

## POLICY RESEARCH

# Women's Political Representation in the making of Gender Equality and Equity Bill



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in the making of Gender Equality and Equity Bill

Women Research Institute  
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**Policy Research  
Women's Political Representation  
in the making of Gender Equality and Equity Bill**

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## List of Abbreviations

AIDS	:	Acquired Immune Deficiency Syndrome
ASEAN	:	Association of Southeast Asian Nations
Bappenas	:	Badan Perencanaan Pembangunan Nasional (Ministry of National Development Planning)
BKKBN	:	Badan Kependudukan dan Keluarga Berencana Nasional (The National Population and Family Planning Board)
BPS	:	Badan Pusat Statistik (Central Statistic Agency)
CEDAW	:	Convention on the Elimination of All Forms of Discrimination against Women
CSO	:	Civil Society Organization
Demokrat	:	<i>Partai Demokrat</i>
DPR-RI	:	Dewan Perwakilan Rakyat Republik Indonesia (House of Representatives)
DPRD-RI	:	Dewan Perwakilan Rakyat Daerah Republik Indonesia (Local House of Representatives)
FGD	:	Focus Group Discussion
GBS	:	Gender Budget Statement
Gerindra	:	<i>Partai Gerakan Indonesia Raya</i>
GGI	:	Global Gender Gap Index
GII	:	Gender Inequality Index
Golkar	:	<i>Partai Golongan Karya</i>
HAM	:	Hak Asasi Manusia (Human Rights)
Hanura	:	<i>Partai Hati Nurani Rakyat</i>
HDR	:	Human Development Report
HIV	:	Human Immunodeficiency Virus
IDRC	:	International Development Research Centre
IDS	:	Institute of Development Studies
JICA	:	Japan International Cooperation Agency
JKP3	:	Jaringan Kerja Prolegnas Pro-Perempuan (Pro-Women National Legislation Program Network)
KAP	:	Knowledge, Attitude and Practice
KDRT	:	Kekerasan dalam Rumah Tangga (Domestic Violence)



KKG	:	Kesetaraan dan Keadilan Gender (Gender Equality and Equity)
Komnas Perempuan	:	Komisi Nasional Anti Kekerasan Terhadap Perempuan (Indonesia's National Commission on Violence against Women)
LPKP Jatim	:	Lembaga Pengkajian Kemasyarakatan dan Pembangunan Jawa Timur (Institute for Social and Development Research East Java)
MDGs	:	Millenium Development Goals
MIUMI	:	Majelis Intelektual dan Ulama Muda Indonesia (Indonesian Young and Intellectual Ulama Council)
MMR	:	Maternal Mortality Rate
PAN	:	<i>Partai Amanat Nasional</i>
PDI-P	:	<i>Partai Demokrasi Indonesia Perjuangan</i>
Pemilu	:	Pemilihan Umum (General Election)
PKB	:	<i>Partai Kebangkitan Bangsa</i>
PKS	:	<i>Partai Keadilan Sosial</i>
PMK	:	Peraturan Menteri Keuangan (Ministry of Finance Decree)
PPP	:	<i>Partai Persatuan Pembangunan</i>
PPRG	:	Perencanaan dan Penganggaran yang Responsif Gender (Planning and Gender Responsive Budgeting)
Prolegnas	:	Program Legislasi Nasional (National Legislation Programme)
RUU	:	Rancangan Undang-Undang (Draft of Bill)
SDKI	:	Survei Demografi dan Kesehatan Indonesia (Indonesian Demographic and Health Survey)
UNDP	:	United Nations Development Programme
UNFPA	:	United Nations Population Fund
WRI	:	Women Research Institute
YLBH APIK	:	Yayasan Lembaga Bantuan Hukum Asosiasi Perempuan Indonesia untuk Keadilan (Associations of Indonesian Women Justice Legal Aid Foundations)

# CHAPTER I

## INTRODUCTION

### 1.1 Background

During a plenary session, the members of the House of Representatives of the Republic of Indonesia (the House) announced their plan in connection with their annual legislative programme to legalise the Gender Equality and Equity Bill<sup>1</sup> before their tenure ends in 2014. WRI has supported the legislature's initiative to implement policy to identify problems and provide politically feasible policy recommendations for the Bill being discussed in the House. In particular, WRI has focused its attention on a few matters considered key to achieving a uniform perception of gender equality and equity.

Since the recent informal introduction to the public, the draft bill has created public debates between those who favor for the passing of the bill and those who oppose based on various perspectives including that of religious beliefs.<sup>2</sup> There is very little research that comprehensively recommends the preparation of a Gender Equality and Equity Bill in Indonesia; particularly any discussing the impact of such a bill on women's political and public life. Even so, it is necessary to have evidence-based advocacy involving extra-parliamentary groups,<sup>3</sup> such as civil society organizations and political parties, to strengthen women's political representation. Therefore, it is important to take a look at the political representation of women in the House, as well as the strength of civil society organizations, in the production of gender responsive policies as encompassed in the Gender Equality and Equity Bill.

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<sup>1</sup> The National Law Development Agency, *List of National Legislation Program Priority Draft Act for Fiscal Year 2012* (Jakarta: Ministry of Law and Human Right, no publication date).

<sup>2</sup> The Jakarta Post, *Gender Equality Bill Opposed by Women*, (19 Juni 2012); The Jakarta Globe, *Indonesia Islamists Stall Gender Equality Bill*, (9 Mei 2012).

<sup>3</sup> Celis and Childs (2008) said that actors who can support substantive representation were 1) *women's policy agencies* (women members of the House, executive body and the ministries) and 2) *women's movement actors* (civil society organizations and political parties).

## **1.2 Research Objectives**

The objectives of the policy research conducted by WRI were as follows:

1. To identify existing women political representation's responsive policies and their implementation in the lives of women in Indonesia.
2. To obtain a picture of the political representation of women making gender equality policies in the House.
3. To identify constraints and leverage opportunities to encourage the establishment of the Gender Equality and Equity Bill with the expectation it will embody and protect the essence of gender equality in Indonesia.

## **1.3 Research Question**

The policy research is based on these following research questions:

1. How gender responsive policies related to women's political representation there and its implementation on the lives of women in Indonesia?
2. How is the political representation of women members of the House of Representatives against the manufacture and preparation of Gender Equality and Equity Bill?
3. What are the problems and opportunities that encourage the emergence of Gender Equality and Equity Bill in order to protect and fulfill the nature of gender equality in Indonesia?

## **1.4 Research Benefit**

The outcome of this research is expected to be useful in helping the members of the House to understand existing gender equality problems. With a clear picture of the problems and analysis of the existing policies, it will be possible to identify the kind of gender responsive policies needed in Indonesia. It is expected that this research analysis can provide recommendations for the Gender Equality and Equity Bill that is being discussed in the House so that Indonesia will have policies that encourage equality between men and women.

## **1.5 Research Limitations**

WRI using qualitative methodology with certain limitations as a logical consequence of the objectives of this research. The use of qualitative methodology aimed to explore the depth overview of the data and methodology and this has limited the generalizability of data as a consequence of the limited number of informants. Quantitative methodology is intended as a generalization of the principle of public opinion on women's political representation based on qualitative findings. Limitations are owned by the quantitative methodology is not showing the depth of public opinion towards women's political representation.

The scope of this study only focused on the national parliament (DPR-RI) associated with gender responsive policies that have been generated. In particular, this study only examines the policies related to women's political representation and gender equality.

## **1.6 Research Methodology**

This study involved policy research aimed at analyzing whether existing policies had been implemented effectively and what kind of additional policies would be needed to strengthen their implementation. This research also attempted to capture the voices and experiences of women to be able to provide a special analysis of efforts made by women members of the House in line with their legislative functions. In addition, this research employed quantitative and qualitative methods to strengthen the findings and analysis.

### **Quantitative Method**

The quantitative method involved the omnibus surveying of the knowledge, attitude and behaviour of 1,200 constituents across all 33 provinces in Indonesia. This large sample resulted in an estimated margin of error of 2.8% in relation to the total population. To achieve the necessary stratification, multistage random sampling was undertaken to ensure that the heterogeneity of the Indonesian population was adequately reflected by the sample.

### **Qualitative Method**

The qualitative method involved two approaches: in-depth interviews and focus group discussions. In-depth interviews were done with men and women members of the House from nine factions. Initially, WRI contacted members of the House who had previously corresponded with previous research,<sup>4</sup> and requested that they recommend names, which resulted in snowballing to an adequate number of legislators for interviewing.

Focus group discussions were divided on the basis of two categories: civil society organizations and political party board members. The criteria for civil society organisation participants were membership in a public advocacy organization or active involvement in work related to the legislature. The criteria for political parties required board members involved with cadre building and organization building, as well as women empowerment, in one of nine parties.

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<sup>4</sup> Women Research Institute. *Perempuan Anggota DPR-RI & Proses Pembuatan Kebijakan Publik: Rancangan Perubahan Undang-undang Pemilihan Umum*. (Jakarta: 2012).

## **Study of Literature**

This method involved a study of relevant documents concerning possible frameworks for research; other research pertinent to the topic of this research; representation theories; concepts for the compilation of a gender legislation; the latest media coverage on the development of the Gender Equality and Equity Bill; and reports from relevant meetings and sessions of the House.

## CHAPTER II

### GENDER RESPONSIVE POLICIES IN INDONESIA

In the past few years, efforts toward achieving gender equality in Indonesia have referenced existing documents, including Law No. 7/1984 on the ratification the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), Law No. 39/1999 on Human Rights, Law No. 11/ 2005 on Ratification of the International Covenant on Social, Cultural and Economic Rights, Law No. 12/ 2005 on Ratification of the International Covenants on Civil and Political Rights. In addition, the executive level issued Presidential Instruction No. 9/2000 on Gender Mainstreaming to facilitate the implementation of CEDAW.

Presidential Instruction No. 9/2000 has become the basis for gender mainstreaming strategy, along with Ministry of Home Affairs No. 15/2008 on Guidelines for Implementing Gender Mainstreaming at provincial, regency and city levels. These guidelines set out stipulations for implementing gender mainstreaming strategy, including the mandate for the establishment of a gender focal point and the requirement that all local government had to allocate at least 5% of their individual budgets for gender mainstreaming and women empowerment. As well, Ministry of Finance Decree No. 156/PMK.07/2008 provides guidelines on preparing the Gender Budget Statement (GBS).

However, in practice these policies and regulations have not been implemented properly. For example, within the context of decentralisation, when central government authority shifted to regional governments, local administrations often ignored the implementation of these policies and regulations. For this reason, an umbrella act, as embodied in the Gender Equality and Equity Bill, is required in Indonesia to ensure improved gender equality and equity. So, when the members of the House issued their annual legislation programme for 2012, they set the deadline for the approval of the Gender Equality and Equity Bill<sup>5</sup> as the middle of 2014. This legislative initiative is perceived as an investment in progressive policy reform in Indonesia.

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<sup>5</sup> The National Law Development Agency, *List of National Legislation Program Priority Draft Act for Fiscal Year 2012* (Jakarta: Ministry of Law and Human Right, no publication date).

The deliberation of the Gender Equality and Equity Bill requires support because the progressive policies produced in the reform era toward encouraging democratization in Indonesia have not necessarily improved the welfare of society, particularly the welfare of women. The 2013 Human Development Report (HDR), titled *The Rise of the South: Human Progress in a Diverse World* and published by the UNDP, placed Indonesia 106 on the Gender Inequality Index (GII) of Indonesia, far below Vietnam's GII ranking of 48. The GII was calculated on the basis of several indicators, some of which were Maternal Mortality Rate (MMR) and the percentage of women representatives in the national legislature. A comparison of the two countries' MMR shows that Indonesia had a rate of 220/100,000 live births, while Vietnam recorded 59/100,000 live births. In regards to the percentage of women in the legislature, Vietnam had 24.4%, while Indonesia had only 18.2%.<sup>6</sup>

In addition, the Global Gender Gap Report 2013<sup>7</sup> issued by the World Economic Forum included the Global Gender Gap Index (GGI), which comprised four basic categories: economic participation and opportunity, educational attainment, health and survival, and political empowerment. Indonesia's GGI of 0.6631, based on the components of economic participation and opportunity (0.5881), educational capacity (0.9574), health and survival (0.9663) and political empowerment (0.1334), indicates that economic opportunity and political empowerment levels fall below those of educational capacity and health. This means that although Indonesian women have the capacity, they do not necessarily have the opportunity to use it. Although Indonesia has shown improvement in women's capacity, its achievement pertaining to the conditions and position of women is still lower than that of other Southeast Asian countries. Indonesia's GGI ranking (95) fell well behind those of Laos (60) and Vietnam (73). These facts leave no conclusion but that the position of and situation of women remain poor, particularly in regards to the high MMR and the percentage of women in the legislature, which remains well under the targeted 30% and far below the percentages for Vietnam (25%) and Laos (24.4%). Within this context, it is clear that a solid gender equality policy is indeed required to ensure women the opportunity to implement their capacity.

## 2.1 The Gap between Gender Responsive Policy and Budget Allocation

In Indonesia, the empowerment of women and the strengthening of gender equality has long been an integral part of regional and national development. Acts 27 and 28 of the 1945 Constitution stipulate that development policy in Indonesia is based on the principle of equality between men and women. This principle is also reflected in the National Medium Term Development Plan 2010-2014. The 2013 Development Plan also specifically stipulates that the strategy of gender mainstreaming had to be integrated within the entire development process.

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<sup>6</sup> United Nations Development Programme, *Human Development Report 2013: The Rise of the South: Human Progress in a Diverse World* (New York: Palgrave and Macmillan, 2013).

<sup>7</sup> See, World Economic Forum, *The Global Gender Gap Report 2013* (Switzerland, 2013).

The strategy of gender mainstreaming has been widely introduced throughout Indonesia since the issuance of Presidential Instruction No. 9/2000 on Gender Mainstreaming in National Development. This Presidential Instruction required the Ministries, the Armed Forces, the Police Force, the Supreme Court, and all heads of all governmental institutions to integrate gender perspective into their development planning, implementation, and monitoring programs, as well as evaluation of overall policy and national development.

Three years after the issuance of Presidential Instruction No. 9/2000 the, Ministry of Home Affairs issued Letter No. 132/2003 on General Instructions for Gender Mainstreaming in Regional Development. In 2005 a regulation was issued to institutionalise a Development Planning Assembly for bottom up planning. This mechanism provided leeway for women to participate in planning and budgeting.

