



Ratio Legis Policy to Increase Women's Representation Through the Implementation of a Minimum Quota of 30% for Women in Nominations for DPR and DPRD Members

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Abstract

Women as representatives in the strategic political making of decisions. Among the efforts made by the government to increase women's representation was setting a minimum threshold for female candidacy in the legislative and legislative elections. The policy referred to is set forth in Article 245 of Law Number 7 of 2017 concerning Elections. This research uses normative legal research methods with legislative and conceptual approaches. The provision regarding the minimum limit of 30% of women's candidacy is the implementation of constitutional rights, which is regulated in Article 28H Paragraph (2) of the 1945 Indonesian Constitution. The representation of women in the legislature was entrusted as a form of balancing and alignment of patriarchal and dominative elements in strategic policymaking. There are five ratios of an increase in female representation policy, including the existence of women in political decision-making is a counterweight to the patriarchal elements; women's brain variables are wider than men's so as to impact the different responses to an accepted issue; policy correlation with zipper system theory; policy correlation with critical mass theory; and the form of exercise of rights and duties owned by women as right holders and men as duty holders. The increase of female participation in representation can be achieved through political recruitment and the establishment of a political party-wing organization.

Keywords: Women; Representation; Ratio Legis

A. Introduction

The policy minimum limit of representation of women in candidacy members of the House of Representatives (*Dewan Perwakilan Rakyat* or DPR) and the Regional House of Representatives (*Dewan Perwakilan Rakyat Daerah* or DPRD) of 30% was first regulated in Law Number 12 of 2003 on Election General Members of the People's Representative Council,

Regional Representative Council, and Regional People's Representative Council.¹ The constitution was made into an umbrella law in the election-member legislature in 2004 and became a policy that lasted until the general election. This is proven through the loading provision about the minimum nomination limit of Woman in Law Number 7 of 2017 on General Election as an instrument of law up to date in the organization election general. The provisions referred to in a way explicitly loaded in Article 245 of the law *a quo*, which states that the list of candidates must include representation of women at least 30%.

Based on the dynamics of women's representation in legislative institutions, provisions about a minimum quota limit nomination by 30% are capable of increasing the number of women's representation in the DPR from 8% in the General Election in 1999 to 11% in the General Election Year 2004.² The percentage experienced a significant increase in the implementation Election next, namely 18.2% in the General Election of 2009 and 17.86% in the General Election of 2014.³ Development last in the Election 2019 percentage representation Women experience an increased return to 20.8%.⁴ Thus, in the context of international magnitude, they are not yet capable of bringing Indonesia to the ranks of countries with high female representation worldwide. According to data released by the Inter-Parliamentary Union, Indonesia is still ranked 89th out of 168 countries in the world for female representation.⁵ And ranked 7th in Southeast Asia based on data revealed by the World Bank.⁶ This still has a low representation of women at the local level.

The National Statistics Agency shows that women's representation is low in the system government area. Of the 520 districts/cities in Indonesia, only 30 have a level representation of women who achieve the figure of 30%; in 19 other districts/cities, the representation of women

¹ Law Number 12 of 2003 on Election Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council, art. 65, para. 1.

² Decision of the Constitutional Court Number 22-24/PUU-VI/2008 on the Testing of Law Number 10 of 2008 on Election Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council.

³ Christie Stefanie, "The Portion of Women in the Legislature Must Be Greater in 2019," *CNN Indonesia*, August 27, 2015, <https://www.cnnindonesia.com/nasional/20150827125633-32-74875/porsi-perempuan-di-legislatif-harus-lebih-besar-di-2019>

⁴ Lestari Moerdijat, "Improvement of Women's Participation in Politics Needs Support from All Parties," *DPR RI*, March 17, 2023, <https://www.mpr.go.id/berita/Peningkatan-Partisipasi-Perempuan-dalam-Politik-Butuh-Dukungan-semua-Pihak>

⁵ Puput Mutiara, "Government Pushes Efforts to Improve Women's Representation in Parliament 2024," *Ministry of Coordinating Human Development and Cultural Affairs of the Republic of Indonesia*, October 27, 2020, <https://www.kemenkopmk.go.id/pemerintah-dorong-upaya-peningkatan-keterwakilan-perempuan-di-parlemen-2024>

