taken from the behavior of the research object.¹¹

3. Results and Discussion

3.1. The Urgency of Protecting Women as Legislative Candidates in Cases of Violence Against Women in Politics in Regional Legislative Elections

Violence Against Women in Politics (KTPP) not only undermines women's political participation but also hinders their ability to take on leadership roles and effect

⁸The People's Representative Council of the Republic of Indonesia, "The Constitutional Court's Decision on Women's Representation in the Regional Legislative Council is in Line with the Issue of Gender Equality", <https://www.dpr.go.id/kegiatan-dpr/berita/Putusan-MK-Soal-Keterwakilan-Perempuan-di-AKD-Sejalan-dengan-Isu-Kesetaraan-Gender-60484>, accessed on May 12, 2026.

⁹Women Research Institute, Violence against Women in the 2024 Indonesian Elections, Women Research Institute, Jakarta, 2025, p. 4.

¹⁰*Loc. cit.*

¹¹Mukti Fajar and Yulianto Achmad, Dualism of Empirical & Normative Legal Research, Pustaka Pelajar, 2010, p.280.

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political change. This violence encompasses various forms of abuse, including physical, psychological, economic, sexual, and semiotic violence, used to deter women from entering politics or to limit their effectiveness in political roles. In Indonesia, KTPP poses a significant obstacle to women's political empowerment and leadership, particularly in the context of the 2024 elections. It is rooted in patriarchal structures and unequal power relations in the Indonesian political landscape. This phenomenon not only undermines individual women's leadership but also reinforces the perception that politics is a male domain. Lack of support from political parties and limited resources exacerbate the challenges women face. Vote-buying and "dawn raids" by candidates with access to substantial funding often defeat women who consistently cultivate a base of support. The high cost of politics discourages many women from running, as the system favors candidates with substantial financial resources over those who rely on ideas, integrity, and a positive track record. This further limits the number of potential female leaders and perpetuates male dominance in politics. Addressing this paradox requires a holistic approach involving political culture transformation, strengthening protection mechanisms, and public education on gender equality. WFD research from November 2024 confirmed that the high cost of politics has a particularly negative impact on women politicians compared to men.¹²

Violence Against Women in Politics (KTPP) is clearly visible in the 2024 Election. Violence against women in politics (KTPP) in the 2024 Election reflects structural gender inequality and is influenced by patriarchy, disinformation, weak legal frameworks, and the general marginalization of women. The power structures that dominate politics tend to maintain male dominance and hinder women's participation. The Global Gender Gap Report 2023 ranks Indonesia 92nd out of 146 countries with a women's political empowerment score of only 0.0181—far below the global average. Although women's representation in the Indonesian House of Representatives (DPR RI) increased from 8.8% (1999) to 22.1% (2024), this figure is still below the global average (24.6%) and slightly better than the Asian average (20.1%). In terms of women's representation in parliament, Indonesia also lags behind several other Southeast Asian countries, such as Vietnam, Singapore, and the Philippines.¹³

The factors causing KTPP are rooted in a patriarchal culture that positions women as subordinates, significantly limiting their political participation. Power dynamics—often reinforced by religious beliefs—generate opposition to

¹²Women Research Institute, *Violence against Women in the 2024 Indonesian Elections*, Women Research Institute, Jakarta, 2025, p. 4.

¹³*Ibid*, p. 6.

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increased women's political representation and the implementation of gender quotas. An inadequate legal framework, characterized by the existence of 441 discriminatory policies, also hinders women's political participation. KTPP has received increasing attention, but there is no clear record of its impact on women's political participation. As a result, KTPP has become normalized, leading to more unreported incidents, significantly increasing the number of cases of gender-based violence, including in the political sphere. However, many cases remain unreported, partly due to a lack of gender sensitivity and the normalization of KTPP. The following are some forms of violence against women in politics:¹⁴

