

Proposed Article on Women in the Draft Electoral Law No. 10/2008

1. Political Party Management Board

- Article 8 Act (1) section d: "include at least 30% of women representation in the political party management board at the central level"

Proposal:

- Article 8 Act (1) section d: "include at least 30% of women representation in the political party management board at the central and provincial levels."

2. Number of Candidates

- Article 52 Act (2): "The list of candidates of members of the House of Representatives is determined by the management boards of Political Parties Participating in the General Election at the central level."
- Article 52 Act (3): The list of candidates of members of the Provincial House of Representatives is determined by the management boards of Political Parties Participating in the General Election at the provincial level."

Proposal:

- Article 52 Act (2): additional phrase: "applied in each electoral district".
- Article 52 Act (3): additional phrase: "sanction or penalty towards political parties which do not apply 30% quota in Article 53".

3. Seats in Each Electoral District

Proposal:

- If the outcome of the Draft Law on General Election is 3-6 seats for each electoral district, political parties should position 50% women legislative candidates.

4. Names of Legislative Candidates in the list of ballots order

- Article 55 Act (1): "Names of candidates in the

list of candidates as stated in Article 54 is arranged on basis of ordinal number."

- Article 55 Act (2): "In the list of candidates as stated in Act (1), every 3 (three) men candidates there should be at least 1 (one) woman candidate."
- Article 55 Act (3): "The list of candidate as stated in Act (1) should be accompanied by the most recent photographs of the candidates."

Proposal:

- Article 55 Act (2): "In the list of candidates as stated in Act (1), number 1 and 2 should be filled with two candidates with different genders and in the following numbers there should be at least 1 (one) woman candidate in every 3 (three) candidates."
- Article 55 Act (4): "added sanction or penalty if political parties do not apply Act 2."

5. Incentive

Proposal:

- WRI also gave suggestion on incentive for political party that wins the election. The provision of incentive can be adjusted to the political party's commitment to place 30% women candidates in the list of general election. For political parties which do not have women candidates, there will be budget reduction from the government for them.
- Political parties who can fulfill the requirement of women candidates for the parliament, the elected party will receive incentive from the government after election take place.
- The proposal on incentive is intended to replace Article 57 of the Law No. 10/2008 that regulates sanction because the implementation of sanction towards violation of 30% quota by political parties has not worked effectively.



Women Parliament Members & the Process of Policy Making in Indonesia



The level of representation of women in formal political institutions both at the national and local levels is still so low that it is difficult to influence the policy and guard the implementation. Indonesia has had Law No. 12/2003 on General Election that requires a minimum quota of 30% women in the parliament. Article 65 of the Law on General Election does not give any sanction upon the violation of the Law since the implementation of the Law is still voluntary. The Law was then renewed by the issuance of Law No. 10/2008 that required political parties to fulfill the 30% quota of women in their legislative candidacy. This regulation was strengthened by Law No. 2/2008 on Political Party which stated that the 30% quota also became a stipulation of political party management board.¹

Women have made up more than 50% of the entire population of Indonesia. Therefore, women have become an important group whose political interest needs attention in a decision making process. The fact, however, affirmative action to increase women representation up to 30% has not yet come to success. Women representation in the 2009 General Election was only 18% of the total of members. It means, in a sense of political presence (women's meaningful presence) and political ideas (the politics of women's influence to become public policies), women have not yet been thoroughly represented. There is a need, therefore, of regulating a strategy of increasing the participation and representation of women through legislation that pertain to the internal process both political parties and general election.

A Model of General Election System to Increase Women's Representation

General election system should be able to accommodate contradictions and differences among social groups in a legal framework.²

¹ Afirmasi, Jurnal Pengembangan Pemikiran Feminis Vol.01, October 2011. Women Research Institute.

² International Standards of General Election (IDEA).

Policy Brief

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WRI is a research institute that employs feminist methodology and analysis by placing women and men in a fair and equal position in the social, political, economic, and cultural realm.

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A general election system has three main duties:

1. Translating voices into seats won in the legislative body.
2. Acting as a channel of people to demand the accountability of their representatives.
3. Providing incentive. Particular general election systems could provide incentive or appreciation to candidates and parties that participate in the regulation order of carrying on a proper general election.