⁶ Novrizaldi, "Participation of Women in Politics in Indonesia Is Important for National Progress," *Ministry of Coordinating Human Development and Cultural Affairs of the Republic of Indonesia*, April 15, 2021, <https://www.kemenkopmk.go.id/partisipasi-politik-perempuan-di-indonesia-penting-bagi-kemajuan-bangsa>

is at 0%.⁷ Low Women's representation intertwined with an understanding of the philosophical ancient positioning of women as subordinate, which triggers treatment that is not fair to women. The term Woman always identified with "the root of all evils", where Woman considered a source of chaos in politics, chaos economy, and chaos culture, so that proper to bear the title *femme fatale*. Cynical labels the sit-down Woman as object discrimination and marginalization are required injustice. No, until there appears a dichotomy between a public room and domestic space, where the man is seated as the owner and the perpetrator room is public with strict laws of protection. In contrast, women are in domestic territory with limited protection laws. This is what makes institutions political. No truly own commitment to the empowerment of women and tend to put women on choice second.

In practical terms, women are often positioned as objects that have limitations in matters of capital, social, and financial. This is leading to fading independence politics owned by women, so in style politics, women who are not considered to be able to raise their electability party tend to fail to become vote-getters. Therefore, the representation policy of women must be at least 30% interpreted as a political strategy that can give political protection to women in the general election. Spirit the row with the opinion of Drude Dahlerup, who mentioned that quota rules limit the tendency of political parties to nominate mostly men and compel them to seek out.

This study reviews the legal ratio of policy improvement representation of women as much as 30% in the general election of an organization. This research uses normative research, which covers norms and rules basics, principles law, regulation legislation, comparison law, doctrine, and jurisprudence.⁸ In connection with this study, the author used several approaches, namely statute approach, case approach, and the comparative or comparison approach.⁹

B. Discussion

B. 1. Legislative Ratio Policy Minimum Limit for Women Candidates 30% in Election General Members of DPR and DPRD

The provision of a minimum nomination limit Woman 30% is embodiment in the organization right constitutionally regulated in Article 28H Paragraph (2) of the 1945 Republic

⁷Central Bureau of Statistics, "Women's Involvement in Parliament (Percentage), 2021–2022," *Central Bureau of Statistics*, <https://www.bps.go.id/indicator/40/464/1/keterlibatan-perempuan-di-parlemen.html> (accessed July 2, 2023).

⁸Amiruddin and Zainal Asikin, *Pengantar Metode Penelitian Hukum* (Jakarta: PT Raja Grafindo, 2004), 119.

⁹ Johny Ibrahim, *Theory and Methodology of Normative Legal Research*, (Malang: Bayu Media, 2005), 444-445.

of Indonesia Constitution. The article entrusts that everyone has the right to get convenience and treatment, especially to obtain equal opportunities and benefits and reach equality and justice. Women are one of the typology race marginalized entitled to get treatment special, not only in their domestic but also in their internal lives. Policy of minimum nomination limits for women was born as organic derivative from affirmative action principle contained in Article 28H Paragraph (2) of the 1945 Republic of Indonesia Constitution.

This then gives the country a responsibility as duty holders and immediately forms policies that can provide special treatment to women in strategic sectors, including in elections in general. The policy was born with five ratio legis as follows: First, the essence Women's representation as balancer elements that are characteristic patriarchal. Second, a representation that is descriptive and substantive can only be realized by giving women a chance in the election—third, relevant representation policy of women with zipper system. Fourth, representation policy should be correlated with the theory of critical mass—fifth, essence representation as organization rights and obligations.

Women Representation in institutional legislation are certain to form balancers and aligners from elements that are characteristic patriarchal and dominant in taking policy strategically. During this woman could not compose and express argumentation with dense arguments and syllogisms because of the characteristics of their femininity. Even though the femininity that is owned will give new taste in the form of politics of caring and mothering, where matter they will impact the response given to existing reality, Woman representation will correlated with production laws that can ensure equality and social well-being. Countries with a higher representation of high position women tend to own their national gross per capita. They are far higher compared to countries with a lower representation of women.¹⁰ Sweden is one of the countries with the highest national gross product in the world, with woman's representation reaching 47.28%.¹¹

Neuroscience is a branch of knowledge that studies the nervous system, nerve, or neuron system.¹² This knowledge shows that women and men own different topography brains, where women own more variables than men's brain.¹³ This impacts the patterns of pronunciation thoughts that both of them use. The woman said her mind in frame builds

¹⁰Ruth Indiah Rahayu, *Success and Obstacles of Women's Representation in Southeast Asia: Between State and Party Policies and Women's Movements* (Jakarta: Partnership, 2014), 11.

