



Implementation of Women's Representation as Members of the General Election Commission Based on Law No. 7 of 2017 on General Elections.

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ABSTRACT

The topic of women's quotas can be a good entry point to explore what limits and enhances substantive representation of women. Additionally, women's quotas are closely related to the debate on descriptive and substantive representation when associating quota policies, representation, and the effects of these quota policies. Women's representation in election organizers is crucial to ensure fair, equitable, and inclusive elections. Moreover, this is related to the issue of affirmative action. Affirmative action is a policy that provides special treatment to disadvantaged or marginalized groups, such as women, in order to enhance their representation in election organizers. This policy can take the form of quotas, reservations, or other affirmative programs. This research aims to analyze the Implementation and Factors affecting the fulfillment of the 30% Women's Representation quota in General Elections organizers in Indonesia based on Law No. 7 of 2017 regarding General Elections Research.

Keywords: Affirmative action; woman; general electionorganizer

1. Introduction

Elections serve as a democratic mechanism for the people to determine trustworthy representatives who will occupy positions in the government and representative institutions, functioning as a mechanism for the turnover or circulation of ruling elites. The connection between elections and the circulation of elites stems from their responsibility to represent the broader society. (Wijayanti & Prasetyoningsih, 2009)

Society has the opportunity to participate in general elections, where individuals can cast their votes to choose representatives who will lead the country and advocate for their interests (Surbakti, 1992). The history of elections is inseparable from the history of the development of human thought and culture. The most influential period is associated with modern thinking marked by the emergence of rationalism and empiricism, commonly referred to as the Renaissance era. (Achmadi, 2010)

General Elections (Pemilu) are a significant indication of the existence of a state that upholds democratic principles with utmost dedication. This requires a basic understanding of the state structure, including concepts of individual and communal supremacy regulated in the constitution and the legal framework of the state. Substantively, these principles emphasize that democracy reflects the idea that the will of the people (People's Sovereignty) has full sovereignty in supporting the conduct of elections (Strong, 2004). All these democratic concepts are manifested in the 1945 Indonesian Constitution as the constitutional basis, which explicitly describes democratic principles and People's Sovereignty.

In the concrete framework of state governance, general elections function as a tool for implementing people's sovereignty with principles of direct, universal, free, confidential, integral, and just participation. The electoral process plays a central role in selecting leaders such as the President, Vice President, members of parliament, as well as members of regional councils at the provincial, district, and city levels. All stages of general elections are carried out by state institutions designated in accordance with Law Number 7 of 2017 concerning

General Elections, including the General Election Commission, the Election Supervisory Board, and the Council of Ethics for the Organizers of General Elections. Institutions responsible for conducting general elections must face three branches of power simultaneously: the executive and legislative branches generated through the electoral process, and the judiciary branch playing a role as judges in handling disputes or violations that arise during the election process, as well as deciding the results of the elections. To balance this, organizers of general elections must maintain their independence. (Saihu & (Indonesia), 2015)

The Election Commission (KPU) consists of 7 commissioners selected by the selection committee (pansel), then screened by the People's Consultative Assembly (DPR) through a fit and proper test process, after which they are appointed and inaugurated by the President. The membership of the KPU, KPU Provincial, and KPU District/City is a crucial element in the electoral system of a country. This membership structure is designed to ensure balanced and inclusive representation in the regulation and implementation of elections. In the arrangement of KPU membership, there is an individual who holds a dual role as both chairman and member. This highlights the importance of collaboration and leadership at the KPU level. The Chairman of KPU, Chairman of KPU Provincial, and Chairman of KPU District/City are democratically elected by and from the members. What is interesting is that each member of the KPU, KPU Provincial, and KPU District/City has an equal voting right. This signifies that each member has an equal role in decision-making, preventing dominance by any specific individual. This principle secures collective work and prevents potential abuse of power. Additionally, it is important to note that the composition of KPU, KPU Provincial, and KPU District/City membership also considers gender representation. In an effort to ensure better inclusivity and representation, the law stipulates that at least 30% of the members must be women, as stated in Article 10 Paragraph (7) of Law No. 7 of 2017 concerning General Elections. This aims to eliminate gender imbalance in political decision-making and strengthen the role of women in the electoral process. However, the current implementation of Law No. 7 of 2017, especially at the district/city level, where the clause of 30% does not have explicit sanctions if not fulfilled, differs from the requirements for election participants. For instance, the representation of women in the party's list of candidates must meet the 30% requirement, and the list of Candidates for the Regional Representative Council (DPRD) and the People's Consultative Assembly (DPR RI) must each meet the 30% requirement for their respective electoral districts.