Indonesia also committed to eliminating all forms of discrimination against women and achieving gender equality the ratifying of CEDAW through Law No. 7/1984. In 2009 the National Development Planning Agency issued Ministry of National Development Planning/ National Development Planning Agency Decree No. Kep 30/M.PPN/HK/03/2009 on forming a Management Team and a Gender Responsive Planning and Budgeting Technical Team. These teams were formed to coordinate the implementation of Gender Responsive Planning and Budgeting in six ministries/agencies: National Development Planning Agency, Department of Finance, Ministry of Women Empowerment and Child Protection, Department of Home Affairs, Department of Health and Department of Education. In follow-up, the Department of Finance collaborated with the National Development Planning Agency and Ministry of Women Empowerment and Child Protection to issue Ministry of Finance Regulation No. 119/PMK.02/2009 on Preparation and Analysis of the Work and Budget Plan for State Ministries/Agencies and the Preparation, Analysis, Approval and Implementation of the 2010 Budget Allocations. The regulation also stipulated new budgetary aspects, including the Implementation of a Gender Responsive Budget. The Gender Responsive Budget mechanism was a gender mainstreaming strategy for planning and budgeting, which is one of the national priorities stipulated in the 2010-2014 Medium Term Development Planning.

Analysis toward a Gender Responsive Budget started at the national and local levels in 2001, while Law No.2/2002 stipulated that 30% the State Budget had to be allocated for education, 15% for health and 5% for women empowerment. As a result of these initiatives, women, who previously had limited access to public life culturally, now started to take a role in development planning meetings, and the number of women<sup>8</sup> attending the Development

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<sup>8</sup> The women involved in the Development Planning Assembly were wives of regional government officials, or women active in women's organisations established by the state, such as *PKK* and *Dharma Wanita*. WRI, along with women's and other organisations working for participatory budgeting, encouraged the involvement of poor women in development planning.



Planning Assembly increased. Although their level of participation remains low, their presence and contribution of thinking on development planning have been taken into account.

The implementation of the gender mainstreaming strategy has been accomplished through a number of regulations, including 13-section Law No. 25/2004 on the National Development Planning System, which provides a basis for gender mainstreaming in each aspect of development. In particular, Chapter 12 focuses on quality improvement in the welfare of women and the protection of children. Implementation of this law was then facilitated by Presidential Regulation No. 7/2005 on Medium Term National Development Planning 2004-2009. Further to that, the government also instituted annual work plans, such as Government Work Plan 2005, under Law No. 36/2004. The Law stipulated the importance of gender analysis in development policies. At the same time Presidential Regulation No. 39/2005, as the basis for Government Work Plan 2006, emphasised that gender mainstreaming must be implemented in all aspects of development. Thus, policies and programmes, as well as development activities, are expected to be responsive to gender issues, in particular women's issues.

However, there are frequently gaps among policies, programmes and actual programme planning budgets. As well, the government has not consistently carried out its intention to make the planning and budgeting processes more transparent and participative. Currently, regional governments throughout Indonesia rarely take the side of gender equity. As a result, although there have been gender responsive policies and advocacy for women empowerment, concern remains about the level of social inequality experienced by women. The Indonesia Demography and Health Survey 2012 shows that 20.7% of women aged 40-44 years old are illiterate, while illiteracy among men in the same age range is only 4%.<sup>9</sup> Further, United Nations Population Fund (UNFPA) data shows that 45% of women above 15 years old and 23% of men in the same age range are illiterate.<sup>10</sup> As well, the MMR (2012) in Indonesia remains high at 359/100.000 compared to previous one in 2007 (228/100.000

## 2.2 The Importance of the Gender Equality and Equity Bill

Taking into consideration the gap between policies and implementation in the field cited above, there is a definite need for overall gender responsive umbrella policies. Within this context, the Law on Gender Equality and Equity is required to ensure the monitoring of the implementation of policies and the meting out of punitive action to anyone violating the stipulations in the law.

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<sup>9</sup> See, Population and Family Planning Agency (BKKBN), *Indonesia Demographic and Health Survey (IDHS) 2012* (New York: BKKBN, the Central Statistics Agency (BPS), the Ministry of Health, August 2013).

<sup>10</sup> The data was presented by Dr. Meiwita Budiharsana at a seminar in Jakarta, as quoted by *Kompas*, 23 September 2005.

Since its informal introduction to the public at large, the Gender Equality and Equity Bill has elicited a number of diverse perspectives, including those of religious beliefs.<sup>11</sup> In response to this public interest, WRI conducted policy research for 18 months to identify problems and provide policy recommendation to encourage the endorsement of the Gender Equality and Equity Bill that is currently under discussion in the House. Addressing this, WRI conducted a study for 18 months to identify problems and provide policy recommendations to the House of Representative. WRI focused on the fulfilment of Indonesian women's political rights through the improvement of the quality and quantity of women's political representation toward influencing public policies. WRI is publishing this Policy Paper to encourage the endorsement of the Gender Equality and Equity Bill<sup>12</sup> before the tenure of current members of the House ends in 2014.

The Reformation Era that started in 1998 has brought reform, and the government has issued policies allowing as extensive as possible leeway for democracy, as can be seen in the decentralisation policies stipulated in Law No. 22/1999 on Local Government (implemented in 2001) and the endorsement of elections for regional leaders Law No. 32/2004 on Local Government. As well, Law No. 10/2004 stipulates Public Participation, while Law No. 25/2004 stipulates Bottom-up Planning. These laws have enabled people to vote not only in general or regional elections, but also to participate in public decision making in their own regions. In addition Law No. 14/2008 regulates transparency in information released to the public, such as service programme budgets and development project documents.

The emergence of the various policies encouraging public participation mentioned above was expected to bring positive social changes, particularly for women. However, within the one-and-a-half decades since women's issues have been raised to public attention, some problems have worsened and new problems have surfaced. Because the policies encouraging democratisation in general have had little impact on the achievement women's rights, the Gender Equality and Equity Bill is needed as an umbrella for gender equality and equity policies, and WRI perceives the legislature's initiative as an investment in reform toward regulations beneficial to Indonesian women.

So far, there has been very little research that has comprehensively recommended preparation of and ratification into law of the Gender Equality and Equity Bill, particularly pertaining to policies strengthening women's political representation. What is required is policy going beyond simply encouraging women to participate in public life, including in the legislature,<sup>13</sup> to ensuring that they have the capacity not only to make their presence (*stand*

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<sup>11</sup> The Jakarta Post, *Gender Equality Bill Opposed by Women*, (June 19, 2012); The Jakarta Globe, *Indonesia Islamists Stall Gender Equality Bill*, (May 9, 2012);

<sup>12</sup> The National Law Development Agency, *List of National Legislation Program Priority Draft Act for Fiscal Year 2012* (Jakarta: Ministry of Law and Human Right, no publication date).

<sup>13</sup> See, Puskapol Universitas Indonesia. *Keterwakilan Perempuan Dalam Politik di Tingkat Lokal: Studi Daerah Banten, Jawa Barat, dan DKI Jakarta*. October 8, 2012.

*for*) felt as representatives for the Indonesian public in law making bodies, but also to influence and work toward achieving gender equality (*act for*).

## CHAPTER III

### GENDER INEQUALITY PROBLEMS FACED BY INDONESIAN WOMEN

Andrea Cornwall (Gaventa: 2006) stated the following:

*Whatever the theoretical perspective, a further critical challenge for the deepening democracy movement is how it engages with the debates on issues of difference, diversity and inclusion in the political process, and whether its approaches actually broaden the space for inclusion in better ways than previous approaches. Simply arguing for more participation begs the question of 'participation by whom?' Simply opening new spaces for engagement does not mean that they will be filled by different voices. Rather, spaces are imbued and filled with prior power relations, affecting who enters them, with what knowledge, and with what effects.<sup>14</sup>*

As stated by Cornwall, existing power relationships affect whomever, whether men or women, enters any social environment or arena. Indonesian women almost always face an environment in which power distribution is predominantly determined by existing power relations between men and women, which influence the scope of their roles in both the public and private sphere and result in a widely diverse range of difficulties.

This writing takes a look at whether a policy has addressed problems faced by women in reference to three categories of state policy relating to women. In 2002, UNDP<sup>15</sup> set out three methods for analysing policy. The first category is policy related to women's reproductive rights, for which indicators are the high and increasing MMR, increased HIV infection and the Health Law that continues to discriminate against women. The second category is policy cover relations between men and women, for which indicators are the high rate of domestic violence and the Marriage Law that discriminates against women. The third category is all policies considered neutral, but having different impacts on men than on women, as

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<sup>14</sup> Andrea Cornwall, *Making Places, Changing Places: Situating Participation in Development*. IDS Working Paper 170 (Brighton, UK: Institute of Development Studies [IDS], 2002), quoted by John Gaventa, *Triumph, Deficit or Contestation? Deepening the 'Deepening Democracy' Debate*. IDS Working Paper 264 (Brighton, UK: Institute of Development Studies, Juli 2006), page. 25.

<sup>15</sup> See, United Nations Development Programme, *Human Development Report 2002: Deepening Democracy in a Fragmented World* (New York: Palgrave and Macmillan, 2002).

can be seen in the indicators of the high rate of human rights violations among women migrant workers and the Pornography Law.

One assumption that has emerged is that policies aimed at responding to the interests of women will directly address the needs of women. However, this assumption has often been debunked in the policy implementation stage, as is true in the case of the General Election Law that regulates a 30% quota for women's political participation, which is also discussed in this writing. In the Indonesian context, the statement by Cornwall can be interpreted as meaning that women in Indonesia still face huge obstacles in improving their welfare as citizens. For that reason, it is imperative to enact laws regulating the fulfilment of women's rights. This paper focuses on matters related to the three categories cited above: women's reproductive health policy, relations between men and women, and apparently neutral policy that has different impacts on men than on women. The following provides a picture of the problems faced by Indonesian women.

### **3.1 Main Problems Faced by Indonesian Women**

#### **3.1.1 High and Increasing Maternal Mortality Rate (MMR)**

Regulations for providing greater leeway for participation of women in matters vital to the public did not result in adequate government response to the needs and interests of women. A lot of indicators of the condition of women in Indonesia remain of great concern. UNICEF data from 2007 indicates that Indonesia recorded an average MMR of 310 per 100,000 live births in the period of 1990-2005, far above those of the Philippines and Vietnam (170), Malaysia (30), and Thailand (24).<sup>16</sup> In 2013, the Philippines recorded only 99 MMR cases, while Vietnam had 59, Malaysia 29, and Thailand 48.<sup>17</sup> As of 2009<sup>18</sup> Millennium Development Goals (MDGs) reports indicated that the Indonesian government would not be capable of achieving the MMR target of 102 per 100,000 live births by 2015. The latest data supports this projection by indicating an increase to 359 per 100,000 live births from the MMR of 228 recorded in 2010.<sup>19</sup> This shows that Indonesia has not made maximum efforts towards fulfilling women's right, particularly in connection with decreasing the MMR.

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<sup>16</sup> See, [www.unicef.org](http://www.unicef.org):Indonesia, Vietnam, Malaysia, Thailand; Statistics; Basic Indicators. Accessed December 3, 2013.

<sup>17</sup> See, United Nations Development Programme, *Human Development Report 2013: The Rise of the South: Human Progress in a Diverse World* (New York, USA: Palgrave Macmillan, 2013).

<sup>18</sup> See, Randy R. Wrihatnolo, *Status Ringkas, Millennium Development Goals, Indonesia 2009* (Summary, Millennium Development Goals, Indonesia 2009), Direktorat Evaluasi Kinerja Pembangunan Sektor, BAPPENAS.

<sup>19</sup> See, *Survey Demografi Dan Kesehatan Indonesia* (Indonesian Demographic and Health Survey), 2012 (SDKI 2012), BKBBN, BPS, Kementerian Kesehatan, 2013.

The contrast between Indonesia and Vietnam comparison on MMR, both are the ASEAN members, is particularly interesting. In 2005, Indonesia's MMR was 310 per 100,000 live births, while Vietnam recorded 170 per 100,000 live births. In 2013, Indonesia's MMR increased to 359 per 100,000 live births, while in Vietnam it significantly decreased to 59 per 100,000 live births. Also in 2013, Vietnam ranked 48 on the Gender Inequality Index (GII); much better than Indonesia's ranking. Vietnam also had 24.4% women with seats in the national legislature, and the number of women (24.7%) and men (28.00%) who had attained secondary education was relatively in balance. The GII shows an achievement gap in three important development dimensions that are measured by the MMR, the percentage of women seated in the legislature, and the percentage of women who have attained secondary education. Vietnam's performance seems to indicate that the more balanced educational attainment is between men and women, and the higher the percentage of women in legislature as decision makers could influence the level of problem solving and meeting of women's needs.

### **3.1.2 Increasing Rate of HIV Infection**

One of the most worrying problems faced by Indonesian women is HIV/AIDS. The rate of HIV infection and the number of AIDS cases in Indonesia have increased rapidly. In 2009 there were 19,973 cases of AIDS, more than two times the 8,194 recorded in 2006.<sup>20</sup> According to data published by the Ministry of Health, housewives,<sup>21</sup> who account for 41.4% of all HIV/AIDS sufferers (24,131 patients), ranked fourth in HIV/AIDS frequency in Indonesia.<sup>22</sup>

### **3.1.3 High Rate of Human Rights Violations against Women Migrant Workers**

The difficulty of the situation facing women in Indonesia can be seen in the fact that the Indonesian government had not yet made enough efforts to protect the rights of women migrant workers; both those working domestically and overseas. These women still experience violence and the denial of their rights as workers.

Every year Indonesia sends more than 650,000 migrant workers abroad, with half of this number going to the Middle East and Malaysia. Most of the women migrant workers, who have low levels of education and little or no work experience, are from rural areas and small cities in Indonesia, which means they are generally relegated to working as domestics. It is

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<sup>20</sup> Japan International Cooperation Agency (JICA), *Country Gender Profile: Indonesia, Final Report, January 2011*, O.P.C. Corporation, page 23.