¹¹European Institute for Gender Equality (EIGE), *Gender Equality Index 2019: Sweden, Lithuania* (2019), 3.

¹²Merriam-Webster, *MedlinePlus: Neuroscience*, <https://www.merriam-webster.com/medlineplus/neuroscience> (accessed September 15, 2025).

¹³Wash Bockers Paulsen, *Anatomy: Das Lehrbuch* (Munich: Elsevier, 2015), 593.

relation, whereas a man pronounces his mind in frame builds dominance. Differences must be accommodated in representation policy for the implementation of government. Not dominated by grammar, political archaic man. This idea is in harmony with the view of expert Hanna Pitkin's politics-formulated perspective on the Women's representation in her book "The Concept of Representation". Hanna Pitkin states that Women's representation can be formulated into two categories, namely representation descriptive and representative substantive. Representation is descriptive to wish existence capable representation reflect voters.¹⁴ Where in context, this registered Indonesian citizens as voters in the general election, not only men but also women. General Election Commission mentions in the General Election that in 2024, as many as 101,467,243 voters were men and as many as 101,589,505 voters were women.¹⁵ So, it becomes an inevitability to increase quantity and proportion. Women in the election general symbol of gender justice from the system politics that is running. As for representation, substantive wishes for the existence of a positive correlation with policy politics that favors women. This is to remember that women and men experience different lives, as well as various methods of view on issues of other politics. With presence policies that provide opportunities for representation, women can integrate perspectives and interests of woman in political issues.

Provision related to minimum limit of Women's representation in nomination members of the DPR and DPRD is 30% in accordance with a zipper system that instructs that in every three people, candidates must be at least 1 woman. This matter will give a great opportunity for women to be selected in the general election, considering that based on data released by the General Election Commission, that the number of electability candidates in the legislature, which is number sequence first, second, and third, is very high in each election general with system proportional open. The determination of 30% percentage as the minimum nomination limit for women in the election of the DPR and DPRD is not a policy that is out of nowhere. Sarah Childs and Mona Lena Krook, in their writing entitled "Should Feminists Give Up on Critical Mass? A Contingent Yes" mentions that the determination of the percentage of 30% is prevalence policy cross-country compliance with recommendations from various organizations

¹⁴Hanna F. Pitkin, *The Concept of Representation* (Berkeley: University of California Press, 1967), 21.

¹⁵Commission for Public Relations of the General Election, "2024 National Election DPT: 204.8 Million Voters." *Commission of the General Election*, July 2, 2023, <https://www.kpu.go.id/berita/baca/11702/dpt-pemilu-2024-nasional2048jutapemilih#:~:text=Betty%20pun%20melanjutkan%20dengan%20membacakan,%2DIndonesia%20sebanyak%20203,056,748>

and international documents about women's representation.¹⁶ Organizations international, such as the United Nations, the Socialist International, the Council of Europe, the Commonwealth, and the Organization of American States, recommend that all member countries accommodate the 30% quota for women in all political bodies.

Policy minimum nomination limits women's correlation with critical mass theory. Women can influence policy strategy if their representation reaches a *large minority* from the overall former policy.¹⁷ The large minority in question ranges from 25% to 50%. According to Gregory D. Schmidt, the effective quota can be determined from arithmetic rounding of the number of chairs available for fulfilling the condition quota, where a 50% quota is used when 2 chairs are available, a 30% quota when 3 seats are available, and a 25% quota when four chairs are available.¹⁸ A minimum quota of 30% women in nomination members of the DPR and DPRD can be said to be an effective quota, remembering and considering the ability of party politics to fulfill the condition of the minimum quota as well as the system determination number sequence that becomes part no inseparable from policy.