Based on the information gathered by the KPU regarding the appointment of members of the Election Commission, it is evident that the level of female participation from 2017-2022 has not reached the minimum threshold of 30%. Data on KPU commissioners is based on KPU Decree No: 511/PP.06-Pu/05/KPU/V/2018 regarding the appointment of members of the Provincial KPU for the period 2018-2023, and Decree No: 588/PP.06-Pu/05/KPU/VI/2018 regarding the appointment of members of the KPU City and District for the period 2018-2023. In the period 2017-2022, the number of Central KPU commissioners consisted of 6 men (85.7%) and 1 woman (14.3%). Commissioners of the Provincial KPU in the same period consisted of 146 men (78.9%) and 39 women (21.1%). Meanwhile, commissioners of the KPU District/City in the period 2017-2022 consisted of 2,101 men (82.7%) and 441 women (17.3%). (Zumrotun Nazia, 2022)

Representation of women in the organization of elections, specifically in the General Election Commission, is crucial to ensure a fair, equitable, and inclusive electoral process. Additionally, this is related to the concept of affirmative action. Affirmative Action is a philosophy and concept of programs aimed at specific groups of individuals to address existing inequalities. (Bacchi, 1996)

Affirmative action can be linked to the representation of women in the General Election Commission in Indonesia in several ways. Firstly, affirmative action can help change gender stereotypes that persist in society. By providing equal opportunities for women to pursue careers in politics, society will begin to see that women also possess the same abilities and competencies as men. Women bring a different perspective than men, contributing valuable insights to the General Election Commission in Indonesia.

Women also better understand the needs and aspirations of other women, ensuring that women's voices are represented in the political decision-making process. Gender stereotypes entrenched in society pose a

significant challenge to enhancing women's representation in the General Election Commission in Indonesia. These stereotypes devalue and undermine women's abilities, limiting their equal opportunities to pursue political careers. Women remain underrepresented in political activities, lacking the necessary experience and skills for successful political careers.

2. Method Research

The author employs the normative legal research method by examining existing literature (Soekanto & Mamudji, 2015). Utilizing legal, case, and conceptual approaches (Marzuki, 2006), this study is of a qualitative descriptive nature. Secondary legal materials used include books, journals, decisions of the KPU institution, and relevant regulations, namely Law Number 7 of 2017 concerning Elections. The data collection technique involves reading, studying, and noting books and writings related to the research material. The author's data analysis technique in this study employs logical and systematic analysis.

3. Results and Discussion

Women, as a group, have differences and similarities in interests and experiences compared to men, and this needs to be articulated in politics (Dahlerup, 2013). Studies from India, for example, show that gender quotas have influenced policy outcomes. This argument emphasizes the connection between quotas and descriptive and substantive representation. Women's quotas can only ensure the descriptive representation of women, but substantive representation implies that women as a group have specific interests that they want represented (Pande & Ford, 2012)

The need for attention to justice in the representation of women through the concept of affirmative action or positive discrimination is in line with John Rawls's view that when each individual enters into the social contract, they have liberty. Rawls asserts that although this theory uses the term "fairness," it does not mean that the concepts of justice and fairness are the same. One form of justice as fairness is to consider that the position of each person in the original situation when entering into the social contract is rational and equally neutral. Thus, justice as fairness is also referred to as the contract theory (Rawls, 2006)

Women, as individuals bound and recognized as parties in the social contract, must be considered regarding their representation in political processes, both as election organizers and participants. Based on data from the Center for Political Studies at the Faculty of Social and Political Sciences, University of Indonesia, for the selection period 2017-2022, there were 325 applicants for the Indonesian Election Commission (KPU RI), consisting of 230 men and 95 women (29.2%). Furthermore, the number of women applying for the selection of KPU RI membership for the period 2022-2027 is recorded at 27.6% of the total 492 applicants. From this data, it can be concluded that the 30% quota for female membership in KPU RI has not been maximally fulfilled so far. Even upon appointment as members of KPU RI, the representation of women is only one out of seven commissioners.