<sup>21</sup> *Perempuan Terinfeksi HIV Terus Meningkat*, [kompas.com/health/read/2012/02/23/06485852/perempuan.terinfeksi.HIV.Terus](http://kompas.com/health/read/2012/02/23/06485852/perempuan.terinfeksi.HIV.Terus). Accessed December 2, 2013.

<sup>22</sup> See, Kementerian Kesehatan Republik Indonesia, *Situasi Perkembangan HIV/AIDS 2010* (Jakarta: Kementerian Kesehatan Republik Indonesia, Januari 2011); "Perempuan Terinfeksi HIV Terus Meningkat", in [kompas.com/health/read/2012/02/23/06485852/perempuan.terinfeksi.HIV.terus](http://kompas.com/health/read/2012/02/23/06485852/perempuan.terinfeksi.HIV.terus) (accessed on December 2nd, 2013).

estimated that 1 out of 7 migrant workers who return home have experienced violation of their human rights.<sup>23</sup>

Commission IX of the House has taken the initiative to revise Law No. 39/2004 on the Placement and Protection of Overseas Indonesian Migrant Workers, which has protected Indonesian Migrant Workers Service Company enterprises more than the migrant workers. For this reason, this law must be harmonized with Law No. 6/2012 on the Ratification of 1990 UN Convention on Protection of Migrant Workers Rights and Their Families that has been endorsed by the Indonesian Government.<sup>24</sup>

#### **3.1.4 High Rate of Domestic Violence**

In 2004, Law No.23/2004 on Elimination of Domestic Violence was approved. However, its existence has not been widely publicised. As pointed out at a Focus Discussion Group meeting with political parties on October 10, 2013, by Iin Adrianty Manaba, of the Makassar branch of the PDI Perjuangan Party, the introduction and dissemination of policy and regulation had reached only the Central Board of her political party, and was never disseminated further to the Regional Board. How can a policy be implemented effectively if most people do not know anything about it? Up to now, according to the National Commission on Violence against Women, as many as 113,878 domestic violence cases, or 311 per day are reported in Indonesia.<sup>25</sup>

#### **3.1.5 Poor Political Representation of Women**

Comparatively, the 2009 General Election yielded more legislative seats for women at the national, regional and local levels than those earned through the 2004 General Election. In the period of 2004-2009 there were 63 women legislators (11.45%) at the national level, the number of which increased to 101 or (17.9%) for the period of 2009-2014. At provincial level, the average percentage of women was 16% in the period of 2009-2014, lower than at national level. Meanwhile, at regency/city level the percentage was only 12%. Although the overall tendency for the numbers to increase was heartening, the percentage is still far from the minimum quota of 30%, which is regulated in Law No.10/2008 on General Elections.

Previous research conducted by WRI<sup>26</sup> resulted in the recommendation that women be granted the 1 and 2 spots in the positioning of women candidates in the election priority

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<sup>23</sup> See, Lihat, Eleanor Taylor-Nicholson, Bassina Farbenblum, dan Sarah Paoletti, *Akses Buruh Migran Terhadap Keadilan di Negara Asal: Studi Kasus Indonesia* (Jakarta: Yayasan Tifa dan Open Society Foundations, 2013).

<sup>24</sup> *Perlindungan Buruh Migran Indonesia*, [www.tifafoundation.org/program-kemitraan/perlindungan-buruh-migran/#2](http://www.tifafoundation.org/program-kemitraan/perlindungan-buruh-migran/#2). (Accessed November 13th, 2013).

<sup>25</sup> *Setiap hari ada 311 kasus KDRT*, <http://www.antaranews.com/berita/318719/setip-hari-d-311-kasus-kdrt>. (Accessed December 3, 2013).

<sup>26</sup> See *Penelitian Kebijakan. Perempuan Anggota DPR-RI & Proses Pembuatan Kebijakan Publik: Rancangan Perubahan Undang-Undang Pemilihan Umum*, Women Research Institute, June 2012.

rankings of parties (to ensure their actual placement in the legislature). Another recommendation was the implementation of incentives for political parties which fulfilled the 30% quota. However, the only recommendation from WRI that was even remotely taken into consideration was that concerning the numerical positioning of women legislative candidates as stipulated in Section 56 Article (2) as follows:

“In the list of candidates, as intended in Article (1) the ordinal positions of 1 and 2 are to be filled by candidates of different genders, and among the following numbers there should be at least 1 (one) woman candidate among every 3 (three) candidates listed”.

However, this article has been difficult to implement effectively since there are no sanctions or incentives stipulated that could have an impact on the political parties.

## **3.2 Large Volume of Legislation that Discriminates Against Women**

### **3.2.1 Law on Marriage**

Law No. 1/1974 on Marriage has become a basis for discrimination against women in Indonesia. The law states that husband is the head of the family and wife is a housewife who has to serve her husband, take care of their children and do household chores. Some preamble articles in the law clearly regulate the roles of husband and wife, including stipulations that provide grounds for husbands to get married again.

Section 3 of Law No.1/1974 stipulates that:

- (1) In principle a man is allowed to have only one wife. A wife is allowed to have only one husband.
- (2) The court may permit a husband to have more than one wife if this is acceptable to all concerned parties.

Section 4 stipulates that:

- (1) In case a husband intends to have more than one wife, as stated in Section 3, Article (2) of this law, he is obliged to apply for permission at the court in the area in which he is domiciled.
- (2) The Court, as referenced in Article (1) of this Section can only permit a husband to take more than one wife if:
  - a. his wife cannot perform her obligations as a wife;
  - b. his wife suffers from physical defects or diseases that cannot be cured;
  - c. his wife cannot give birth to any offspring.



Both of these sections of the law showed that the Law on Marriage regulates and prescribes divorce or the taking of another wife if the existing wife is considered incapable of performing her obligations as a wife, suffers from incurable ailments, or cannot bear children. Clearly, the Law on Marriage has become grounds for discrimination against women.

Section 31 Article (3) stipulates that:

(3) The husband is the Head of the Family and wife is a housewife.

This Section has come to be used as grounds for the implementation of Syariah-based Law and diverse workforce policies that regulate that the wages and work allowances of women workers to be lower than those of men. Within this context, it is perceived that because a husband is the head of the family, he has the right to be paid more than his wife because she is considered “only” a housewife, or a person who generates additional income.

### **3.2.2 Law on Pornography**

In 2008 the House approved Law No. 44/2008 on Pornography that defines women’s bodies in such a way that they are discriminated against in a manner that leaves them vulnerable to criminalization.

According to Chapter I, Section 1, Article (1) of Law No. 44/2008 on Pornography, Pornography is any:

(1) Picture, sketch, illustration, photo, writing, voice, sound, motion picture, animation, cartoon, conversation, body movement or other form or message communicated through all forms of media and/or performances to the public that is obscene in nature or sexually exploitative, thus violating the moral norms of society.

According to Chapter II, Section 4, Article (1):

- (1) All persons are forbidden to produce, make, duplicate en mass, copy, distribute, broadcast, import, export, offer, trade, rent, or provide pornography that explicitly contains the elements mentioned in Part d:
- d. nudity or the impression of nudity;
- (2) All persons are forbidden to provide any pornographic services that:
- a. involve explicit nudity or the appearance of nudity;

Any explanation of what could be considered pornography depends almost entirely on who defines impression or appearance of nudity. With the existing imbalanced social construction with power relations that put women in a weak position, often as sexual objects, it is difficult for women to object to certain behaviours.

### 3.2.3 Law on Health

Law No. 36/2009 on Health emphasises that all people of all levels of society are entitled to equal access to health services, with no differentiation between services provided for men and women. Based on this law, the government is required to develop a health programme, including the provision of public service based on gender equality.<sup>27</sup>

Section 3, Article f of the Health Law stipulates:

“...implementation of health service at affordable prices must be just and equal for all strata of society”.

The statement “just and equal for all strata of society” was strengthened by the standard of gender equality stipulated in Section 3, Article g, which confirms:

“...health service development does not differentiate between men and women”.

Within that context, WRI has shown in its study that the Health Law regulates that the central government allocate as much as 5% of the State Budget for health services, beyond the allocation for salaries. Regional governments are required to allocate 10% beyond the allocation for salaries. In that way the Health Law firmly stipulates that 2/3 of all funds allocated for public health services must go toward ensuring established health standards. As we know, in reality the budget allocation for health service, particularly for reproductive health service for mothers in various areas, is less than 10%.<sup>28</sup> The problem is that until now, after four years, the Ministry of Health still has not yet issued Implementing Regulations for the Health Law.

### 3.3 Decentralisation Strengthens Patriarchy

In Indonesia, the decentralisation process started in 2001 and has produced various policies that have allowed for greater leeway for the public in general and for women in particular to participate in decision making on policy and budget. However, facts show that there remains a gap between policy and the welfare of marginalised groups, including women.

Law No 32/2004 on Regional Government Administration provide authority to regional and regency/city administrations to develop local policy. However, since the authority of decentralisation has not been accompanied by the dissemination of gender perspective information for CSOs and local governments, the decentralisation process has tended to strengthen

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<sup>27</sup> See, *Edriana Noerdin (ed.), Mencari Ujung Tombak Penurunan Angka Kematian Ibu di Indonesia (Jakarta: Women Research Institute, 2011)*.

<sup>28</sup> *Ibid.*

patriarchal values at the local level as reported by the National Commission of Women's Rights as a result of its monitoring of women's constitutional rights in 16 regencies/cities in 7 provinces.

“Within the period of 1999-2009, as many as 154 regional regulations were issued at provincial level (19 policies), regency/city level (134 policies), and village level (1 policy). These policies promoted the institutionalisation of discrimination, either intentionally or as the effect of other policies. Of the 154 regional regulations, 63 directly discriminated against women by limiting their rights to self expression (21 policies regulated the type of clothing women are allowed to wear), exacerbated discrimination in the name of legal protection and certainty in legal processes (37 policies on the banning of prostitution), ignored women's right to appropriate legal protection and certainty (1 policy on *khalwat*), and neglected women's rights to protection (4 policies on migrant workers).”<sup>29</sup>

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<sup>29</sup> Komnas Perempuan, *“In the name of Regional Autonomy: The Institutionalization of discrimination in Indonesia. A monitoring Report by The National Commission on Violence Against Women on The Status of Women's Constitutional Rights in 16 Districts/Municipalities in 7 Provinces”*, 2010, page 19.

## CHAPTER IV

# WOMEN POLITICAL REPRESENTATION AND GENDER EQUALITY LAWS

Women's participation in political and public life is one of the pre-existing conditions for holistic democracy.<sup>30</sup> Furthermore, women will contribute more to democratic life when they become policy makers. Anne Phillips argued that combining the politics of presence and the politics of ideas was important.<sup>31</sup> Women must be present and have influence so that the policies made by law making bodies are gender responsive.

The lack of representation of women in law making bodies, which is one of the targets of Millennium Development Goals (MDGs),<sup>32</sup> is an important issue in Indonesia because the representation women in legislating institutions throughout the country is only 18%.<sup>33</sup> Meanwhile, only two years remain before the MDGs process ends. These goals take on even more significance when women have the authority to make policy and apply it in the legislation produced in the House of Representatives toward achieving the MDGs and other development targets.<sup>34</sup>

Although women make up only 18% of the representation of the public in the House in Indonesia, they have made their best effort to produce gender responsive policies during their tenure. Previous research by WRI<sup>35</sup> shows that women members of the House has

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<sup>30</sup> See, Hassim, S. and Goetz, A. M. *No Shortcuts to Power: African Women in Politics and Policy Making*. (London and New York: Zed Books, 2003).

<sup>31</sup> See, Phillips, A. *The Politics of Presence*. (Oxford: Clarendon Press, 1995).

<sup>32</sup> See Goal 3 of MDGs, target 3.3: Proportion of seats occupied by women in the House of Representatives. <http://mdgsindonesia.org/official/index.php/component/content/article/20-Materi%20MDGs/50> (accessed December 3<sup>rd</sup>, 2013).

<sup>33</sup> See, Vetten, S, Makhunga, L and Leisegang, *Making Women's Representation in Parliament Count: The Case of Violence against Women*. (Braamfontein, South Africa: Tshwaranang Legal Advocacy Centre to End Violence Against Women, 2012).

<sup>34</sup> See, Norris, Pippa. *Gender Equality in Elected Office in Asia Pacific: Six Actions to Expand Women's Empowerment*. (Bangkok, Thailand: Asia-Pacific Regional Centre United Nations Development Programme United Nations Development Programme, 2012).

<sup>35</sup> Women Research Institute. *Perempuan Anggota DPR-RI & Proses Pembuatan Kebijakan Publik: Rancangan Perubahan Undang-undang Pemilihan Umum*. Jakarta: 2012.

succeeded in establishing gender responsive public policies, although gender perspective has not been integrated optimally in all draft legislation produced in the House.

A great deal of attention has been paid to General Election policies, in particular the affirmative action regulation of 30% legislative regulation for women, from the establishing of national level policy (Law No.8/2012 on General Election), to implementation (General Election Commission Regulation). The General Election policies are considered gender responsive because they have opened wider access and opportunity for women to enter political life. The efficacy of these policies can be seen in the fact the three women in the 30 member Special Committee and the two out of 20 members of the Working Committee for General Election legislation were able to defend and maintain affirmative gender articles in the law.

Furthermore, women members of the House continue to struggle to ensure the fulfilment of the 30% quota for women's legislative representation in their preparation for the General Election.<sup>36</sup> The women's quota has triggered an ongoing heated debate between members of the House and the commissioner of the General Election Commission. The public has optimistically embraced this as a push factor that boosted woman representation in legislative body.<sup>37</sup>

This effort is in line with Philips' argument that supports a combination of representation in politics and political thinking. Philip cites the importance of increasing women's representation based on the fact that women have different experiences and interests than men, which require that changes be in the existing political structure. Philip further cited the reality that because women experience life differently than men from both the biological and social points of view, it is impossible for men to represent women's interests, which means that women's representation in the House is vital.<sup>38</sup>

Gender equality is apparent in the improved opportunities available for women to support their interests and expectations in politics. Currently, more and more women are criticizing tirelessly their minimum representation in policy making; an issue, which most men neglect. This low level representation in the legislature has limited the capability of women to voice their interests.

Phillips is also of the opinion that increased representation of women is imperative because women have long experienced discrimination and marginalization, and this will only change

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<sup>36</sup> Alot, *Pembahasan Peraturan KPU tentang Kuota Perempuan*. <http://www.jurnalparlemen.com/view/810/alot-pembahasan-peraturan-kpu-tentang-kuota-perempuan.html>. Accessed November 10<sup>th</sup>, 2013.

<sup>37</sup> Lola Amelia, The Indonesian Institute, FGD CSO Jakarta, October 22<sup>nd</sup>, 2013.

<sup>38</sup> Phillips, *op.cit*, page 5.

if the power structure of representation is revamped. Otherwise, political representation in the power hierarchy would constantly be dominated by men.<sup>39</sup>

According to Anne-Marie Goetz,<sup>40</sup> policy making becomes more inclusive with the presence of women, which makes their representation more important than other factors, such as political capability and party affiliation. This can be seen in the fact the application of the quota policy has become a determining factor in the improvement of women's representation. In 2000, United Nations introduced the MDGs in goals 3, which made the number of women in politics an indication of women's empowerment.<sup>41</sup>

Women's political participation is remain low and the various policies that encourage democratization in general seem less impact on the achievement of women's rights. Therefore, it is necessary to have a targeted umbrella act on gender equality and equity, like the Gender Equality and Equity Bill proposed in Indonesia's 2012 National Legislation Programme in line with the recommendations emerging from the last CEDAW (*Convention on the Elimination of All Forms of Discrimination Against Women*) meeting, which pinpointed the urgency to adopt a policy of gender equality and equity in Indonesia.

#### **4.1 Implications of Poor Women's Representation on the Lack of Gender Responsive Policies**

As yet, Indonesia has no national regulations that effectively consolidate and mainstream the CEDAW in day-to-day policy making activities. This impedes Indonesia from reaching the goal of eliminating discrimination against women. Based on the conclusions as regards the General Election arrived at by the CEDAW Committee on July 27, 2013, the core concern is the fact that Law No.8/2012 on General Election does not clearly state that one of the three top candidates on party poll lists has to be a woman. As well, the CEDAW committee emphatically points out that the participation of women in politics and public life is still limited, as evidenced in the low level of women's participation in the House of Representatives (17.86%), Regional Executive Board (27%), and the Provincial House of Representatives (13%), as well as in the Supreme Court (4 out of 49 Justices), and in the Constitutional Court (only 1 out of 9 Constitutional Judges).<sup>42</sup>

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<sup>39</sup> Phillips, 1995, page 47.

<sup>40</sup> Goetz, Anne-Marie (ed). *Getting institution Right for Women in Development*. Taylor and Francis.1997.

<sup>41</sup> See *Goals 3* of MDGs, namely Supporting Gender Equity and Women Empowerment and target indicators 3.3, namely proportion of seats occupied by women in the House. Source <http://mdgsindonesia.org/official/index.php/component/content/article/20-Materi%20MDGs/50>, accessed July 18<sup>th</sup>, 2013.

<sup>42</sup> CEDAW Recommendations, Article 31.

Another chief indicator resulting from the poor representation of women in comparison to the expectations of gender responsive policy is the State Budget, which is formulated by the Indonesian House of Representatives Budget Committee. In the 2009-2014 period, 10 members or only 11.90% of the Committee, were women. Although women's representation has risen from 3.7% in 2004-2009, the current House membership of women is still far below the minimum 30% regulated. Therefore, the assumption arises that even though women's representation in the House and the Budget Committee has increased, it has failed to fulfill the quota stipulated, which means that budgetary policy continues to fall short of meeting the needs of women. One of the implications of this lack of budgetary support is the continued failure of the government to create gender equality in society. This means women are not significantly represented either in terms of presence or thinking.<sup>43</sup> Research conducted by Women Research Institute (WRI) in 2009<sup>44</sup> found that, in light of the fact that women make up half of Indonesia's population, their participation in politics was imperative within the context of increasing political presence and enhancement of political thinking.<sup>45</sup>

## 4.2 WRI Survey Data on the Need for Gender Responsive Policy

The results of the WRI survey of over 1,200 respondents from across Indonesia indicate that the obstacles faced by women members of the House in their efforts to make the idea of gender responsive policy accepted highlight the importance of having laws that are gender responsive. The survey results are as follow.

The respondents supported gender equality in the participation of men and women in politics. As many as 38% of women and 37% of men agreed that both men and women should have the same political rights. Only 4% of women and 6% of men disagreed, while the rest, or 2% of women and 3% of men, abstained from responding.

The survey results also show that 63% of the total number of respondents thought that the more women present in the House, the more opportunities they would have to strive for

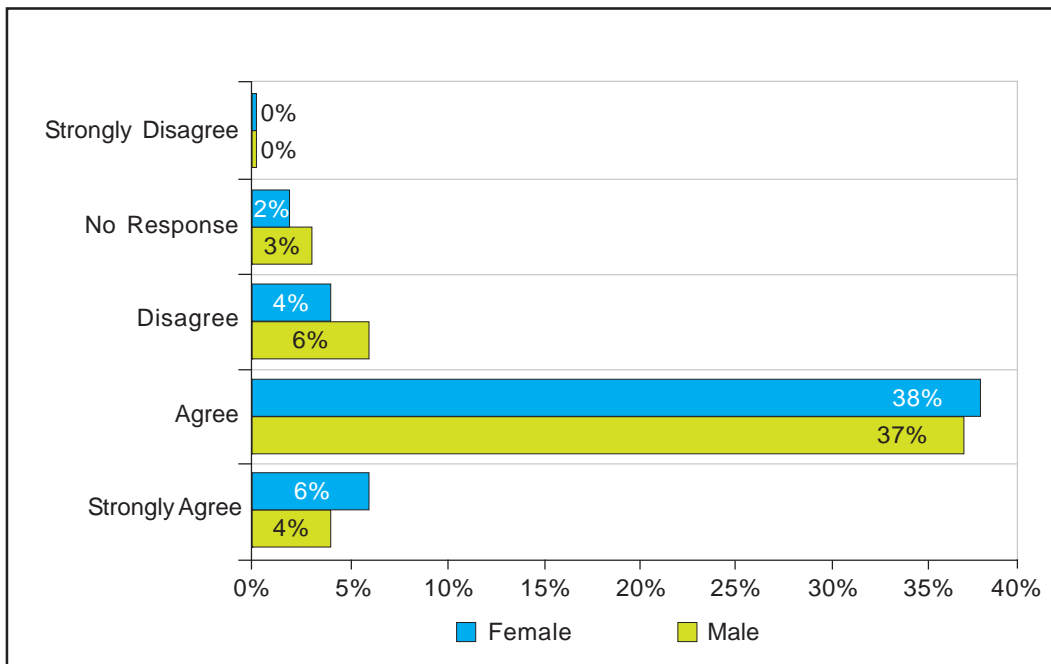
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<sup>43</sup> See, Women Research Institute. *Penelitian Kebijakan Perempuan Anggota DPR-RI dan Proses Pembuatan Kebijakan Publik: Rancangan Perubahan Undang-Undang Pemilihan Umum*. (Jakarta: Women Research Institute, 2012), Page 3.

<sup>44</sup> See, Women Research Institute. *Kuotadan Desentralisasi, Studi Keterwakilan Perempuan pada Pemilu Legislatif di DPR-RI, DPRD-RI Kota Banda Aceh, Kota Solo, Kota Pontianak, Kota Mataram dan Kabupaten Minahasa Utara*. (Jakarta: Women Research Institute, 2009). This study was conducted in collaboration with International Development Research Centre (IDRC) Canada. Unpublished.

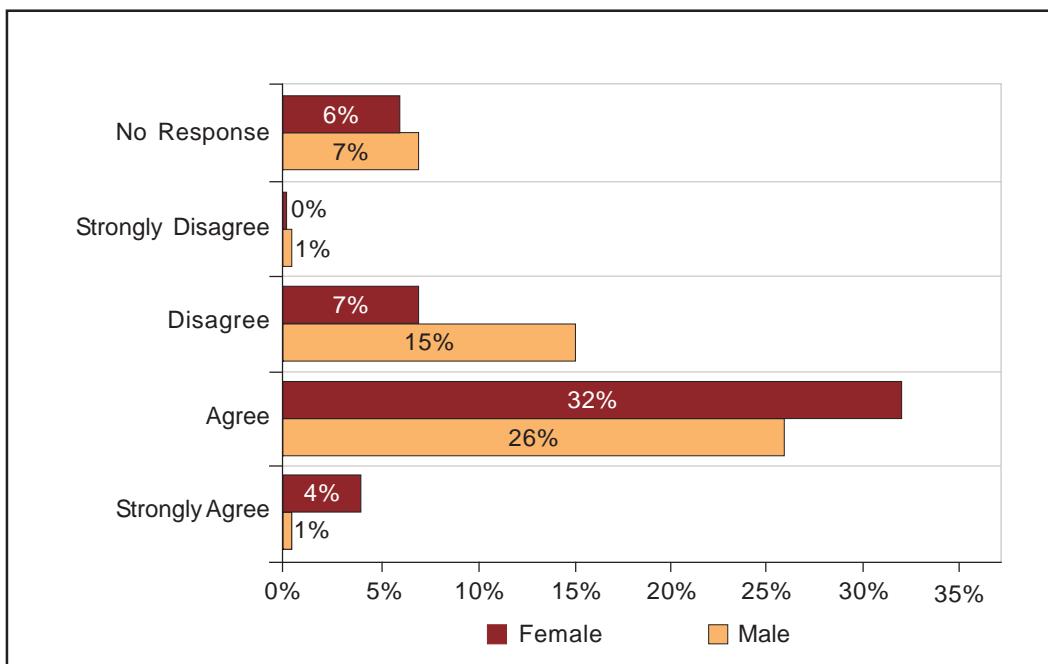
<sup>45</sup> Based on the Demographic Census done by the Central Statistics Agency, the male population is 119,630,913 and female population is 118,010,413, which means 50.34% of the Indonesian population are men and 49.66% are women.

**Chart 1.**  
**Opinions on Equal Opportunities for Men and Women to be Involved in Politics**



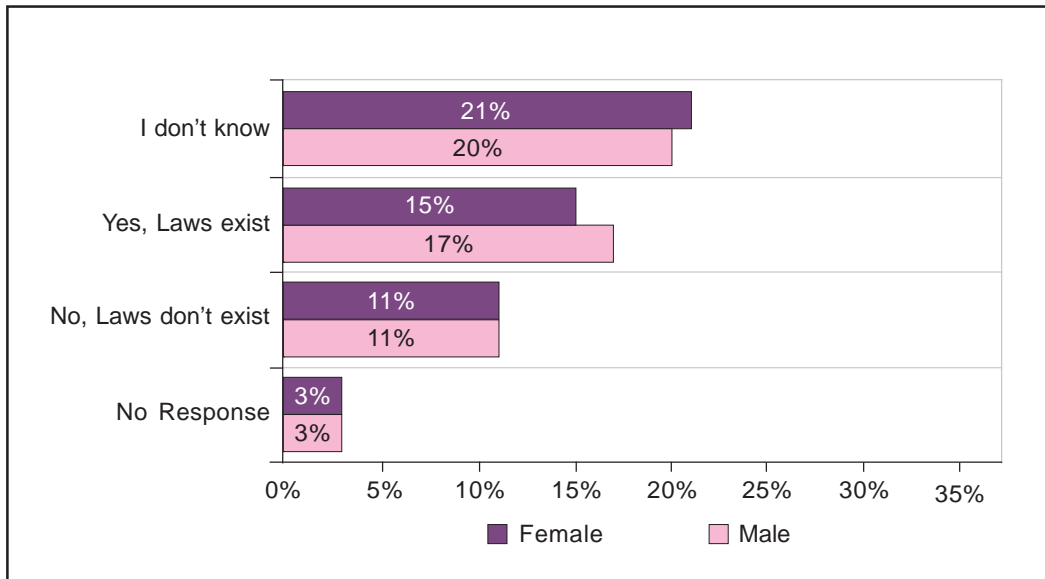
justice and gender equality. This indicates that despite the fact that 16% of men and 7% of women disagreed with this idea, the opportunity for women to join in the running for seats in the legislature is still open wide.

**Chart 2.**  
**Opinions on The More Women in Parliament trigger more fighting for Gender Equality**



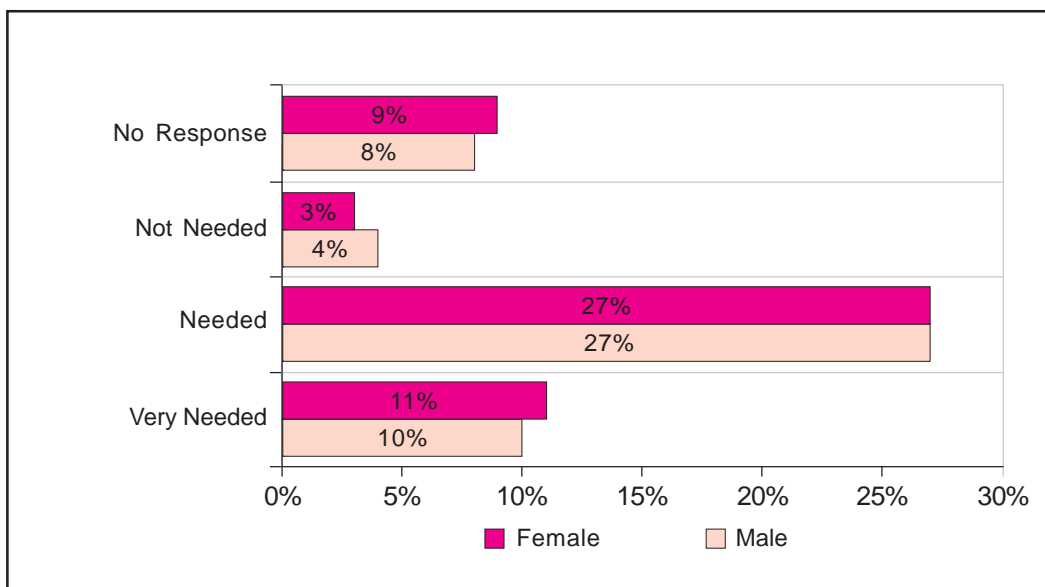


**Chart 3.**  
**Knowledge of the existence of policies/laws to promote Gender Equality**



From the above, it can be seen that most respondents, as a reflection of the opinion of the general population, think that Indonesia requires a gender responsive policy. From the table we can see that 21% respondents (11% women and 10% men) indicated a need for gender responsive policy in Indonesia, and only 3% of the women and 4% of the men responding disagreed. The rest, 8% of the women and 9% of the men surveyed men did not answer. This indicates a public awareness of the importance of gender responsive law as the manifestation of the protection of women's rights as stated in the 1945 Constitution.