Women should be able to look at opportunities of each general election that is employed. The general election systems in Indonesia that have been employed in Indonesia are:

1. Closed Proportional (1999)

In this system, people only vote a party and then the party determined which representatives will sit on the legislative seats in accordance with the number of votes the party has obtained. With the employing of closed proportional system women could lobby as

a pressure group so that political parties place women legislative member candidate at the ordinal number intended to be appointed.

2. Open Proportional with Ordinal Number System (2004)

Open proportional is a general election system in which people can elect a party with its legislative candidates. Using ordinal numbers, the remaining votes of a party are given to its legislative candidate at the top order. With this system women still could possibly lobby as a pressure group.

3. Open Proportional with Majority Vote Acquisition (2009)

In 2009 remained using open proportional system. However, the general election used majority votes in which the remaining votes of a party were given to legislative candidates who obtained majority vote regardless their ordinal numbers. Strategy to increase women's participation was done by placing one woman le-

gislative candidate at the ordinal numbers of 1 to 3. The fact showed that those placed at ordinal numbers of 1 to 3 were elected.

Defining the formula and strategy of singling out appointed women legislative candidates are considerably determined by the general election system employed. One of the lessons learned from the 2009 General Election is that the determination of majority votes was not friendly to women. The determination of major votes did not educate people since it opened an opportunity of money politics practice (buying votes) in which political cost of a legislative candidate increased. Furthermore, it brought out competition among legislative candidates and had



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potential of triggering horizontal conflicts among supporters. In addition, the administrative aspect of the general election also induced higher costs.

Women Legislative Candidates in Policy Making

The number of women who successfully seated in the House of Representatives of the Republic of Indonesia within the period of 2009-2014 reached 100 women or 18% of the total number of members of the House of Representatives, which is 560 members. There has been an increase as much as 5% more than that in the 2004 General Election. However, the number has not fulfilled the 30% of affirmative quota.

Currently the House of Representatives of the Republic of Indonesia is forming Special Committee comprising 30 people, two of whom are women, and Working Committee comprising 20 people in which two of them are women. Up to now, legislation products have not sufficiently accommodated women's interests because there are only a small number of

women who are involved and occupy strategic positions in policy making. In a legislative body such as the House of Representatives of the Republic of Indonesia itself, which is a body that deliberates over legislations, there are only 8 women out of 50 members in total or about 16%.

The Role of Political Party

Minimum 30% of women representation in the Law on General Election cannot step out alone. It needs internal policy of political parties to improve the quality of women in political parties as well as awareness education for voters on the importance of electing their representatives who have knowledge, awareness and alignment with women and the marginalized (men and women).

Women in political parties should be able to compete more with men to occupy existing political positions. They should be able to occupy the internal positions at their parties that determine the recruitment of political positions both in legislative and executive bodies.³

In the efforts of increasing women representation up to 30% of affirmative action of women representation in the Law of General Election, WRI proposes the following policy recommendations:

1. Representatives of fraction in the Working Committee should always strive for the article of affirmation and ensure that articles pertaining to women representation will be continuously discussed and finally decided in the Draft Law of General Election so that it will be included in the discussion at the plenary meeting.
2. Political parties should improve their recruitment system of their members, particularly women members, to carry out the mandate of the Law of General Election.
3. Political parties should provide awareness education for voters on the importance of electing their representatives who have knowledge, awareness and alignment with women and the marginalized (men and women).

³ Increase of Women Representation in the 2014 General Election, A Proposal of Revising of Law No. 10/2008 on General Election, Policy Paper WRI.



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Women's Involvement is Needed in Policy Making

The process of making the Draft Law on General Election has started since the discussion of working paper formulation between WRI and the *Kaukus Perempuan Parlemen Republik Indonesia* (KPP-RI) or the Caucus of Women Parliaments of the Republic of Indonesia by the end of 2011. The working paper formulation contains recommendations given to the members of the Special Committee of the Draft Law on General Election to strengthen the position of women representation. Some of the recommendations are:

1. Amendment of Article 53 Act (1) and (2), in which the list of candidates from political parties is required to contain 30% women at the least.
2. Article 44 on the list of candidates which should be filled with women and men candidates in alternation along with their most recent photographs.

The members of the Special Committee of the Draft Law on the 2014 General Election who represented their Fractions had committed to maintain 30% quota for women in the general election.

Currently the process of making the Draft Law on General Election is at the phase of the Working Committee. The discussion of articles pertaining to increasing women representation was done for the first time in the Working Committee meeting. The proposal conveyed by the members of the Working Committee was in line with the intention of WRI, namely: