

The Role of Election Law No. 7 of 2017 regarding the quota policy for women's participation in politics

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Abstract:

In the modern era that emphasizes equality and justice, women's representation in politics has become an important issue. This representation involves women's active participation in political processes and decision making at various levels of government, including legislative, executive, judicial positions, political parties, and other government institutions. The main indicator of this representation is the number and proportion of women who hold political positions compared to men. Some countries implement gender quotas to accelerate the increase in the number of women in politics, but this representation is not just about quantity but also quality. Women must have the ability, knowledge and opportunities to voice issues relevant to women and ensure their perspective in policy making. In Indonesia, the history of women's quota policies reflects the long struggle for gender equality. From a limited role at the beginning of independence to the reform era which brought pressure for democratization and gender equality. Election Law no. 7 of 2017 is an important milestone which sets a quota of 30% of women in the list of legislative candidates from each political party, with sanctions for those who do not comply. This study uses normative juridical methods to evaluate the effectiveness of this quota policy in increasing the number and quality of women's representation in the legislature. The findings show that the quota policy has had a positive impact, but cultural, structural and economic challenges still hinder full implementation. Political education, gender awareness and political party commitment are needed to strengthen this policy and support women's participation in politics.

Keywords: *Role of Laws, Quota Policy, Women's Participation, Politics*

A. INTRODUCTION

In the modern era which increasingly prioritizes the principles of equality and justice, the representation of women in politics has become an important issue that has

received widespread attention.¹ Women's representation in politics refers to the active involvement of women in political processes and decision making at various levels of government. This includes the presence of women in important positions such as members of the legislature, executive, judiciary, as well as in political parties and other government institutions.² One of the main indicators of women's representation in politics is the number and proportion of women who hold important political positions compared to men. For example, many countries implement gender quotas that require political parties to nominate a minimum number of women as legislative candidates. This policy aims to accelerate the increase in the number of women in political positions, so that they have greater opportunities to be elected and participate in decision making.³

However, women's representation in politics is not only about quantity but also quality. The quality of representation includes the extent to which elected women are able to influence policy and represent women's interests effectively.⁴ Women in political positions must have the ability, knowledge and opportunity to voice issues that are relevant to women and ensure that their perspectives are taken into account in the policy-making process. In addition, the active role of women in the political decision-making process and the extent to which they have real influence in shaping public policy are also important aspects of women's representation in politics. Women involved in politics must be empowered to take on leadership roles and have access to the resources necessary to carry out their duties effectively.⁵

One of the main goals of women's representation in politics is to ensure that issues that specifically affect women are raised and advocated for in the political arena. Issues such as reproductive health, gender-based violence, economic rights, and education often require special attention and in-depth understanding, which can be more effectively voiced by women who have direct experience or understand these issues.⁶ Institutional support is

¹ Aulia Ramadhanty, Neysa Naila, and Ardli Johan Kusuma, "Tantangan Dan Keberhasilan Peran Perempuan Dalam Partisipasi Politik Swedia Dan Implikasinya Terhadap Keadilan Gender Secara Global," *ALADALAH: Jurnal Politik, Sosial, Hukum Dan Humaniora* 2, no. 1 (2023): 106–19, <https://doi.org/10.59246/aladalah.v2i1.627>.

² Tegar Putra Munggaran, "PERAN DAN PENGARUH PEREMPUAN DALAM DINAMIKA POLITIK DI INDONESIA," *International Journal of Technology* 47, no. 1 (2023): 100950, <https://doi.org/10.1016/j.tranpol.2019.01.002%0Ahttps://doi.org/10.1016/j.cstp.2023.100950%0Ahttps://doi.org/10.1016/j.geoforum.2021.04.007%0Ahttps://doi.org/10.1016/j.trd.2021.102816%0Ahttps://doi.org/10.1016/j.tra.2020.03.015%0Ahttps://doi.org/10.1016/j>.

³ Risqi Inayah Dwijayanti Radita Gora Tayibnapis, "Perspektif Feminis Dalam Media Komunika Film," *Jurnal Oratio Directa* 1, no. 2 (2018): 174–211.

⁴ Aniqotul Ummah et al., "Kesetaraan Gender Dan Politik: Studi Kasus Terpilihnya Julia Gillard Dalam Lembaga Pemerintah Australia," *Jurnal Pemikiran Dan Kebudayaan Islam* 32, no. 2 (2023): 249–68.