**Chart 4.**  
**Opinion on the urgency for policies encouraging Gender Equality**



### 4.3 Efforts Made by the House to Produce the Gender Equality and Equity Law

The commitment of the House of Representatives to the Gender Equality and Equity Bill was initiated in 2006 (during the 2004-2009 legislative periods) by Commission VIII, which oversees Religion, Social Affairs and Women's Empowerment,<sup>46</sup> and has continued into the current legislative period (2009-2014). In 2012, the House placed the Gender Equality and Equity Bill on its list of Pro-Women National Legislation as priority legislation for ratification into law before the end of the current legislative period in 2014.<sup>47</sup> Commission VIII, which began its efforts, including holding public hearings and other consultative activities, at the beginning of 2012, produced the Gender Equality and Equity Bill as a draft law by July 2013. It is expected that the Bill will be further developed into a more complete set of regulations with wide coverage, as compared to former legislation, such as Law No. 7/1984 on CEDAW ratification and Presidential Instruction No. 9/2000 on Gender Mainstreaming.

Civil society organizations grouped in the Pro-Women National Legislation Program Network (*Jaringan Kerja Prolegnas Pro Perempuan/JKP3*) have responded positively to the efforts of the House in developing the Gender Equality and Equity Bill, and have supported them by providing pertinent data and information. The Pro-Women National Legislation Program Network supports the Bill with that expectation that it will accelerate the achievement of equality between men and women. It is expected that the Bill will function as umbrella act and the highest level regulatory mechanism for the further establishment of gender responsive policies to ensure the constitutional rights of women and the implementation of Gender Mainstreaming.<sup>48</sup>

The main objective of the Bill is to eliminate discrimination and to achieve, both temporarily and sustainably, gender equality and equity in National Development. The Bill will contribute to the monitoring and control of the system and mechanism for applying Gender Mainstreaming strategy in all walks of life throughout the nation.<sup>49</sup> The inclusive nature of the Bill is apparent in its coverage of all levels of the state apparatus (legislative, executive and judicial), as well as the corporate/private sector and the whole of civil society, in the effort to achieve gender equality. In addition, the Bill exists in partial fulfilment of the state's obligation to ensure there is no discrimination of any kind or on any level as stipulated in

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<sup>46</sup> UN Women describes this policy initiated by the House as a Draft Act Concerning Gender Equality and Equity.

<sup>47</sup> List of 2013 Prioritised Bills. <http://www.jurnalparlemen.com/index.php?pilih=news&mod=yes&aksi=lihat&id=399> (Accessed on July 18, 2013).

<sup>48</sup> Gender Mainstreaming was stipulated in Presidential Instruction No. 9/2000 as policy grounds for integrating gender perspectives in political and public life. However, since it was issued as a Presidential Instruction this policy is not strong enough to bind state apparatus to its implementation.

<sup>49</sup> See, Jaringan Kerja Prolegnas Pro Perempuan (JKP3). *Lembar Info: Pentingnya RUU Kesetaraan dan Keadilan Gender*. (Jakarta: YLBH APIK, 2013).

the 1945 Constitution.<sup>50</sup> For this reason, women legislators, who are aware of the importance of gender equality and equity, have been openly supporting the Bill.

“We hope that the Gender Equality and Equity Bill can become the legal basis for other laws, so there’ll be guidance toward solutions for the problems of politics and economy.” (Women DPR-RI member, Commission IV, Golkar Faction, May 24, 2013)

“I think we do need the Gender Equality and Equity Bill, and that it is a must. How can we fight if there is no regulation at all.” (Women DPR-RI member, Commission VIII, Gerindra Faction, May 21, 2013)

In this research, WRI specifically views the Bill as an alternative policy basis toward correcting gender imbalance, providing access, and opening up leeway for the participation of women in politics. The Gender Equality and Equity Bill is meant to complement the existing Law No.39/1999 on Human Rights, which does not specifically discussed women’s rights in detail. This law is expected to function to introduce the Gender Equality and Equity Bill and to provide a basis for its implementation in society, as well as strengthening the position of already existing gender responsive policies in the various regions to prevent any discriminative policies from emerging.

“The local Malang House of Representatives is being pushed to endorse the Local Regulation on Women’s Empowerment and Protection for Vulnerable Groups. This Local Regulation is needed although the national legal basis is not yet available. In my opinion, the introduction process is absolutely urgent.” (Suti’ah, LPKP East Java, FGD with CSOs in Surabaya, 2013).

“I support the Bill since Gresik already has a Local Regulation on Gender Mainstreaming; unfortunately, there is no umbrella act available.” (Nur Khosiah, P2TP2A Gresik, FGD with CSOs in Surabaya, October 16, 2013).

From the very beginning of its preparation, there has been concern that the Gender Equality and Equity Bill, as was the case with previous policy instruments, will not be able to meet the overall needs of women. However, the efforts of the members of the House of Representatives to formulate and propose the Bill for ratification into law must be respected.

#### **4.4 Public Response to the Gender Equality and Equity Bill**

The public’s impression that the House of Representatives is overly cautious in its preparation of the Gender Equality and Equity Bill has given rise to differing opinions and debates among

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<sup>50</sup> Article 27, 28H Act (2) and 28I Act (2) ensure each citizen to be free from any forms of discrimination and has right to get equal treatment and legal protection without any discrimination.

the public. Despite the fact that the first draft of the legislation was completed in July 2013, the public remains sceptical as to whether the ratification of the Gender Equality and Equity Bill into law can be accomplished before the end of the 2009-2014 tenure of the current House members. The detailed and lengthy process required before the Gender Equality and Equity Bill can be passed into law may require more time than is available, considering that the focus of many House members will begin to shift to their parties' campaigns for the April 2014 elections as early as December 2013.

One of the reasons that the preparation and processing of the Gender Equality and Equity Bill has slowed beyond expectations is the long, drawn-out debate arising around it, not only in the legislature but among civil society, including some religious organizations.<sup>51</sup> Supporters, in general, consider the Bill as providing a national legal basis for existing gender responsive policies. The various responses to the content of the Bill have converged into the following points of debate:

1. Gender is defined as the differentiation between men and women as the result of social and cultural constructions. Religious organizations, however, argue that the difference between men and woman is a matter of natural occurrence instead of cultural construction.<sup>52</sup>
2. Gender Equality and Equity is considered the condition of a relationship between men and women that is equal in order that all receive equal treatment in terms of access to and control of resources, participation in politics and society, and benefit from development. This concept is considered contradictory to Islam, in which men and women are not considered equal.<sup>53</sup>
3. In regards to marriage, the Gender Equality and Equity Bill takes a protective stance which prohibits pressure or force in the selection of a husband or wife. However the terminology "freely choose a wife or husband" has been construed in some circles as ambiguous to the point that it might provide a loophole to introduce the idea of legalizing same-sex marriage.<sup>54</sup>
4. The Gender Equality and Equity Bill also regulates an equal role and responsibility between men and women as parents. This is considered contradictory to Law No.1/1974 on Marriage which states that the husband is the head of the family (Section 31, Article 3), and is obliged to meet the needs of the family, including breadwinning and providing protection (Section 34, Article 1).<sup>55</sup>

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<sup>51</sup> See, The Jakarta Post, *Gender Equality Bill Opposed by Women*, (June 19, 2012); The Jakarta Globe, *Indonesia Islamists Stall Gender Equality Bill*, (May 9<sup>th</sup>, 2012).

<sup>52</sup> Statement of MIUMI in a public hearing in June 22<sup>nd</sup>, 2012. Statement of Women's Organisation *Muslimat Hidayatullah*.

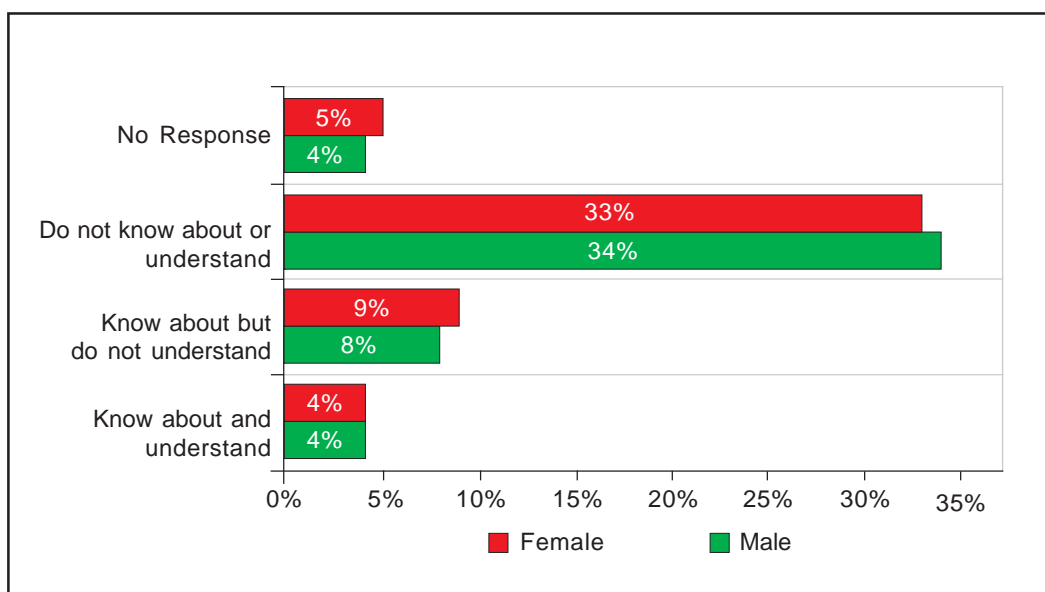
<sup>53</sup> Statement of MIUMI in a public hearing in June 26<sup>th</sup>, 2012.

<sup>54</sup> Statement of Tatik Rahayu, Vice Chairperson of *Forum Komunikasi Majelis Taklim Lampung*.

<sup>55</sup> Statement of Women's Organisation *Muslimat Hidayatullah*.

In connection with the public understanding of the Gender Equality and Equity Bill, WRI's September 2013 survey that shows that 4% of the women responding and 4% of the men acknowledged that they knew and understood the contents of the Bill. Other respondents, 9% women and 8% men, said they knew about the Bill but did not understand the contents. The majority of the respondents, 33% women and 34% men, neither knew about the Bill nor understood its contents; and the rest, 5% women and 4% men, refrained from answering. This indicates that the public has not received adequate or appropriate information about gender responsive policy from either members of the House, electoral district officials, or from the executive branch of government.

**Chart 5.**  
**Knowledge and Understanding of Gender Equality and Equity Bill**



The people who knew about the Bill mostly lived in Java, which means there are gaps in spreading the information about gender mainstreaming issue, particularly about Gender Equality and Equity bill currently discussed by the House of Representatives Commission VIII.

**Table 1.**  
**Knowledge and Understanding on Gender Equality and Equity Bill based on Region**

Answer	Java	Sumatera	Kalimantan	Sulawesi	NTT, NTB, Bali	Maluku & Papua
Yes, I know and understand	4%	2%	0%	1%	0%	1%
Yes, I know but don't understand	8%	4%	2%	1%	1%	1%
Neither know nor understand	41%	13%	4%	5%	3%	2%
No answer given	4%	3%	0%	1%	1%	0%
<b>Total</b>	<b>58%</b>	<b>22%</b>	<b>5%</b>	<b>7%</b>	<b>5%</b>	<b>3%</b>

#### **4.5 Role of Women's Groups in Introducing the Gender Equality and Equity Bill**

Women's groups have played a very important role in introducing the Gender Equality and Equity Bill to the public, although some differences of opinion have emerged among them. Certain groups support the methods used, while others have criticised the introduction process, in which the activities have remained primarily limited to groups or organizations in Jakarta. In FGD with theseveral Surabaya civil society organizations said that socialization and the involvement is only done by those groups/organization on Jakarta. However, in general the existing women's groups support the Bill, with many emphasising to the members of the House, especially those in Commission VIII, the need for strengthening the substance of the public awareness campaigns for more extensive familiarization of the public with the Bill's contents.

"We need the Gender Equality and Equity Bill. Considering that it's not yet endorsed, we need to put on some pressure. We also need to introduce the Bill to all levels of local government." (Suti'ah, LPKP East Java, during FGD with CSOs in Surabaya, on October 16, 2013).

"In regards to the public awareness campaign, it would be better if this effort were expanded from simple introduction of the Bill to discussion of its substance in order not to weaken the position of the women themselves. This informational campaign should reach not only the elite, but all groups, including men." (Joseph M. Lato, Yayasan Embun Surabaya, during a FGD with CSOs in Surabaya, October 16, 2013).

#### **4.6 Dynamics and Challenges Facing Women House Members in Striving for the Gender Equality and Equity Bill**

It has been interesting to observe the dynamics of women's political representation in striving for the Gender Equality and Equity Bill, which is considered an issue that is not easy to: sell" and unlikely to become a priority for any of the factions. In fact loyalty to party factions complicates the process for women representatives to represent their needs and interests in the production of gender responsive policies like the Gender Equality and Equity Bill.

"The head of the Faction has not clearly stated his stance on this issue; he just lets the political dynamics flow first. It's quite common for alaw like this (the draft of the Gender Equality and Equity Bill) to be considered less important than others. The approach to the Law on Presidential Elections was quite different. All faction members, including me, were gathered and urged to speak." (Women DPR-RI member, Commission I, Golkar Faction, June 10, 2013).

"Almost all members of the House work based on their party's instructions. So, do not be surprised if they show more concern about their parties." (Sulastio, Indonesian Parliamentary Centre, during an FGD with CSOs in Jakarta, October 22, 2013).

When women members of the House strive for women's issues, including through the Gender Equality and Equity Bill, not only will they not get support from their parties, they will also feel pressure from their faction. This presents a dilemma for women members of the House as representatives of women's groups. They carry two burdens on their shoulders: first they have to strive for women's issues, and second they have to surrender to their factions as members of the House.

"I am not free to deliver my aspirations as a representative for women." (Women DPR-RI member, Commission VIII, Gerindra Faction, May 21, 2013).

Because women account for only 18% of the House membership, they have to deal with structural challenges, including the lack of opportunity for them to hold strategic positions in either their factions or in the various bodies within the House organizational structure. Therefore, it is difficult for women legislators to have a significant impact on the flow of the process toward passing the Gender Equality and Equity Bill into law. If there were more women in strategic positions in the various working commissions, they would have more opportunities to determine schedules, present issues and interests, and to manage the priority of issues and laws to be discussed. This would also facilitate the proposal of the Bill as a priority in their factions, commissions, or even the entire legislative body.

"The presence of women in the House does not significantly affect the process of policy making in the House because those who sit as the chairpersons are mostly men. That strategic position is not owned by women and this is the real condition." (Women DPR-RI member, Commission II, Democrat Faction, May 23, 2013).

In addition, when a woman shows good potential, she will most likely be rotated to a more strategic commission by her faction. This has happened to women legislators in House Commission VIII for women's issues in the midst of their struggle for the Gender Equality and Equity Bill

"Coincidentally, ladies who care about women's issues and the Bill are moving out of Commission VIII. Only Bu Ingrid and Bu Min are left. Meanwhile, the gentlemen mostly talk more about hajj issue. (Women DPR-RI members, Commission IV, Golkar Faction, May 24, 2013).

Considering the abundant policy making processes in the House, woman legislators have to divide their time and attention to attend discussions on various policies. As a result, the discussion of the Gender Equality and Equity Bill is not popular and it is not prioritised. Lack of promotion of the content of the Bill in the House means it has become solely an issue for Commission VIII as the initiator and for the women members of the House who are active in the Indonesian Caucus of Women Legislators. Even so, some members of the House have given a positive response to the Bill.

“The Gender Equality and Equity Bill is needed. There must be regulation underlying execution, implementation, and program application. It is a must. I think it is a must. (Women DPR-RI member, Commission VIII, Gerindra Faction, May 21, 2013).

Based on the survey conducted by WRI, there are diverse understandings among the 18% of women House members about their political representation. Some of them become trapped in the thinking that the women legislators considered most qualified are those who vocally push issues like economics, diplomatic relations, or corruption issues in the media. This attitude is not totally wrong, but women members of the House are expected to prioritize their time and effort toward representation of women’s political interests.

“I don’t see our female friends here in the House as representing women’s interests. They don’t have smart ideas, there isn’t any special thing we can see that they are striving toward for women. We have to be careful about this.” (Male DPR-RI member, Commission IV, PDI-Perjuangan Faction, June 11, 2013).

Within this context, it is advisable for women members of the House to consolidate their strengths and leverage existing legislative and other mechanisms in the House. As well, the Indonesian Caucus of Women Legislators could be a source of strength. Unfortunately membership in that body remains low. It has proven difficult to develop a bond of solidarity among women members of the House because most are preoccupied with their own concerns and the prioritising of the interests of the individual factions.

“What is the Caucus focusing on? It should not embrace any undertaking that will not run optimally. It should guard the Bill, but I don’t know what’s going on, this Bill is not the top priority. I think it’s better for both the Caucus and The Indonesian Women’s Board to stop ceremonial activities and start working.” (Women DPR-RI member, Commission II, Hanura Faction, May 24, 2013).

#### **4.7 Response of the Members of the House to the Gender Equality and Equity Bill**

There have been three types of responses from within the House of Representatives. Some legislators support the Gender Equality and Equity Bill fully, others support it under certain conditions, while the remainder reject it outright. The legislative workload also affects the process toward passing the Bill, while the pros and cons expressed about the Bill by the public must be accommodated. Yet, even with the fact that the majority of House members will be campaigning for re-election in the next General Election, Commission VIII of the House is optimistic about being able to finish up its “debt” of legislation, with the Bill being only one of the legislative products to be passed into law.<sup>56</sup>

<sup>56</sup> *RUU KKG Akan Disahkan Jadi Inisiatif DPR di Paripurna*. <http://www.jurnalparlemen.com/index.php?pilih=news&mod=yes&aksi=lihat&id=5068>; *Mau Bereskan Tunggakan, Ketua Komisi VIII Ingin Anggotanya Konsen di Senayan*, <http://www.jurnalparlemen.com/index.php?pilih=news&mod=yes&aksi=lihat&id=5832>. Accessed November 10, 2013.



“I think it is not only because a lot of Islamic Parties are still questioning the Bill. It seems that members in the commission are not active enough in introducing and discussing it. There are too many bills we are dealing with, such as the bill on “halal” (acceptable under Islamic teachings) products, the pilgrimage bill and the one on Gender Equality and Equity, among many others. So, I think the commission should be more active. But it depends on the chairperson.” (Women DPR-RI member, Commission VIII, Gerindra Faction, June 13, 2013)

Members of the House who fully support the Bill say that it can become an umbrella act and offer guidelines for Gender Equality and Equity Policy. Besides that, they also expect that the Bill will function as a basis for policy covering other fields, such as politics and the economy. This idea is in line with the media’s perception of the Bill, and has even won support from the Ministry of Women Empowerment and Child Protection, the working partner of House Commission VIII, as Minister of Women Empowerment and Child Protection Linda Amalia Gumelar told the House Journal.<sup>57</sup>

“I absolutely agree with the Bill because it is an umbrella policy mechanism. In my opinion, it is important, but the conservative groups consider it as a liberal piece of legislature. I agree with the Bill, which deals with how the state should do good things for the advancement of women, and I believe it is needed for the future to ensure that the nation will not repress, subordinate, and marginalize women. This Bill can become an umbrella law, and I think that is the most important thing.” (Women DPR-RI member, Commission I, Golkar Faction, June 10, 2013).

“We expect that the content of the Bill can become an umbrella policy for a variety of other laws, so that we also can solve political and economic problems because we already have the guidelines in the Gender Equality and Equity Bill,” (Women DPR-RI member, Commission IV, Golkar Faction, May 24, 2013).

Other members of the House have set forth differing opinions about the Gender Equality and Equity Bill as well, suggesting that caution must be taken to ensure that the bill will not cause controversy and that men must be involved in any advocacy process. In fact, the Bill has already accommodated these concerns in Article 18, which stipulates that everyone is obligated to develop equal relations among women and men through the application of Gender Equality and Equity in family life, social life, and in the running of the nation.

“As was the case in making of the Law on Domestic Violence and the Law on Child Protection in 2009, women must also participate in making gender responsive laws. In implementation, however, the involvement of men in advocacy is also important.” (Women DPR-RI member, Commission II, Golkar Faction, May 20, 2013).

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<sup>57</sup> Linda Amalia Ingin Nama Kementeriannya Diganti Jadi Kesetaraan Gender. <http://www.jurnalparlemen.com/index.php?pilih=news&mod=yes&aksi=lihat&id=4641>. Accessed November 10, 2013; Menteri PP dan PA Menjamin RUU KKG Tidak Mengadopsi Paham Barat, <http://www.jurnalparlemen.com/index.php?pilih=news&mod=yes&aksi=lihat&id=3782>. Accessed November 10, 2013.

A number of members of the House have even rejected the Bill upon the considerations that there are not enough resources available (people, power, and money) for creating the legislation, that difficulties are sure to arise in implementation in the field, and that there is too pronounced a dichotomy between men and women, as well as the normative nature of the Bill itself. This resistance, which has impeded the legislative process toward the finalizing of the Bill, is also seen among some members of Commission VIII, which initiated the Bill.<sup>58</sup>

“There is a problem with this law since it cannot be considered as an umbrella. It is better for us to optimise the existing laws, such as the Law on Human Rights, CEDAW, Law on Elimination of Domestic Violence, and Law on Citizenship. For instance, how can the West Java Police Department effectively implement the Law on Elimination of Domestic Violence if the institution has only 32 people? The important thing is how to correctly and effectively implement the existing laws. The Gender Equality and Equity Bill is stuck on a normative level. (Women DPR-RI member, Commission II, Golkar Faction, May 20, 2013).

Meanwhile, Women DPR-RI member from Commission III has emphasized that the legislation process is an integral part of the substance and structure of the policy being issued. According to her, this requires both internal and external elements of the House to monitor how the content and structure of a law is achieved; a matter especially important in the case of this Bill.

“This Gender Equality and Equity Bill constitutes a fishing expedition. The most important thing is how the culture and the people respond and deal with matters of gender equality and equity. The problem we are facing in Indonesia is how to optimally implement a good law. The issue of content of law is important, but it does not guarantee the effectiveness of the law’s implementation. Therefore, structure of law must also be a matter of concern.” (Women DPR-RI member, Commission III, PDI-P Faction, June 4, 2013).

The variety of reactions toward the Bill has not dampened the spirit of the network of women House members who consistently advocate, support and monitor the legislation process for the Bill. The Indonesia Caucus of Women Legislators and members of civil society who care about the Bill have taken action, including the opening of discussion rooms in which information about the Bill is disseminated.<sup>59</sup> The conclusion to be drawn here is that the representational function of the members of the House, both as individuals and collectively, provides a wide range of coverage and has diverse impacts in relation to the legislative process and the quality of democratic life in Indonesia.

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<sup>58</sup> *Some articles in the Gender Equity and Equity Bill were revised.* <http://www.jurnalparlemen.com/index.php?pilih=news&mod=yes&aksi=lihat&id=3835>; *Agar Fokus, RUU KKG Perlu Disisir Ulang*, <http://www.jurnalparlemen.com/view/4025/agar-fokus-ruu-kkg-perlu-disisir-ulang.html>. (Accessed November 10th, 2013).

<sup>59</sup> *Hari Perempuan, Komisi VIII dan Kaukus Perempuan Parlemen Bahas RUU KKG.* <http://www.jurnalparlemen.com/index.php?pilih=news&mod=yes&aksi=lihat&id=1763>. Accessed November 10, 2013.

## **4.8 Networks Developed Among the Members of the House**

### **4.8.1 Indonesian Caucus of Women Legislators**

The aim of the Indonesian Caucus of Women Legislators is to influence the process of legislation and advocacy in the House toward the creation and establishment of gender responsive policy. In addition, the Caucus also intends to improve the capacity of women members of the House in playing their roles and performing their functions. In the process of formulating the Bill, the Caucus has proved itself to be an effective medium for women to encourage the legislative process. Almost all of the discussions on the Bill have been attended solely by women. This indicates that the women members of the House can unite in striving for the furthering of shared interests, while highlighting the fact that men House members lack a solid gender perspective.

However, not all of women members of the House have been able to take full advantage of the Caucus activities. Caucus meetings are usually held on Fridays because House legislators generally have full schedules of commission meetings and plenary sessions from Monday through Thursday. Unfortunately, Friday is also a busy day for many House members who are obligated to attend faction meetings or visit their electoral districts. This is why not all women House members have attended Caucus meetings.

The Caucus is not yet considered capable of functioning as a forum in which women members of the House can share and learn together. Some perceive it as little more than a forum for ceremonial activities, which is unlikely to bring about any positive changes in the House in relation to the women's struggle. In fact, some even consider it incapable of breaking through the existing status quo; meaning that its existence has no impact on the improvement of the situation of women in Indonesia.

### **4.8.2 Research Centre and Expert Staff and/or Assistants to Members of the House**

The House has a Research Centre to provide data required by members of the House. Unfortunately, because this Centre fails to provide much input to the House Members, who require a steady flow of research results, it has come to be perceived as a restricted area. This perception is exacerbated by the tedious process required for requesting data, which often ends without the release of the necessary information. This situation that has led to the assumption among House members that the Research Centre is under the control of the General Secretary of the House, while it is supposed to function to facilitate the performance of House members overall.

To maximize the function of the Research Centre to regularly provide research results for all House members, the Centre should also be capable of conducting its own research. This should be done upon the demand of House members as their work requires so that the

Centre functions fully as a support system. In developed countries such centres support legislators and legislative bodies to ensure the maximum performance of lawmakers with a basis of good research.

#### **4.8.3 Civil Society Organizations (Extra-Parliamentary Institutions)**

It is important for women House members to build good relationships with extra-parliamentary institutions or Civil Society Organizations; especially women's organizations. Some women House members say that they request and get input from external bodies, such as NGOs and research institutions, in the form of research data, books, journals, and fact sheets, all of which are conveyed either physically or electronically (by email). In addition, women House members tend to make use of Civil Society Organizations to mobilise support for the issues they oversee to facilitate their informal lobbying with other members of the House; both men and women.

Civil Society Organizations like NGOs also say that they find this process of providing information for House Members helpful in ensuring that the legislators have input for their meetings. In addition, the Civil Society Organizations note that some House members actively contact them to get input on recent issues being discussed when they do not fully understand them.<sup>60</sup>

#### **4.8.4 Constituents**

Maintaining a good relation with constituents is a must for members of the House. As the representatives of the public, they have to know the problems faced by society in order to be able to represent their constituents' interests. Some members of the House use social media to maintain communication, from wherever they are and at any time, with and among their colleagues and their constituents, mostly in urban areas. When legislators cannot meet face to face with constituents, they can still connect with them through social media networks like Facebook, Twitter, and blogs, or through email.