The composition of the members of the General Election Commission (KPU) of the Republic of Indonesia for the period 2022-2027 is as follows:

1. Hasyim Asy'ari, an academician, and democracy activist. He previously served as the Chairman of KPU RI for the 2021-2022 period.
2. Betty Epsilon Idroos, an expert in constitutional law. She has served as a member of KPU DKI Jakarta Province for the 2017-2022 period.
3. Mochammad Afifuddin, an expert in election law. He previously served as a member of Bawaslu RI for the 2017-2022 period.
4. Parsadaan Harahap, a political expert. He previously served as the Chairman of Bawaslu Bengkulu Province for the 2017-2022 period.
5. Yulianto Sudrajat, an information technology expert. He previously served as a member of KPU Central Java for the 2017-2022 period.
6. Idham Holik, a democracy activist. He previously served as a member of KPU West Java Province for the 2017-2022 period.
7. August Mellaz, an expert in political communication. He is an Election Enthusiast from the Election and Democracy Syndicate.

The representation in the General Election Commission of Indonesia for the period 2022-2027 is still far from the 30% target, as only one person represents the female gender. This situation is also observed at the provincial and district/city levels. As of September 2023, some regions are in the process of selecting KPU members at the provincial and district/city levels. Based on the announcement of the results of the selection of KPU members

at the provincial and district/city levels, KPU RI has temporarily released several decisions on the selection team's results. According to these announcements, the issue of female representation remains the same.

Researchers have analyzed three decisions regarding the selected KPU members at the provincial and district/city levels. According to Announcement No. 98/SDM.12-PU/04/2023 on Amendments to Announcement No. 96/SDM.12-PU/04/2023, the number of elected commissioner members is 91, with 74 male commissioners and 17 female commissioners. Then, Announcement No. 71/SDM.12-PU/04/2023, amended through No. 73/SDM.12-PU/04/2023 and 75/SDM.12.Pu/04/2023, states that the number of elected commissioner members is 125, with 111 male commissioners and 14 female commissioners. Finally, Announcement No. 57/SDM.12-Pu/04/2023 reports that the number of elected commissioner members is 240, with 192 male commissioners and 48 female commissioners.

Based on the above data, the 30% quota has not been fulfilled. Most regions have only one female representative, and there are still some areas without female representation in the composition of election organizers at the provincial and district/city levels. According to Law Number 7 of 2017 concerning General Elections Article 10 paragraph (7) and Article 92 paragraph (11), the quota for female representation should be a mandatory requirement to be fulfilled, as these articles state that the composition of KPU and Bawaslu membership must consider at least 30% female representation. This article should be interpreted to mean that the presence of women in election management institutions must reach 30%. Therefore, there is no longer any reason to argue that the term "considering" is only a form of recommendation and not an obligation. The lack of clarity in the meaning of this article's normative rules hinders the concept of affirmative action for female representation. This is what, according to Gustav Radbruch, makes the law must be able to reconcile the three goals of law: justice, utility, and legal certainty (Ulya & Huda, 2022)

Gustav Radbruch asserted that there are four fundamental elements related to the concept of legal certainty, namely: First, that the law is positive, meaning that positive law is legislation. Second, that the law is based on facts, meaning it is grounded in reality. Third, that facts must be formulated clearly to avoid misinterpretation, in addition to being easily implementable. Fourth, positive law should not be easily changed. Justice serves as the foundation for every dignified positive law (Mangesti & Tanya, 2014). In contrast, the meaning of Law Number 7 of 2017 concerning General Elections Article 173 (2) letter e and Article 177 (3) letter d regarding the 30% quota representation obligation for party management at the central level creates disparities. This is because in party management, female representation becomes mandatory, while in the election organizer, there is no "mandatory" phrase in its norms.

Despite undergoing a judicial review at the Constitutional Court, the phrase "considering" in Law Number 7 of 2017 concerning General Elections Article 10 paragraph (7) and Article 92 paragraph (11) is still considered not mandatory to be applied. According to the Constitutional Court's consideration, the allocation of at least 30% quota for female candidates in filling the membership of the General Election Commission (KPU), provincial KPU, and district/city KPU is based on meeting the specified requirements proven by passing all selection stages conducted by the KPU Member Selection Team. Therefore, if the candidate passes and becomes a member of the KPU, provincial KPU, and district/city KPU, they can carry out their duties and obligations professionally. According to the Court, the word "considering" in Article 6 paragraph (5) of Law 15/2011 cannot be interpreted as an absolute requirement to include at least 30% female representation in the membership of the KPU, provincial KPU, and district/city KPU. However, due to affirmative action in appointing female members to the positions of KPU, provincial KPU, and district/city KPU members, if a woman who has passed all selection stages and meets the same qualifications as a male candidate has not been selected, in that case, a woman should be prioritized for the position in the KPU, provincial KPU, and district/city KPU (Decision of the Constitutional Court Number 73/PUU-XX/2022).