⁵ Antik Bintari, "Partisipasi Dan Representasi Perempuan Dalam Penyelenggaraan Pemilu," *Jurnal Keadilan Pemilu* 2, no. 1 (2022): 13–22, <https://doi.org/10.55108/jkp.v2i1.142>.

⁶ Nurwahidah Nurwahidah, Galang Asmara, and Rr Cahyowati, "Implikasi Hukum Tidak Terpenuhinya Kuota 30% Perempuan Pada Hasil Pemilu Legislatif Bagi Partai Politik (Parpol)," *Kertha Semaya : Journal Ilmu Hukum* 11, no. 6 (2023): 1396–1412,

also very important to ensure women's participation in politics. This includes affirmative action policies, leadership training, and a work environment that is inclusive and free from discrimination.⁷ Without this support, women may face various barriers that prevent them from participating fully and effectively in politics. Affirmative policies such as gender quotas that ensure women's minimum participation in politics are often implemented to accelerate gender equality in political institutions. These gender quotas aim to address historical and structural injustices that have long prevented women from participating in politics.⁸

One of the main goals of women's representation in politics is to reduce gender inequality in the political field and ensure that women have equal rights to participate in decision making. By ensuring that women have a place in politics, we can create a more just and equal environment.⁹ The presence of women in politics ensures that public policies and laws reflect the needs and perspectives of women, which often differ from those of men. Women's perspectives can bring positive change in policy making that is more inclusive and responsive to the needs of all citizens. More inclusive and comprehensive policies often emerge when women are involved in the policy-making process. Women can introduce new issues and different perspectives, which in turn can improve the quality of public policy.¹⁰

Equal participation of all citizens, including women, strengthens democracy and increases the legitimacy of government. An inclusive and representative democracy will be more stable and sustainable because it reflects the aspirations and needs of all society. The presence of women in political leadership positions can inspire and empower the next generation of women to be actively involved in politics.¹¹ This can create a domino effect, where more and more women become involved in politics and bring positive change. Overall, women's representation in politics aims to create a political system that is more

<https://ojs.unud.ac.id/index.php/kerthasemaya/article/view/100958><https://ojs.unud.ac.id/index.php/kerthasemaya/article/download/100958/49819>.

⁷ Wa Ode Nur Iman, "Peran Masyarakat Dan Kuota Perempuan Dalam Pemilihan Umum Serentak Tahun 2024," *Journal Publicuho* 6, no. 1 (2023): 151–60, <https://doi.org/10.35817/publicuho.v6i1.100>.

⁸ Flor Soliz et al., "Konsep Struktur Khilafah Menurut Taqiyuddin Al-Nabhani," *Revista de Química* 9, no. 1 (2011): 1–14, http://ctic-cita.es/fileadmin/redactores/Explora/Tecnica_valoriz_ANICE.pdf<http://bvssan.incap.org.gt/local/file/T469.pdf><https://dspace.ups.edu.ec/bitstream/123456789/1586/15/UPS-CT002019.pdf><http://www.bdigital.unal.edu.co/6259/><http://onlinelib>.

⁹ Anak Agung Dita Intan Pertiwi, I Nyoman Putu Budiarta, and Diah Gayatri Sudibya, "Implikasi Kebijakan Affirmative Action Dalam Penentuan Quota Wanita Sebagai Calon Anggota Dewan Perwakilan Rakyat Dalam Perwujudan Kesetaraan Gender Di Indonesia," *Jurnal Kontruksi Hukum*, 3, no. 3 (2022): 493–98, <https://doi.org/10.55637/jkh.3.3.5313.493-498>.

¹⁰ Hafiz Al-Ma'Arij, Tamrin, and Indah Adi Putri, "Faktor-Faktor Penyebab Partisipasi Perempuan Calon Anggota Di Kota Sungai Penuh Factors Causing the Participation of Female Candidates for Legislative Members in the 2019 General Election in the City Of," *Jurnal Suara Politik* 2, no. 2 (2023): 40–44.

¹¹ Irfandi Irfandi, La Ode Husen, and Muhammad Zulkifli Muhdar, "Tinjauan Hukum Terhadap Batas Minimal 30% Calon Anggota Legislatif Perempuan Yang Diajukan Oleh Partai Politik Pada Pemilu Legislatif," *Qawanin Jurnal Ilmu Hukum* 3, no. 1 (2022), <https://doi.org/10.56087/qawaninjih.v3i1.382>.

inclusive, fair and responsive to the needs of all citizens. This is not only a matter of social justice, but also a strategy to strengthen democracy and improve the quality of public policy. By ensuring that women have a voice and influence in politics, we can achieve a more prosperous and fair society for all.

The history of the women's quota policy in politics in Indonesia is a reflection of the long struggle for gender equality and women's participation in political life. The development of this policy has gone through various stages and changes, which reflect the social, political and legal dynamics in Indonesia.¹² In the early days of Indonesian independence, the role of women in politics was still very limited. Even though women have been involved in the independence struggle, their representation in political institutions such as the People's Representative Council (DPR) and the Regional Representative Council (DPD) is still very minimal.¹³ Women who are active in politics often face various social and cultural barriers that hinder their participation. In the New Order era, government policy did not explicitly support women's participation in politics. Women are often positioned in traditional roles that limit them from wider political participation. Although there are some women who have succeeded in achieving political positions, their numbers are still very small and their participation is often limited to less strategic roles.¹⁴

After the fall of the New Order regime in 1998, Indonesia entered an era of reform which brought fresh air to various aspects of political life, including women's participation. The reform era was marked by a strong push for democratization and gender equality.¹⁵ Several important steps in the history of the women's quota policy in politics in Indonesia include: Amendments to the 1945 Constitution carried out at the beginning of the reform era provided a constitutional basis for gender equality. Article 28H paragraph (2) states that everyone has the right to receive special facilities and treatment to obtain the same opportunities and benefits in order to achieve equality and justice. The first significant step in the women's quota policy was Election Law no. 12 of 2003, which regulates women's participation in politics. This law recommends, although does not require, political parties to nominate at least 30% of women from their total legislative candidates. Even though it

¹² Maria Theresia Ngindang Madur, "POLITIK DAN PEREMPUAN (STUDI TENTANG TINGKAT KETERWAKILAN PEREMPUAN PADA PEMILU LEGISLATIF KABUPATEN NGADA PROVINSI NUSA TENGGARA TIMUR PERIODE 2019-2024)," *IPDN* 1, no. April (2022): 1–21.

¹³ Muhammad Ar Rafii and Elan Jaelani, "Upaya Meningkatkan Partisipasi Politik Perempuan Dalam Keterwakilan Di Legislatif," *Jurnal Hukum, Pendidikan Dan Sosial Humaniora* 1, no. 2 (2024): 87–99, <https://doi.org/10.62383/aliansi.v1i2.75>.

¹⁴ Anifatul Kiftiyah, "PEREMPUAN DALAM PARTISIPASI POLITIK DI INDONESIA," *Jurnal Yuridis* 8, no. 5 (2019): 55–72.

¹⁵ Ramadhanya Elwinne Huzaima Sibarani, "A Comparison Study of the Quotas and Conditions for Women's Representation in Parliament in Indonesia, Timor-Leste, and Finland," *Indonesian Journal of Socio-Legal Studies* 3, no. 2 (2024), <https://doi.org/10.54828/ijsls.2024v3n2.2>.

is only a suggestion, this is an important first step in efforts to increase women's representation.¹⁶

Furthermore, Election Law no. 10 of 2008 strengthens the commitment to women's participation by establishing a quota of 30% of women on the list of legislative candidates from each political party. In addition, the law also stipulates that every three candidates on a party list must include at least one woman, to ensure that women are not placed in positions where they are unlikely to be elected.¹⁷ Then most recently, Election Law no. 7 of 2017 further strengthens the women's quota policy by establishing sanctions for political parties that do not meet the 30% women's quota. Parties that do not meet these requirements are not permitted to participate in elections in the respective electoral districts. This step shows a stronger commitment to ensuring women's participation in politics. The implementation of the women's quota policy has of course had a significant impact on women's participation in politics in Indonesia. The number of women elected to the legislature has increased significantly, although challenges remain in ensuring that this representation is substantive and not just formal.¹⁸

Election Law no. 7 of 2017 is a legal regulation that regulates the holding of general elections in Indonesia. This law integrates various previous election regulations, including general legislative elections, general elections for president and vice president, and general elections for regional heads, with the aim of creating a more consistent and integrated legal framework.¹⁹ This law was created with the aim of strengthening the democratic system in Indonesia, ensuring the holding of honest and fair elections, and increasing public political participation. Previously, election rules were regulated in several separate laws, which often led to legal uncertainty and inconsistencies in implementation. By integrating all election regulations into one law, it is hoped that harmony and ease in the implementation of elections can be created.²⁰ Apart from discussing the implementation of elections, this law also confirms the right of every

¹⁶ Heriyani, Nurul Hidayan Tumadi, and Nabila Istafhana, "Implementasi Ketentuan Kuota 30% Keterwakilan Perempuan Di Dewan Perwakilan Rakyat Daerah Kabupaten Tanjung Jabung Barat Pada Pemilu 2019 Berdasarkan Undang-Undang Nomor 7 Tahun 2017," *Siyasah : Jurnal Hukum Tata Negara* 2, no. 2 (2019): 15–24, <https://ejournal.an-nadwah.ac.id/index.php/Siyasah/article/view/119>.

¹⁷ Maria Melaniyano Ngadha Nono, Kotan Y Stefanus, and Yohanes G Tuba Helan, "Pengaturan Kuota 30% Perempuan Dalam Pemilihan Legislatif Dan Implementasinya Tahun 2014 Dan 2019 Di Kabupaten Ngada," *Petition Law Journal* 1, no. 1 (2023): 213–21.

¹⁸ Alfian Khairul Ichwan, "Sistem Pemerintahan Negara Al-Ahkam As Shulthaniyah Serta Relevansinya Di Indonesia," *Interdisciplinary Journal on Law, Social Sciences and Humanities* 3, no. 2 (2022): 150, <https://doi.org/10.19184/idj.v3i2.33051>.

¹⁹ Juniar Laraswanda Umagapi, "TANTANGAN DAN PELUANG WOMEN'S REPRESENTATION IN THE 2019 PARLIAMENT ELECTION: Dan Wakil Presiden Dan Juga Pemilihan Legislatif Di Raih Indonesia Terkait Representasi Perempuan Di Politik, Meskipun Kenaikannya Tidak Signifikan Hanyalah Masalah Gender D," 2020, 19–34.

²⁰ Oggie Nugraha and Durohim Amnan, "Distorsi Keterwakilan Perempuan Melalui Pasal 8 Ayat (2) PKPU Nomor 10 Tahun 2023," *Jurnal Hukum Dan Sosial Politik* 1, no. 4 (2023): 159–71, <https://doi.org/10.59581/jhsp-widyakarya.v1i4.1446>.

Indonesian citizen who meets the requirements to vote and be elected. Then, one important aspect of this law is the provision of a 30% quota for women on the list of legislative candidates from each political party. This policy aims to increase women's representation in politics and ensure that political parties nominate women in significant numbers.

In the discussion, we will explore the effectiveness of the 30% women's quota policy in increasing the number of women elected as legislative members.²¹ Data and case studies will be used to evaluate the extent to which this policy is successful. Apart from that, we will also discuss the quality of women's representation, namely the extent to which elected women are able to influence policy and represent women's interests effectively. The challenges women face in maintaining substantive roles in the legislature will also be analyzed. Obstacles to implementing quota policies will be an important part of this discussion. Identification of structural, social and cultural barriers that hinder women's participation, as well as analysis of political parties' perspectives regarding the challenges in nominating women will be explained in detail. Potential solutions to overcome these barriers and increase women's participation will also be discussed. With this comprehensive approach, it is hoped that we can provide a clear picture of the role of Election Law no. 7 of 2017 in supporting the quota policy for women's participation in politics in Indonesia, as well as the challenges and opportunities faced in efforts to achieve gender equality in politics.

B. RESEARCH METHODOLOGY

The research method used in this study is normative juridical. This approach focuses on analysis of applicable laws and regulations, legal doctrine, and relevant legal principles. Normative juridical research usually involves reviewing legal texts, court decisions, and legal literature to identify, interpret, and evaluate the law in theoretical and practical contexts. The data sources used in this research consist of primary data including statutory regulations, court decisions and other official documents which are the direct object of study. And secondary data includes legal literature, journal articles, books, and other sources that provide analysis, commentary, and interpretation of the primary data that has been collected. The data collection technique used is literature study, where researchers collect and analyze various legal documents, scientific literature, and other sources relevant to the research topic. This process involves searching, identifying, and collecting documents from a variety of sources, including libraries, legal databases, and online sources.

C. RESULTS AND DISCUSSION

General elections are considered a symbol and benchmark of democracy in a country. An absolute requirement for a democratic country is to hold general elections to determine the filling of political positions open to every citizen as a form of implementing

²¹ Yuni(s) Lestari, Agus(s) Prastyawan, and Prasetyo(s) Isbandono, "6816-Article Text-19861-1-10-20191219," *Journal of Gender and Children Studies* 1, no. 1 (2019): 52–61.

popular sovereignty.²² The importance of general elections in a democratic country is reflected in the special election regulations in the Indonesian constitution in a separate chapter. The system for selecting president and vice president in Indonesia before the reform was carried out indirectly with a majority vote (voting) in the MPR RI. The Indonesian MPR will hold a vote and the candidates who get the most votes will be declared president and vice president.²³

The philosophical background to the creation of the Election Law was due to several considerations. First, the election itself has the aim of ensuring the realization of Indonesia's ideals and goals.²⁴ These national ideals can be found in Pancasila which is contained in the Preamble to the 1945 Constitution of the Republic of Indonesia, which states that "The Government of the Indonesian State which protects the entire Indonesian nation and all of Indonesia's bloodshed and to promote general welfare, educate the life of the nation, and participate in implementing world order based on freedom, eternal peace and social justice". Second, so that the goals and aspirations of the Indonesian nation can be achieved, there is a need for general elections. Elections are held to elect representatives of the people and the state government, because elections are a means of realizing people's sovereignty. To guarantee the existence of the nation's ideals, it is necessary to have a basis based on Pancasila and the 1945 Constitution.²⁵

Law no. 7 of 2017 concerning General Elections in Indonesia is an important regulation that regulates the implementation of elections in Indonesia. The formation of this law was motivated by the need to perfect and unify regulations that were previously spread across various laws, such as Law no. 42 of 2008 concerning Presidential and Vice Presidential Elections, Law no. 15 of 2011 concerning Election Organizers, and Law no. 8 of 2012 concerning Legislative Elections. UU no. 7 of 2017 is designed to harmonize these various regulations into one integrated law, making it easier to understand and implement election law. One of the main objectives of this law is to strengthen the role and function of the General Election Commission (KPU), the General Election Supervisory Body (Bawaslu), and the Election Organizer Honorary Council (DKPP). With this strengthening, it is hoped that election management institutions can operate more effectively, independently and transparently. In addition, this law aims to improve the quality of the democratic process in Indonesia by ensuring that elections are honest, fair

²² Aziza Aulya, Andi Pangerang Moenta, and Hamzah Halim, "Perempuan Dan Politik: Menakar Kebijakan Affirmative Action Dalam Sistem Kepartaian," *Amanna Gappa* 30, no. 2 (2022): 126–36, <https://doi.org/10.20956/ag.v30i2.24214>.

²³ Endik Hidayat and Daniel Susilo, "Dinamika Kebijakan Keterwakilan Perempuan Pasca Reformasi Di Dewan Perwakilan Rakyat Republik Indonesia (DPR-RI)," *Jurnal Kajian Media* 6, no. 2 (2022): 75–87, <https://doi.org/10.25139/jkm.v6i2.5880>.

²⁴ Choirunnisa Marzoeki, "Sekedar Melengkapi Atau Memenuhi Syarat Demokrasi? Membaca Tingkat Partisipasi Perempuan Dalam Pemilu 2019 Di Kota Bekasi," *Jurnal Administrasi Dan Kebijakan Publik* 12, no. 1 (2022): 76–97, <https://doi.org/10.33558/akp.v12i1.2870>.

²⁵ Edeltrudis Calasansia Murni and Haryo Ksatrio Utomo, "Kebijakan Kuota 30% Perempuan Dalam Pemilu Dari Partai Gerindra Dalam Pileg 2019 Di DKI Jakarta," *Jurnal Communitarian* 5, no. 1 (2019): 791–804.

and free from fraud. UU no. 7 of 2017 regulates in more detail the nomination process, campaigns, election funding, and resolving election disputes.²⁶

Before the existence of Law no. 7 of 2017, election regulations are regulated in several separate laws, such as Law no. 42 of 2008 concerning Presidential and Vice Presidential Elections, Law no. 15 of 2011 concerning Election Organizers, and Law no. 8 of 2012 concerning Legislative Elections. UU no. 7 of 2017 is designed to harmonize these various regulations into one integrated law, making it easier to understand and implement election law. This law aims to strengthen the role and function of the General Election Commission (KPU), the General Election Supervisory Body (Bawaslu), and the Election Organizer Honorary Council (DKPP). In this way, these institutions can operate more effectively, independently and transparently. Apart from that, this law aims to improve the quality of the democratic process in Indonesia by ensuring the implementation of elections that are honest, fair and free from fraud. This regulation regulates in more detail the nomination process, campaigns, election funding, and resolving election disputes. UU no. 7 of 2017 is designed to answer various new challenges in political and social dynamics that continue to develop, such as the use of information technology in elections, wider community participation, and maintaining stability and security during the election process.²⁷

The nature of elections is interrelated with the existence of legal regulations that can be separated from normative juridical realities, meaning that the enactment of an Election Law is a process of agreement between the people's representatives and the President which ultimately can be mutually agreed and an election Law is born. This means that this is in the background of the fourth principle of Pancasila, namely "people led by wisdom in representative deliberations". It is the people who can directly elect representatives of the people and government. That this directly cannot work in a pure way. Indonesia, with a very large territory and a very large population, cannot possibly do this by asking the government to ask the people for their opinions one by one. Therefore, there is an idea that the implementation of people's sovereignty can be carried out representatively or can be known as the concept of representative democracy, which means carrying out people's sovereignty with representatives elected by the people.

Discussions regarding the Election Law began in the House of Representatives (DPR) in 2016, with Commission II of the DPR as the main driver responsible for domestic governance. The discussion process involves various parties, including the government, academics, non-governmental organizations (NGOs), and political parties to obtain comprehensive input. After going through various discussion, revision and public

²⁶ Nurdin Nurdin, "Keterwakilan Politik Perempuan Di Parlemen Periode 2019-2024: Peran Partai Politik," *PARAPOLITIKA: Journal of Politics and Democracy Studies* 2, no. 2 (2021): 129-45, <https://doi.org/10.33822/jpds.v2i2.5912>.

²⁷ Agus Prastyawan et al., "Women's Participation in Election in Jombang District," *JKMP (Jurnal Kebijakan Dan Manajemen Publik)* 10, no. 1 (2022): 8-15, <https://doi.org/10.21070/jkmp.v10i1.1682>.

examination processes, the Election Bill was finally approved by the DPR on 20 July 2017 and passed into law by President Joko Widodo on 15 August 2017. Law no. 7 of 2017 came into effect and was used as the legal basis for holding the 2019 General Election. Various technical and implementing regulations under this law were also issued to ensure that the election was carried out in accordance with existing regulations. This law is an important milestone in the history of general elections in Indonesia, because it is a serious effort to perfect the electoral system in order to realize a better democracy and integrity in Indonesia.²⁸

In line with the mandate of the decision of the Constitutional Court of the Republic of Indonesia, the DPR RI passed Law Number 7 of 2017 concerning General Elections, where the 2019 general elections will be held simultaneously. This is as stated in Article 167 Number 1 of Law Number 7 of 2017 concerning General Elections which reads: "General elections are held every 5 years." The 2019 simultaneous General Election (Pemilu) is the first election in the history of elections in Indonesia, which combines the Legislative Election and the Presidential Election in one implementation time. The simultaneous elections which were held on April 17 2019, not only elected the President and Vice President, but also the people elected their legislative members, namely electing members of the People's Representative Council (DPR), Provincial Regional People's Representative Council (Provincial DPRD), People's Representative Council Regency/City Regions (Regency/City DPRD) and Regional Representative Councils (DPD).²⁹

This is a new breakthrough in our democratic system, the birth of the concept of holding President and Vice President elections with the Election of Legislative members referring to the Constitutional Court Decision based on MK Decision No. 14/Puu-XI/2013 concerning the implementation of simultaneous general elections which is the legal basis for holding the regulations. regarding the simplification of election arrangements which were ultimately held simultaneously. This is also intended to answer political dynamics related to the implementation of elections, election participants, election systems, election management and law enforcement in a law. Before the regulations regarding the Constitutional Court appeared, the government in carrying out elections was still guided by Law Number 42 of 2008 concerning the Election of the President and Vice President, Law Number 15 of 2011 concerning the Implementation of General Elections and Law Number 8 of 2012 concerning the General Election of Members. People's Representative Council, Regional Representative Council and Regional People's Representative Council.

²⁸ Aulia Ramadhanty, Neysa Naila, and Ardli Johan Kusuma, "Tantangan Dan Keberhasilan Peran Perempuan Dalam Partisipasi Politik Swedia Dan Implikasinya Terhadap Keadilan Gender Secara Global."

²⁹ Ilham Fauziasyah and Rendy Adiwilaga, "Implementasi Strategi Komisi Pemilihan Umum Bandung Terkait Peningkatan Perempuan Dalam Kontestasi Politik Pemilihan Umum 2024," *Jurnal Ilmiah Ilmu Pemerintahan* 10, no. 1 (2024): 133–49.