Beyond communication through social media to ensure understanding of their constituent's aspirations, House Members also maintain communication with their constituents by visiting them directly. These field visits are most efficacious for House Members whose constituents are located close enough to Jakarta that they can be visited regularly.<sup>61</sup>

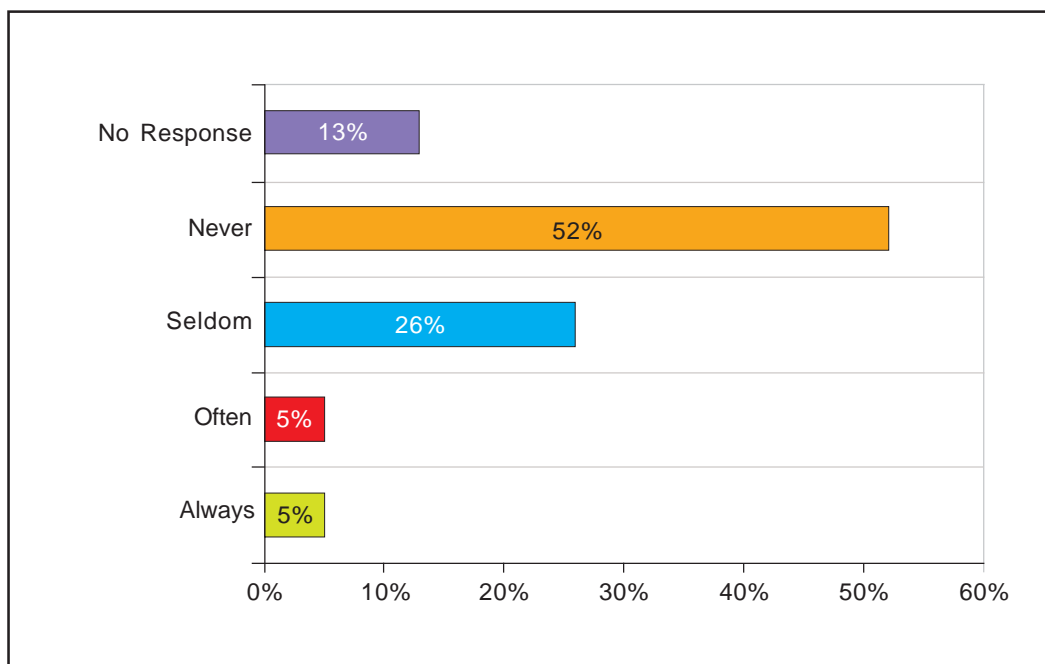
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<sup>60</sup> Based on FGD with CSO and Political Party representation in Makassar (October 10, 2013), Surabaya (October 16-17, 2013) and Jakarta (October 22, 2013).

<sup>61</sup> Based on the interview with women DPR-RI member from Democrat Faction (May 27, 2013), women DPR-RI member from PDI-Perjuangan Faction (May 24, 2013), male DPR-RI member from PPP Faction (May 27, 2013), male DPR-RI member from PDI-Perjuangan Faction (June 11, 2013), women DPR-RI member from Democrat Faction (June 18, 2013), women DPR-RI member from PKS Faction (May 23, 2013) and male DPR-RI member from PAN Faction (May 28, 2013), women DPR-RI member from Hanura Faction (May, 24, 2013), and women DPR-RI member from Gerindra Faction (May 21, 2013).

Unfortunately, constituents have indicated overall that their representatives in the House have not interacted with them adequately, be it on a day-to-day working basis, or during House recesses. The results of the survey done by WRI in September 2013 show that 5% of the constituents pooled said that dialogues with House Members were infrequent, while the same number (5%) of constituents said dialogues with representatives were frequent. As many as 26% of the respondents indicated that they rarely had dialogues House members, and 52% said they said they had never had dialogues with their representatives. This data indicates that House Members have failed to interact effectively with the majority of the public.

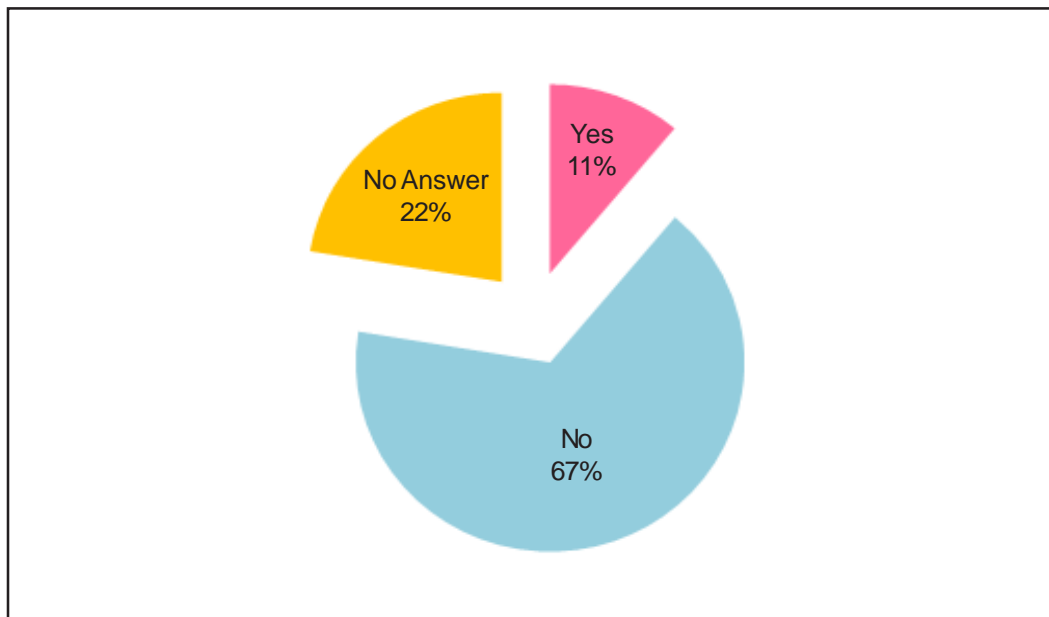
**Chart 6.**  
**The Intensity of the Society for having dialogue with Parliament Members**



When asked about room for channelling their aspiration to the members of the House, 11% felt they had the channel to deliver their aspirations to the members of the House, while 67% said they did not have any channels to deliver their aspiration. The rest 22% did not know whether they had such channels to deliver their aspirations to their representatives.

If we take a closer look at the geographical location of respondents, those living on Java Island find it much easier to convey their aspirations to their representatives. Further out in the eastern zone islands, the opportunity for constituents to convey their aspirations were more limited; this difficulty is also experienced by constituents living on Sumatera Island. Although geographically Sumatera is located in the western zone of Indonesia, the interaction between constituents there with members of the House is minimal. Among the 11% of the respondents who felt they had channels to convey their aspirations, 7% of them lived on Java.

**Chart 7.**  
**Opinions on Parliament Members in Policy Making Giving the Aspiration Channel to People**



**Table 2.**  
**Opinions on Parliament Members in Policy Making Giving the Aspiration Channel to People**

Answer	Java		Sumatera		Kalimantan		Sulawesi		NTT, NTB, Bali		Maluku & Papua		Total
	M	F	M	F	M	F	M	F	M	F	M	F	
Yes	4%	3%	1%	1%	0%	0%	0%	1%	0%	0%	0%	0%	10%
No	20%	18%	7%	6%	2%	2%	3%	3%	2%	1%	1%	1%	67%
No Answer	5%	7%	3%	3%	0%	0%	1%	1%	1%	2%	0%	0%	23%
Total	<b>29%</b>	<b>29%</b>	<b>11%</b>	<b>11%</b>	<b>3%</b>	<b>3%</b>	<b>4%</b>	<b>4%</b>	<b>3%</b>	<b>3%</b>	<b>2%</b>	<b>2%</b>	<b>100%</b>

Of various description above it can be concluded that the Gender Equality and Equity Bill is a policy or rule of law which is very important to be advocated.



## CHAPTER V POLICY RECOMMENDATIONS

Since 2012, WRI intensively engaged and discussed with various civil society organizations and women's groups, like Pro-Women National Legislation Program Network (JKP3) to support the deliberation of Gender Equality and Equity Bill. There are some recommendations on Gender Equality and Equity Bill that WRI suggested based on the several sources, intensive discussions, and joint advocations.

### **5.1 The Importance of the Gender Equality and Equity Bill**

1. The Gender Equality and Equity Bill will encourage understanding about gender equality, starting from the family, into the community and up to government level.
2. The Gender Equality and Equity Bill will strengthen the system and mechanisms for gender equality in all state institutions by accelerating the gender mainstreaming strategy, including the formulation and implementation of gender responsive budgets.
3. The state's bureaucratic bodies, as well as private sector institutions and society at large, will be able to utilize the Gender Equality and Equity Bill to achieve better gender equality and equity within their organizations and in their individual capacities, including instituting equitable employment policies, because the existing legislation, Presidential Instruction No. 9/2000, focuses only on the implementation of gender equality and equity programmes in governmental institutions.

### **5.2 Functions of the Gender Equality and Equity Law as an Umbrella Act and Policy**

1. The law regulates the system and mechanisms for applying gender equality at all executive, legislative and judicial levels, including punitive measures against those failing to apply it.



2. The law strengthens the implementation of previously issued gender mainstreaming policies and regulations, such as Presidential Instruction No. 9/2000 and ministerial decrees pertaining to gender mainstreaming.
3. The law strengthens the existing laws and regulations that specifically regulate certain issues, such as the Law on Health; the Law on Human Rights; the Law on Eradication of Domestic Violence; and the General Election Law.

### 5.3 General Recommendations

To encourage governance and social systems that ensure gender equality and equity, WRI recommends the following:

1. Urging the House to discuss the Gender Equality and Equity Bill openly, to post the schedules for discussions/meetings pertinent to the Bill on the House website, and to ratify the Bill into law at the beginning of 2014. The House must function as a forum through which extra-parliamentary forces, including civil society, can give support to and monitor the legislation process of the Bill.
2. The Bill must ensure that there will be monitoring and evaluation mechanisms with which the public can participate in oversight of the implementation of the ratified law to assure that the planning for and utilization of the State Budget is gender responsive.
3. Internal legislative forces, such as the Indonesian Caucus of Women Legislators, should position themselves as potential mediums for encouraging the birth of Gender Equality and Equity, and be willing to monitor and supervise the legislative process for the Bill. The Caucus must establish synergy with extra-parliamentary forces, such as civil society organizations (women's groups), as well as academicians, in to facilitate the dissemination of gender responsive policy, especially those contained in the Gender Equality and Equity Bill.

### 5.4 Specific Recommendations

WRI supports the maintenance of the substance of the Gender Equality and Equity Bill, as discussed thoroughly in the House, throughout all legislative processes toward its ratification into law. The general substance of the draft law is as follows:

#### **A. Definition of gender that can be easily and properly comprehended by all individuals in order to imbue them with a thorough understanding.**

In this Law, what is meant by:

1. Gender is the differentiation between men and women, which is the result of social and cultural constructions.
2. Gender Equality and Equity is a condition of equal standing and relations between men and women, in which both benefit from just treatment, access to and control of resources, and participation in and benefit from development.
3. Gender discrimination is any form of differentiation, exemption or limitation, which results in the reduction, elimination or curtailing of the benefits of human rights on the basis of gender.
4. Gender violence is any action perpetrated on the basis of gender differentiation, which inflicts a harmful physical, psychological, or sexual impact. These actions include neglect, threats of harm, coercion, and deprivation of freedom, either in the public or domestic spheres.
5. A Gender Responsive Budget results from budgeting processes, which include planning, budget allocation, income restructuring, and expenditures, to achieve Gender Equality and Equity through the fulfillment of men's and women's rights.
6. State institutions are bodies that carry out executive, legislative and judicial functions, as well as other institutions, whose functions and main duties are related to the governance of the state in accordance with the regulations stipulated by prevailing laws.
7. A corporation is a group of people and/or capital that is well organised as a legal body or otherwise.
8. Civil society institutions are bodies formed by members of society, including professional organizations, employer association, civil society organisations, media, educational institutions, health institutions, customary institutions, religious institutions and social institutions.

**B. An institution for the implementation of Gender Equality and Equity Bill will be required to achieve a uniform perception of the rights, obligations and responsibilities for all parties concerned.**

The implementation of Gender Equality and Equity aims to achieve:

- a. The realization of a relationship between men and women that ensures equal access to, control of, participation in, and benefit from development and human rights;
- b. Achievement of a way of life that is equal and just for family, society, nation and state;
- c. The elimination of all forms of gender discrimination and gender violence; and
- d. The acceleration of achieving substantive equality between men and women in all aspects of life.

## **RIGHTS AND OBLIGATIONS**

**Every individual has the right** to the same opportunities and just treatment as others through the application of Gender Equality and Equity in the fields of:

- a. citizenship;
- b. education;
- c. employment;
- d. economy;
- e. health;
- f. administration and demography;
- g. marriage;
- h. law;
- i. politics and governance;
- j. environment;
- k. social and cultural matters; and
- l. communication and information.

**All state institutions at both the central and local levels must ensure proper implementation of Gender Equality and Equity through:**

- a. Gender Equality and Equity activities in the field as stipulated in Article 4;
- b. Communication, information, and education about Gender Equality and Equity;
- c. Preparation of gender experts;
- d. Gender Responsive Budgets that are appropriately planned, formulated, implemented, monitored, and evaluated, and backed up with proper reportage concerning every development policy and program.

**Everyone is obliged to:**

- a. Develop an equal relationship between men and women;
- b. Apply Gender Equality and Equity in the spheres of family, society, and state;
- c. Imbue children with knowledge of Gender Equality and Equity from an early age;
- d. Prevent Gender Discrimination and Violence; and
- e. Provide accurate and reliable information to the authorities in cases of Gender Discrimination and Abuse.

**Each Corporate and Civil Society Institution is obliged to:**

- a. Achieve the goal of Gender Equality and Equity implementation; and
- b. Maintain communication, information and education systems to support the achievement of the Gender Equality and Equity implementation goals.

### **C. Punishments for those violating Gender Equality and Equity policy**

- (1) The Gender Equality and Equity team may mete out administrative punishment to any state institutions at the central and local levels, as well as to any corporate and

civil society organisations, which do not support the efforts to implement and achieve Gender Equality and Equity.

- (2) Administrative punishments for state institutions at the central and local levels can take the form of:
  - a. verbal warning;
  - b. written warning;
  - c. warning published in media; and/or
  - d. budgetary cuts.
- (3) Administrative punishments for corporate/civil society organisations can take the form of:
  - a. verbal warning;
  - b. written warning;
  - c. warning published in media; and/or
  - d. permit revocation.
- (4) Further mechanisms for meting out administrative punishments are regulated in Local Regulations

#### **D. Gender Responsive Budget**

- (1) A Gender Responsive Budget is formulated to support the implementation of Gender Equality and Equity.
- (2) A Gender Responsive Budget is meant to:
  - a. Ensure the alignment of budget allocations towards women and children;
  - b. Improve awarness among all parties concerned of the importance of gender analysis in budgeting and the assessment of budget impact;
  - c. Support women’s participation and representation in the preparation, ratification, implementation and evaluation of budget policy;
  - d. Ensure the transparency and accountability of state institutions at the central and local levels; and
  - e. Change gender neutral budget policies into gender responsive budget policies.