Women as citizens have equal rights in representation as a form of compensation for obstacles that hinder women from getting part in a fair way. Terms about rights set up in a way constitutional in Article 28H Paragraph (2) of the 1945 Republic of Indonesia Constitution state that everyone has the right to get convenience and treatment, especially to obtain equal opportunities and benefits and reach equality and justice. Arrangement representation of women of at least 30% of nomination members of the DPR and DPRD must interpreted as a form of political protection in a country to reach equality in a way *de facto* through the placement of woman in every nomination. Constitutional Court in the Decision Number 22-24/PUU-VI/2008 on Testing Law Number 10 of 2008 confirms that policy representation of women at least 30% in nomination members of the DPR and DPRD are reverse discrimination which provides a chance for women to be on a level playing field as men.¹⁹ Based on that understanding, then representation policy of at least 30% of women in the nomination members

¹⁶Sarah Childs and Mona Lena Krook, "Should Feminists Give Up on Critical Mass? A Contingent Yes," *Politics & Gender* 2, no. 4 (2006): 522–530.

¹⁷Mona Lena Krook, *Quotes for Women in Politics: Gender and Candidate Selection Reform Worldwide* (New York: Oxford University Press, 2009), 80.

¹⁸Gregory D. Schmidt, "Unanticipated Successes: Lessons from Peru's Experiences with Gender Quotas in Majoritarian Closed List and Open List PR Systems", paper presented at the International IDEA Workshop, Lima, Peru, 14.

¹⁹Decision of the Constitutional Court Number 22-24/PUU-VI/2008 on the Testing of Law Number 10 of 2008 on Election Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council.

of the DPR and DPRD cannot be said to form a hostile takeover politics that can degrade the right man in nomination and representation. The policy must be interpreted as a step first in fulfilling four objectives, namely: First, to accelerate the achievement of descriptive and substantive equality between women and men as well as equality in positions as citizens and world citizens. Second, correcting all things that do not support the achievement of equality is descriptive and substantively good in the form of discrimination and action subordination. Third, compensation for losses experienced as a consequence of existing discrimination in the past, which limited the number of room motions for women only in the domestic area. Fourth, through assistance, create a runway to take part in a way equal and fair in a partnership between men and women are equal.

B. 2. Strategic Solutions to Improve Women's Participation in Nomination for Members of the DPR and DPRD

Participation of citizens in political life is one of the most important aspects of democracy. The participation in question furthermore becomes a characteristic of politics modernization that wants the involvement of citizens in every decision-making process that concerns and influences the lives of citizens. Women are one of the typology citizens who are often made into objects of political decisions concerning both their lives or those who influence the organization of their lives. Therefore, it is important to give women room to have access and participate in decisions and politics.

Representation of women in the framework of the Indonesian democratic state is important, considering the number of citizens of the same gender. Women cover more than 40% of the total number of Indonesian citizens. Through the amount of representation, a well proportioned women in determination decisions in politics, then expected a representative capable act based on will be represented without removing rights held by the representative to take best actions. The representation of a well-proportioned woman further rejected measuring democratic state administration. The concept of democracy in state administration requires the existence and articulation of interests and experiences of politics owned by each typology public in a country, where the draft gives room for women who have different interests and experiences from race to be articulated in politics.

One of the instruments administered by the relevant country with regard to the matter is the determination of minimum quota limit for nomination of women in election of members of the DPR and DPRD. The party must allocate 30% of the total candidates submitted for

women in election members of the DPR and DPRD. The policy concerning the General Election was stipulated in Article 245 of Law Number 7 of 2017. Post-implementation of minimum quota limit nomination of women policy by 30% in the election of DPR and DPRD members representation Women in sector strategic politics also experienced improvement. Although the increase in question-level practical moves in a way that fluctuates, effort is still needed to improve the participation of women in nomination through some tactical strategies in solution. The strategy referred to by the author formulated two solutions, namely, improving participation of women through recruitment politics and improving participation of women through the driver political party wing organization .