Women should have the same rights as men in representation in elections without any "least" restrictions. The term "at least" which determines women's representation at 30% in Article 177 of Law Number 7 of 2017 concerning General Elections actually limits the space for women's involvement in elections. In fact, human rights for the Indonesian people have been guaranteed by the 1945 Constitution. Indonesian women are able to play an active role in politics in Indonesia. The emancipation of women in the political field will make a positive contribution to the process of making regulations and policies relating to women, because women better understand their special needs. In conveying their political aspirations, women are free to choose the political party ideology that suits their ideals. Political parties, as important pillars in a democratic system, function as a link between the government and citizens. Women's political rights can be channeled through participation in political parties, either by building a political party or becoming part of a political party.³⁰

The provision for women's representation of 30% in the General Election Law does not fully ensure women's representation in the election process. However, statistically, there has been a significant increase in the number of female candidates after this provision was first introduced in Article 65 paragraph (1) of the General Election Law Number 12 of 2003. Women's representation in elections is very important because everyone wants to be treated equally, both women and man. This principle of equality has been adopted in the 1945 Constitution of the Republic of Indonesia. In 1976, Indonesia ratified a broader international covenant regarding human rights in the fields of political and civil rights, economic rights, social rights and cultural rights. This Covenant is a more specific elaboration of the Universal Declaration of Human Rights, where political rights are considered "non-derogable" rights. Women, as humans, have the same political rights as men.

Women have the same rights as men and receive facilities and special treatment to obtain equal benefits and opportunities, as regulated in the 1945 Constitution Article 28H paragraph (2). The state provides special treatment to women by ensuring women's representation of at least 30% in elections. With this constitutional protection, the political rights of women's representation are important and must be implemented by the Election Law. This is also included as a requirement for political parties participating in the elections for members of the DPR, Provincial DPRD, Regency/City, by including women's representation of at least 30% in the management of political parties at the central level, as regulated in Law Number 7 of 2017, Article 173 paragraph (2) letter (e). This provision can also be seen in Article 65 paragraph (1) of Law Number 12 of 2003 concerning Elections, where each Political Party Participating in the Election can nominate candidates for members of the DPR, Provincial DPRD and Regency/City DPRD with due regard for women's representation of at least 30%.

³⁰ Nurwahidah, Asmara, and Cahyowati, "Implikasi Hukum Tidak Terpenuhinya Kuota 30% Perempuan Pada Hasil Pemilu Legislatif Bagi Partai Politik (Parpol)."

Election Law Number 10 of 2008 also regulates that the list of candidates for election for members of the DPR, Provincial DPRD, Regency/City DPRD submitted by Political Parties must contain at least 30% female representation and include a minimum of one woman for every three candidates. The same provisions apply in Election Law Number 8 of 2012. In addition, KPU Regulation Number 7 of 2013 requires women to nominate for each electoral district as regulated in the Law, and Article 177 of Election Law Number 7 of 2017 includes the phrase at least 30% for representation of women's candidacy in the DPR, Provincial DPRD and Regency/City DPRD. The election of members of parliament in Indonesia is regulated in the post-reform election law. Specifically regarding the representation of women in the nomination of legislative members, it was regulated starting from the 2003 Election Law until changes in 2017.

Government policy in facilitating women's political rights has changed. The following table shows the affirmation of women in the Election Law in Indonesia. From this table, it can be concluded that there have been policy changes in providing opportunities for women to express their political rights. In the 2004 elections, the phrase "pay attention to women's representation" was still used. According to the Big Indonesian Dictionary (KBBI), "pay attention" means to be careful, observe, pay close attention, or supervise, or the meaning of the prefix "mem-per" which means to resemble or resemble, or almost the same. Thus, it can be freely interpreted that political parties' placement of women as election participants is almost the same as 30% women's representation. Based on the meaning of the word "pay attention", political parties do not yet have an obligation to be fully bound in terms of women's representation, as if they were only encouraged to provide women's representation in elections.