#### **Gender Responsive Budget in Activities and Programmes**

- (1) A Gender Responsive Budget is integrated into the process for creating state institution programmes and activities at the central and local levels. Gender Responsive Budget should be embedded on the structure or program and activity budget in the work plan of the state institutions at the central and local levels.
- (2) A Gender Responsive Budget is an integral part of any budgetary structure or activity as set out in budgetary work plans at all state insitutions at both central and regional level.

## **Stipulations in the Gender Equality and Equity Bill not contradictory to other laws**

Upon the ratification of the Gender Equality and Equity Bill into law, all other regulations and laws pertinent to the gender equality and equity policy will remain in effect as long as their content is in line with the stipulations set forth in this law.

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# ANNEX

## Research Methodology

### Qualitative Method

#### 1. In-depth Interview

##### Objectives

1. To see how women members of the House interacted with their constituents and how the pattern, content and intensity of the interaction influenced their legislative function.
2. To see the impact on the number of women members of the House on the quality of women's representation in responding to the needs and problems of women at the national level.
3. To identify problems and opportunities in promoting, fulfilling and overseeing gender equality in Indonesia.

##### Informant Selection

The criteria of selecting informants were based on the balance of representatives of commissions and factions. We took minimum one woman and one man from nine factions and eleven commissions. The estimated number of our informants was, thus, 20 people.

The selection of informants for in-depth interview mentioned above employed purposive sampling method based on the criteria previously described. In the preparation stage, WRI contacted members of the House who had corresponded with us in our previous research to confirm the appointment for interview. After that, snowballing process, in which the researchers asked their informants to give their recommendation about other members of the House other informants whom they could interview.

## Location, Time and Process of in-depth Interview

Interview would be done mostly at the office of the informants' (at the House). The informants were previously contacted and we made appointments for interviews. We had to prepare the interview guide, recording devices, making jotted notes if necessary and showing polite look and attitude. Before starting interviews, the researchers had to greet the informants, introducing themselves to the informants and convey the purpose of their interviews. Before an interview started, an informant had to sign an informed consent which stated that he or she was willing to be interviewed and that the data collected from the interview would be used for the sake of the research. The time provided for each interview was approximately one hour.

After an interview was completed, it would be handed to the third party to be transcribed. If there was still any lack of information the researcher would contact the informant for confirmation and data probing.

**Table 3.**  
**List of Informants of In-depth Interview**

No.	Name	Gender	Faction	Commission	Electoral District
1.	Ahmad Yani	Male	PPP	3	South Sumatera I
2.	Melani Leimena Suharli	Female	Demokrat		DKI II
3.	Mestariyani Habie	Female	Gerindra	2	South Sulawesi I
4.	Chairun Nisa	Female	Golkar	2	Central Kalimantan
5.	Abdul Hakam Naja	Male	PAN	2	Central Java X
6.	Ledia Hanifa Amaliah	Female	PKS	9	West Java I
7.	Bokiratu Nitabudhi Susanti	Female	Demokrat	2	North Maluku
8.	Tetty Kadi Bawono	Female	Golkar	4	West Java VIII
9.	Miryam Hiryani	Female	Hanura	2	West Java VIII
10.	Rieke Diah Pitaloka	Female	PDI-P	9	West Java II
11.	Ecky Awal Mucharam	Male	PKS	11	West Java III
12.	Eva Kusuma Sundari	Female	PDI-P	3	East Java VI
13.	Usmawarnie Peter	Female	Demokrat	10	Lampung II
14.	Reni Marlinawati	Female	PPP	10	West Java IV
15.	Sarifuddin Sudding	Male	Hanura	3	Central Sulawesi
16.	Nurul Arifin	Female	Golkar	1	West Java VII
17.	Honing Sanny	Male	PDI-P	4	East Nusa Tenggara I
18.	Mardiana Indraswati	Female	PAN	9	East Java VII
19.	Andi Timo Pangerang	Female	Demokrat	11	South Sulawesi III
20.	Sumarjati Arjoso	Female	Gerindra	8	Central Java III
21.	Agustina Basik-basik	Female	Golkar	2	Papua
22.	Lily Chodidjah Wahid	Female	PKB		East Java II
23.	Susaningtyas Nefo Handayani Kertopati	Female	Hanura	1	Central Java IV

## **Data Analysis**

Qualitative analysis was made by WRI through matriculation of interview transcription of each informant. The next step was making a taxonomy to know the pattern and picture of the findings. The taxonomy was used to help the researchers map the pattern and became reference of analysis for other data collected.

## **2. Focus Group Discussion (FGD)**

### **Objectives of FGD**

1. Collected information on representation of members of the House.
2. Get a picture of the form of collaboration between the House and institutions outside it.
3. Get a picture and assessment of representation of members of the House, particularly women members of the House, in the eye of CSOs and political parties.
4. Clarifying the outcome of a series of other researches, namely in-depth interview and survey.

### **Selection of Participants**

FGD was conducted by inviting a representative of Civil Society Organisations who worked on women's issue as well as democracy issues and who intensively built collaboration with the members of the House. The FGD was also conducted by inviting two representatives of political parties.

### **Location, Time and Process of FGD**

FGD was conducted in three cities, namely Jakarta, Surabaya, and Makassar. This location these locations were chosen under the following considerations: 1) the three cities experienced increasing Human Development Index within the period of 2004-2011; 2) the three cities had a lot of CSOs; 3) the three cities represented time zones existing in Indonesia.

### **Data Analysis**

After the minutes of all FGDs were collected, categorisation were made on the basis of feedback from the participants. The categorization resulted seven major points, namely:

1. The view of political parties and CSOs about women's political representation.
2. Efforts and support from political parties and CSOs in increasing women's representation.
3. Mechanism of recruiting women in political parties.

4. Opportunity, constraints and problems faced by women legislative candidates and women members of the House.
5. Performance of members of the House.
6. Working relation of political parties and CSOs to the members of the House.
7. Opinions of political parties about gender responsive laws.
8. Expectation and input.

**Table 4.**  
**Recapitulation of FGD Participants**

Location	Institution				Total
	CSO		Political Party		
	Women	Men	Women	Men	
Jakarta	7	4	12	0	23
Makassar	13	2	14	2	31
Surabaya	15	2	13	2	32
<b>Total</b>	<b>35</b>	<b>8</b>	<b>39</b>	<b>4</b>	<b>86</b>

## Quantitative Method

### *Survey of Knowledge, Attitude and Practice (KAP Survey)*

#### Objectives of Survey

1. To know people's considerations before electing a legislative candidate.
2. To know people's opinions about performance of the current members of the House, both women and men members.
3. To know people's opinion about the meaning of their representation by the members of the House.
4. To know what people desire, expect and need from the members of the House as people's representative.
5. To know the trend of people in electing women members of the House.

#### Key Questions of Survey

The KAP survey was conducted by posting 40 questions with the following key questions:

1. Questions about General Election 2009.
2. Questions about representation of people by the members of the House of 2009, particularly women members.
3. Questions about General Election 2014.
4. Questions about gender responsive policy.

## Survey Design

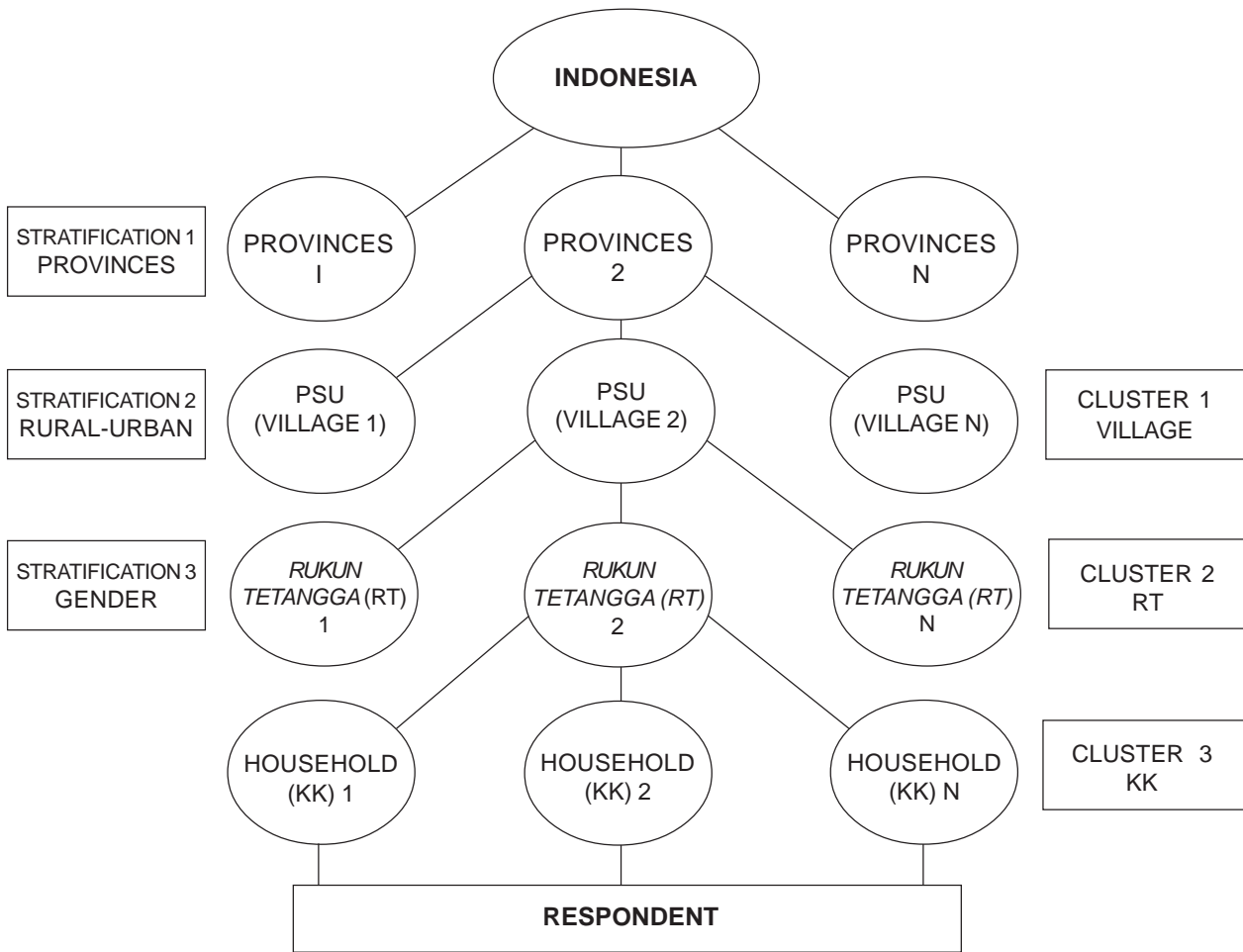
Population of the survey was the Indonesian people. In order that the survey result reflected Indonesian people's opinions, respondents were selected randomly. The population was Indonesian people aged 17 years old or above or those who were already married in 33 provinces. It is expected that the result could be generalised to represent the voice of all Indonesian people.

The sampling method employed multistage random sampling that expected to produce a complex and heterogeneous representative sample of a population. Multistage random sampling was basically the combination of stratified random sampling and cluster random sampling. Stratification was needed in order that heterogeneity of Indonesian population could be reflected by the sample. The stratification was classified into its basic characteristics, such as gender, area and so on, so that the sample produced was proportional to the population. The basic characteristics of used in the survey were: proportion of area distribution (province), proportion of area variation (rural urban) and proportion of gender variation (man and woman). The three characteristics were taken as the basis of making stratification. The survey included villages and *kelurahan* (an administration unit equal to village), *RT* (abbreviated from *Rukun Tetangga*, which was the smallest unit of a neighbourhood), and family card.

The villages was placed as the Primary Sampling Unit (PSU). Since the number of population in each province was different, the number of villages involved in the survey was adjusted to the proportion of population size of each province. The larger population of a Province, the more villages selected compared to those having smaller population.

The sample villages selection was done by preparing a list of villages across Indonesia. The sample outline used was data of villages provided by the Central Statistics Agency 2011. The data of villages was already classified in accordance with the province. Before taken as sample, the list of villages was classified again in accordance with areas, rural and urban ones, and the proportion was, then, made. It means that the size of village taken as sample was adjusted to the proportion of urban and rural areas in each province. At the national level the proportion ratio between rural and urban areas was 58:42. PSU villages taken as sample also reflected the proportion. The list of villages that had been made on the basis of provinces and areas (rural – urban) was taken in systematically random technique.

**Figure 1.**  
**Example of Sampling Design**



**Table 5.**  
**Number of Sample Respondents of the National Survey**

NO.	PROVINCE	SAMPLE RESPONDENTS		
		Village	City	Total
1.	NANGGRO ACEH DARUSSALAM	16	8	24
2.	NORTH SUMATERA	32	32	64
3.	WEST SUMATERA	16	8	24
4.	RIAU	16	8	24
5.	RIAU ISLANDS	0	8	8
6.	BENGKULU	8	0	8
7.	BANGKA BELITUNG	0	8	8
8.	JAMBI	8	8	16
9.	SOUTH SUMATRA	24	16	40
10.	LAMPUNG	32	8	40
11.	BANTEN	16	40	56
12.	DKI JAKARTA	0	48	48
13.	WEST JAVA	72	144	216
14.	CENTRAL JAVA	88	72	160
15.	YOGYAKARTA SPECIAL PROVINCE	8	8	16
16.	EAST JAVA	96	96	192
17.	BALI	8	8	16
18.	WEST NUSA TENGGARA	16	8	24
19.	EAST NUSA TENGGARA	16	8	24
20.	WEST KALIMANTAN	16	8	24
21.	CENTRAL KALIMANTAN	8	0	8
22.	SOUTH KALIMANTAN	8	8	16
23.	EAST KALIMANTAN	8	8	16
24.	NORTH SULAWESI	8	0	8
25.	CENTRAL SULAWESI	8	8	16
26.	SOUTH SULAWESI	24	16	40
27.	SOUTHEAST SULAWESI	8	0	8
28.	WEST SULAWESI	8	0	8
29.	GORONTALO	8	0	8
30.	MALUKU	8	0	8
31.	NORTH MALUKU	8	0	8
32.	WEST PAPUA	8	0	8
33.	PAPUA	8	8	16
<b>TOTAL</b>		<b>608</b>	<b>592</b>	<b>1200</b>