From the interpretation of the Constitutional Court's decision, it is clear why the 30% quota for female representation in election management bodies has not been fulfilled, as the interpretation of the phrase "considering" does not make it an obligation to be fulfilled but is based on the acceptability and capabilities of female applicants assessed by the KPU Member Selection Team. However, it is also important to note that the permanent voter list in Indonesia is currently dominated by women. In the 2024 elections, based on KPU data, the total national recapitulation of voters both inside and outside the country, with 514 districts/cities, 128 represented countries, 7,277 sub-districts, 83,731 villages, and 823,220 polling stations/TPSLN, KSK, Pos, consists of 102,218,503 male voters and 102,588,719 female voters. With a total of 204,807,222 voters. Based on this data, it is evident that the number of female voters is greater than the number of male voters. This demands attention to ensure gender

equality and the enforcement of positive discrimination, both in political party representation and in the election organizer, namely the KPU.

There is a need for an increased understanding of the criteria for acceptability and capabilities of women in the formation of laws regarding women's participation. The 30% quota is not a large number because men still dominate every General Election Commission in Indonesia and decision-making in certain institutions. This is highlighted through the enactment of Law no.7 of 1984, which was implemented on July 24, 1984. The country is committed to binding itself to ensure protection for women in all sectors, including in the political field (Indra Syamsi & Lolly Suhenty, 2012). In addition, quotas are necessary to provide equal opportunities and chances for specific groups to participate in the political process. Quotas in politics imply the allocation of representation opportunities for certain groups in the form of a minimum percentage, such as 5%, 20%, 30%, or 40%. (Dahlerup, 2013)

Several factors contribute to the emergence of this quota system. The core idea behind the quota system is to recruit women into political positions and ensure that women are no longer isolated in political life. The factors influencing the implementation of women's representation in the General Election Commission in Indonesia are as follows:

1. Knowledge and understanding of politics among women. Women with good knowledge and understanding of politics are more motivated to engage in politics, including participating in elections (Hartono, Miqdad, Alamsyah, & Chairiyah, 2023)
2. Political and cultural systems. Discriminatory political and cultural systems towards women hinder their participation in politics, including elections (Aula, 2023)
3. Public mindset. A societal mindset that still believes women are unfit for political involvement hampers women's participation in election management (Talaohu, 2021)
4. Role of political parties. Political parties play a crucial role in promoting women's representation in election management. Parties must commit to increasing women's representation in leadership and nominating candidates for the Election Commission and Electoral Supervisory Agency (Puteri Seroja & Azty Kirana, 2023)

The effectiveness of the women's representation quota in the General Election Commission in Indonesia will be lost if women's knowledge, understanding, political skills, and gender equality are still limited. All parties must unite to create a broader space, not only providing opportunities for women to get involved but also to enhance their knowledge, broaden understanding, and develop their political skills. Thus, when they hold positions of power, more responsive, inclusive, and humanity-oriented policies will be created. Based on these factors, the implementation of women's representation in the General Election Commission in Indonesia can be improved through various efforts, such as:

1. Education and political training for women. Education and political training for women will enhance their knowledge, skills, and abilities to participate in politics (Alfiyah & Rika, 2022)
2. Understanding and advocacy for gender equality. Understanding and advocacy for gender equality will help change discriminatory societal mindsets towards women (Amatahir & Rehas, 2022)
3. Affirmative action. Affirmative action is a concept of programs aimed at specific groups to address existing inequalities (Bacchi, 1996). Affirmative action policies, such as a 30% quota, are efforts to encourage women's representation in election management (Rembulan, 2023)

These efforts need to be carried out sustainably and integrated to achieve optimal women's representation in election management in Indonesia.

4. Conclusion

In reality, the implementation of 30% women's representation in the General Election Commission in Indonesia has not been effective, considering that there are still many instances where the composition of KPU members, both at the central and district levels, lacks female representation. Even with a 30% quota and a total membership of five or seven individuals, there should ideally be two female members. Regarding the fulfillment of the 30% representation of women as members of the General Election Commission in Indonesia, especially at the district/city level, the article only focuses on the 30% clause without imposing explicit sanctions if not met. This differs from the requirements for election participant submissions regulated by PKPU, where non-compliance leads to disqualification from the election. For instance, the 30% representation of women in the party's list of candidates must be fulfilled, and the List of Candidates for the Regional Representative Council (DPRD) and People's

Consultative Assembly (DPR RI) must individually meet the 30% requirement for their respective constituencies. Factors influencing the implementation of women's representation in the conduct of elections in Indonesia include women's knowledge and understanding of politics, the political system, and culture, societal mindset, and the role of political parties.

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