However, in the Election Law regime from 2008 to 2017, the phrase "pay attention" no longer exists. The policy of this law explicitly includes the phrase "at least 30%", thereby requiring political parties to provide opportunities for women to take part in elections, at least 30%. The implementation of the women's quota policy in the election of legislative members in Indonesia faces various significant challenges. One of the main challenges is culture and social norms which are still strongly characterized by patriarchal views. In many regions in Indonesia, women are still considered more suitable for carrying out domestic roles rather than being involved in the public sphere such as politics. This view not only prevents women from running for legislative positions, but also reduces public support for female candidates. The male-dominated structure of political parties is also a major obstacle. Leadership and decision making in political parties is often in the hands of men, which makes it difficult for women to obtain strategic positions on the list of legislative candidates. Political parties tend to place women in less strategic positions on the list of candidates, so that their chances of being elected are smaller. Even though there are quota provisions, their implementation is often not optimal because political parties still treat these provisions as a formality rather than a real commitment to increasing women's representation.

The electoral system itself can also be an obstacle. The open proportional system used in Indonesia, where voters choose individuals rather than parties, often disadvantages female candidates because they have to compete closely with male candidates who are more likely to have a stronger supporter base and more resources. This is further exacerbated by economic constraints, where high campaign costs become an obstacle for women wishing to run for office, especially for those who do not have sufficient financial resources. Several main factors influence women's political participation in Indonesia. Cultural factors and traditions play a large role in limiting women's political participation. In many communities, there is still a traditional view that sees politics as the domain of men, making women reluctant or not encouraged to get involved in politics. This is closely related to the low level of education and political awareness among women. Unequal political education causes women to lack understanding of their political rights and responsibilities, which in turn reduces their participation in the political process.

Access to political networks and campaign resources is also an obstacle. Powerful political networks are often dominated by men, making it difficult for women to get the support they need to run for office. In addition, women often face the challenge of dual roles as housewives and workers, which limits the time and energy they can allocate to political activities. Despite facing various challenges, the quota policy has had a significant positive impact on women's representation in the legislature. One of the most visible impacts is the increase in the number of women elected to the legislature. For example, after the enactment of Law no. 7 In 2017, the number of women elected to the DPR in the 2019 elections reached more than 20%, compared to the previous election which only reached around 17%. This increase shows that the quota policy has succeeded in encouraging more women to participate and be elected in elections.

Apart from increasing numbers, the presence of women in the legislature also encourages gender equality in politics and government. With more women in parliament, gender issues receive more attention and are advocated for more effectively. Women involved in the legislative process tend to be more sensitive to issues relating to women, family and children, which are often ignored in male-dominated parliaments. Increased political participation also has a positive impact on women's empowerment. By getting involved in politics, women get more opportunities to play an active role in political decision making. This not only improves their position in politics, but also empowers them in social and economic life. Data shows that after the enactment of Law no. 7 In 2017, the percentage of women elected as legislative members increased significantly. In the 2019 election, the number of women elected to the DPR reached more than 20%, compared to the previous election which only reached around 17%. This increase shows that the quota policy has succeeded in encouraging more women to participate and be elected in elections.

The distribution of women's representation also shows improvement. Women are not only elected as legislative members at the national level, but also at the provincial and

district/city levels. This shows that quota policies are not only effective at the central level but also at the regional level, which is important to ensure more equal representation across Indonesia. When compared with other countries in the Southeast Asia region, Indonesia shows a significant increase in women's representation in parliament. Although there is still room for improvement, Indonesia is now in a better position in terms of women's representation in the legislature compared to some of its neighboring countries. With this quota policy, the hope is that more women will participate in politics, not only as voters but also as decision makers, thereby creating a more just and equitable political system. It is hoped that this policy can continue to be improved and implemented more effectively to ensure that women have a significant role in the democratic process in Indonesia.

D. CONCLUSION

This research reveals that Election Law no. 7 of 2017 in Indonesia plays an important role in organizing general elections and strengthening election management institutions. One of the main aspects regulated is the women's participation quota of 30% in the list of legislative candidates proposed by political parties. Although this quota policy does not fully ensure women's representation in the electoral process, there has been a significant increase in the number of female candidates and legislative members after this provision was implemented. Based on the findings, this research succeeded in showing that the quota policy had a positive impact in increasing the number of women elected as legislative members. However, there are still cultural, structural and economic challenges that hinder the full implementation of this policy. Women need to be supported more strongly in facing the challenges of patriarchal culture, male dominance in political parties, and economic obstacles that hinder their access to politics. To improve the implementation of the women's quota policy, there is a need to increase political education and gender awareness in society. Political parties must be more serious about complying with quota provisions and placing women in strategic positions. Political parties and lawmakers must commit to strengthening quota policies with stricter mechanisms and sanctions for non-compliance. In addition, there needs to be policies that support the elimination of structural discrimination and provide facilities that facilitate women's political participation, such as access to campaign funds and political networks.

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