- a. Psychological and verbal violence are the most common forms of violence against women. However, this type of violence is often normalized within a patriarchal political culture. Our survey showed that 40% of voters had heard or witnessed cases of violence against female candidates, with verbal and psychological harassment (63.7%), particularly on social media (50%), being the most frequently reported form. Verbal and psychological violence are experienced by many female politicians, especially those who are young and/or new to politics. Verbal harassment, intimidation, threats, and derogatory comments are part of their experiences. Derogatory comments are often received with laughter even by political colleagues, reflecting the positioning of women as objects. Intimidation is also common during campaigns, indicating a systematic effort to silence their voices. Implicitly, women also experience psychological violence due to constant comparisons with male politicians. This reinforces gender stigma and maintains masculine dominance in politics. Women are often forced to accept this kind of pressure as a coping mechanism, which impacts their self-confidence and motivation in politics. Besides demeaning, this also creates an uncomfortable and dangerous work environment for women. On a larger scale, this phenomenon effectively marginalizes women's voices and participation in politics. Worse yet, many women end up censoring themselves or even withdrawing from the political arena.
- b. Physical violence against women in politics is not only an individual threat, but also has a broad impact on women's political participation and the integrity of democracy more broadly. The threat of physical violence is used to maintain patriarchal dominance and to structurally limit women's participation.³ Even without actual physical violence, the mere threat can have a significant effect in limiting women's political participation. An unsafe and hostile environment for women makes them more likely to withdraw from the political arena. This

¹⁴*Ibid*, pp. 9-14.

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is in line with the finding that many women expressed reluctance to appear in public spaces or express their ideas due to fear of physical threats.

- c. Patriarchal structures within Indonesian political parties significantly hinder women's representation and leadership by perpetuating gender discrimination and limiting access to political opportunities. Although women's electability in the House of Representatives (DPR) increased to 22.1% (128 out of 580 seats) in 2024, cultural norms and institutional practices continue to favor male dominance. Structural violence against women in politics is rooted in institutionalized gender inequality. Our respondents' statements that "internal party policies that severely disparage women are massively structured" reflect how the 30% quota policy often faces resistance due to institutionalized patriarchy and inconsistent implementation.
- d. Sexual violence against women in politics is an extreme manifestation of systemic exploitation and control rooted in unequal power relations. Traditional gender roles and patriarchal ideology reinforce systemic inequality and limit women's access to the political sphere. As a result, politics becomes an arena where women are forced to choose between their integrity and their bodily autonomy. Systematic sexual threats and violence hinder women's political participation. This is reinforced by our research respondents who revealed that women frequently experience sexual harassment during meetings and campaigning by male candidates. This not only violates personal integrity but also hinders their right to equal political participation. Sexual violence in politics often accompanies verbal abuse, reducing women to objects of sexual fantasy. In developed countries like Canada, sexual harassment remains a significant barrier to women's representation in legislative bodies.

3.2. Obstacles in Addressing Violence Against Women in Politics

A key obstacle to addressing violence against women in politics is the lack of support networks, which is one of the biggest barriers to women's political participation. Financial constraints, lack of party support, socio-cultural barriers, and psychological pressure reflect women's difficult struggle to achieve equality. Women from marginalized backgrounds face even greater challenges, with our survey indicating that patriarchal culture (63.1%), lack of party support (50.6%), and the double burden (41.9%) are the main obstacles they face. These findings reinforce the urgent need for systemic transformation to address these structural and social barriers. Without concrete steps to address these barriers, the gender gap in political participation will continue to hamper the creation of an inclusive

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democracy in Indonesia. To increase women's political involvement, equal participation of women politicians is needed in decision-making processes, starting within political parties. The survey showed strong support for the involvement of survivors in the formulation of policies to prevent and address sexual violence against women (KTPP). 83% of women politicians considered the involvement of survivors very important, while 17% considered it quite important.¹⁵

4. Conclusion

Women's constitutional guarantees to participate in politics are currently not in line with protection from violence against women in politics. This is demonstrated by the existence of KTPP issues in the form of psychological and verbal violence, physical violence, patriarchal structures within Indonesian political parties that significantly hinder women's representation and leadership by perpetuating gender discrimination and limiting access to political opportunities, and sexual violence against women in politics. The obstacles in addressing violence against women in politics are the lack of support networks, which are one of the biggest obstacles to women's participation in politics. Financial constraints, lack of party support, socio-cultural barriers, and psychological pressure also contribute.

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