Ramlan Surbakti defines recruitment politics as the selection and election or appointment of somebody or a group of people to carry out a number of roles in systems politics in general and government in particular.²⁰ In relation to party politics, function recruitment is a vital part, considering that the failure of the recruitment process carried out by party politics will threaten the existence and sustainability of society. Therefore, refreshing membership through recruitment politics is needed to perpetuate power politics in society. Recruitment politics is also expected to be capable of creating a system of politics that can give service and protection to society. Law Number 2 of 2011 on Political Party mentions that the political party recruitment must held in a way that is democratic and open in accordance with the party's articles of association with the politics concerned. Syamsudin Haris put forward three stages in pattern recruitment politics: First, the screening candidates stage covers the interaction between party elites at a structured level in a vertical way between party branches with child branch parties. Second, screening and selection of candidates who have netted stage. This is done by the elite party in the children's branch with party elites at the level of district/city. Third, the determination of the candidate follows a number sequence stage. This is carried out by party elites at the level branch with a team small that is formed and given authority set candidate legislative. Based on the description above, it becomes important that at each stage of recruitment, political parties give women a proportional amount of space to be caught in the net. If previous characteristics inherent in the participants are only one of the factors that can be considered in recruitment politics, then effort improvement to participation of women must be capable of shifting existing characteristics to become elements required in every stage of

²⁰Ramlan Surbakti, *Understanding Knowledge Politics* (Jakarta: Gramedia Widiasarana, 1992), 119.

recruitment. Of course, the recruitment process still must consider the competence and capability of every participant in carrying out the tasks of the parties and the parties represented.

Existence of political party wing organization are set up in a way that is explicit in Article 12 letter j of Law Number 2 of 2008 on Political Party. The article states that political party can form and have olitical party wing organization. Political party wing organization are interpreted as organizations that are formed and/or state themselves as political party wing in accordance with the Articles of Association of each political party. Political party wing organization become receptacle cadre formation carried out by the political party. Formation, as well as strengthening the existence of political party wing organization, must interpreted as a form of endeavor to prepare cadres who have character, integrity, and excellent quality in election general. Besides that, political party wing organization can help internalize ideology of political party and develop the character militancy of the cadres. Therefore, the organization needed to own a big share of political party in the effort of implementation, socialization, and dissemination of programs and policies.²¹ Post-independence, many political parties then established the wing organization, both directly and indirectly. The election of 2014 saw 12 political parties involved as well, and in the election, every political parties has its own political party wing organization. Political party with an existing wing organization from typology. Women are recorded succeeded in fulfilling the qualification of minimum nomination limit of women, even beyond the limits set, such as in Democrats party, Gerindra party, and PKS. This proves that the existing political party wing organization is able to contribute to the improvement of representation of women nomination members of the DPR and DPRD.

C. Conclusion

Representation policy of women at least 30% of nomination members of the DPR and DPRD is stipulated in Article 245 of Law Number 7 of 2017 on General Election. The policy is presented in the organization election in general as a form of effort to increase the representation of women in taking policy strategies in parliament. In the context of representation, existence of this policy becomes urgent as a balancer from the existence of a dominant and expected man capable of representing mass voters in a way that is descriptive and also substantive. As for the determination, the minimum quota of 30% is based on the effective quota with consideration of available seats, determination of number sequence

²¹ Marojahan J. S. Panjaitan, *Legal Politics: Building a Happy Nation in the Era of Industry 4.0 and Society 5.0* (Bandung: Pustaka Reka Cipta, 2021), 103.

nomination, recommendation from international documents, and capabilities of party in fulfilling the quota. Finally, the policy representing women through the determination of the minimum quota is expected to be able to translate to equality and justice in the general election, where policies that are affirmative. This can not be interpreted as an effort to reduce the right man in the election. On the contrary, the policy must be seen as a form of political protection for fair collaboration between men and women to build representative and just democracy.

As for the efforts that can be made to increase participation of women in nomination for members of the DPR and DPRD, including through mechanism of recruitment politics and stance of political party wing organization. Through the mechanism of recruitment, politics can be done by positioning characteristics owned by the candidate as a primary factor in each stage of the process of recruitment, from screening and filtering to determining the candidate and number sequence. However, the recruitment process must also be balanced with attention to the competencies and capabilities possessed by each candidate. Improvements can be made through the establishment of an political party wing organization intended for the political party's equivalent container, specially presented dalma, to do screening cadres. Where through wing organizations, women get pattern militant cadre formation so that they produce cadres who have character, integrity, and quality in nomination.

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