



# Increase Involvement Capacity Women's Right to Vote and Be Chosen for Fair and Equal Elections

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**Abstract.** Women have a strategic role in the process of holding elections. Baik as an election organizer, election participant and voting public. The current condition of women's representation is still dominated by the spirit of procedural fullness, the achievement of women's representation in the membership of election organizers is not good and needs to be improved. This study aims to explain how to increase the capacity of involvement of women's right to vote and be elected in the process of organizing elections, not only being voters who come to use their voting rights at the polling station, but also to become smart voters, election organizers, election participants or election activists for fair and equal elections. The method used in this writing is normative juridical, which is an approach that is carried out based on the main legal materials by studying, theories, concepts, legal principles, and books and statutory paraturans that are based on u and primary data as supporting data. The results of the study showed that the knowledge and political awareness of voters, including female voters, was generally not optimal. The obstacles are from a variety of factors, including coming from the quality of the electorate themselves. Political education of the community, can improve the quality of voters to become classy voters. The increase in women's involvement capacity is well regulated in the formulation of laws and regulations. But at present it is still within procedural limits, just to meet the laws and regulations, it has not yet reached a substantial stage. It is very important to increase the capacity and quality of the voting community, including women voters so that the effectiveness of holding elections can be achieved more optimally for the realization of elections and quality, fairness and equality.

**Keywords:** right to vote and be elected · women voters · elections · fair and equal

## 1 Introduction

Political participation of the people in democratic government, one of which is the participation of members of the public in elections. The participation of the people in accessing the elections is clearly visible with the enthusiasm of the people to exercise their right to vote in the implementation of elections. The higher the level of public participation in voting, it is one of the indications that the elections are more successful

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and democratic. Democracy demands the involvement of the people in government. According to jimly Asshiddiqie, the democratic system of government allows all citizens to participate actively. Democracy is not only defined as government by the people, but also government for the people, acting according to the will of the people. Work well in accordance with the aspirations of the people's needs fund. Democracy promises to create a political framework within which the fulfillment and development of human rights will be better [1].

Indonesia has held regular elections since a long time, 11 elections since 1955. Given the importance of elections, the conduct of elections must be prevented from all forms of discrimination that hinder the process to achieve one's own electoral goals. The holding of democratic elections is the dream of every Indonesian citizen. The implementation of the election is said to run democratically if every Indonesian citizen who has the right to vote can channel his choice directly, publicly, freely, secretly, honestly, and fairly. Each voter only exercises his or her right to vote once and has the same value, which is one vote. This is often referred to as the principle of one person, one vote, one value.

In 2024 the State of Indonesia held the 12th Election simultaneously, to be precise on February 14, 2024. The KPU officially set the stages of the 2024 elections from June 14, 2024 with the enactment of General Election Commission Regulation Number 3 of 2022 concerning the Stages and Schedules for the 2024 General Elections. The role of women in facing the upcoming 2024 elections is very important, because the number of women's representation on the political stage is still very low.

Women have a strategic role in the process of holding elections. Both as election organizers, election participants and the voting public. Article 10 paragraph 7 and article 92 paragraph 11 of Law 7 of 2017 formulate the composition of the membership of election organizers, both KPU, Provincial KPU, and Regency/City KPU, Bawaslu, Bawaslu Province and Bawaslu Regency/City pay attention to the representation of women at least 30%. The KPU and Bawaslu as election organizers have accommodated and sought to enable women to be able to actively contribute to the field of ownership governance.

The current condition of women's representation is still dominated by the spirit of procedural fullness, the achievement of women's representation in the membership of election organizers is not good and needs to be improved. At least the number of Members of the Provincial KPU and Regency/City KPU to meet the ideal number (at least 30%) is 2–3 women. The existing conditions at the Provincial level are 23% of the security guards who reach this ideal figure and 20% at the District/City level. Gender equality means the same conditions for men and women to obtain equal opportunities and rights as human beings, to be able to play a role and participate in political, legal, economic, socio-cultural, education and defense and national security activities, as well as equality in enjoying the development results achieved. Gender equality also includes the elimination of discrimination and structural injustice, both against men and women [2].

Gender justice is a process and fair treatment of women and men. The reality of Indonesian women's participation in political events is still very low. As evidenced by the level of representation of women in the government, parliament, state higher institutions, political parties and also in other public organizations that are still minimal. This is believed to have direct implications for state policies that tend not to accommodate

the needs and interests of women [3]. The role of women's movement activists can influence the level of women's political representation in parliament. The inclusion of women activists into the political party structure will put pressure on party administrators to increase women's political representation in parliament.

In other words, the participation of women within the party as party activists at the national and local levels, as organizers of intra-party women's groups, and as internal party administrators will underpin the strength of women in the party [4]. In the end, policies and strategies to increase women's political representation become the task of the state (government) and political parties. States and political parties can adopt more progressive gender quotas [5]. How to increase the capacity to involve women's right to vote and be elected in the process of organizing elections, not only to be voters who come to use their voting rights at polling stations, but also to become smart voters, election organizers, election participants or election activists for fair and equal elections.

## **2 Research Method**

The method used in writing this paper is normative juridical, which is an approach that is carried out based on the main legal materials by studying, theories, concepts, legal principles, and literature and paraturan applicable legislation, especially the Law Nndang Nomor 7 Of 2017 concerning Elections, Human Rights Law, Regulations for the implementation of elections and other laws and regulations related to this regulation.

The pesification of the research used is descriptive analytical. The data used in this study is secondary data through literature studies obtained from books, documents, literature, scientific essays, opinions of legal experts and applicable laws and regulations, especially those related to the right to vote and be elected by women in elections. Data collection techniques are taken from secondary data through literature studies as primary data and primary data as supporting data. The Data that has been obtained both from literature studies and field studies in full is then sorted, processed and compiled systematically, then presented in the form of a description. It examines deeds that lead to a legal culture.

## **3 Findings and Discussion**

General elections are the most important institution in every democratic country, especially for a country in the form of a Republic like Indonesia. The institution serves to fulfill the three main principles of democracy, namely the sovereignty of the people, the validity of government, and the regular change of government. These three principles aim to ensure the preservation and implementation of the ideal of independence, prevent the entrenchment of certain interests in a certain body within certain interests in the government, or the replacement of the sovereignty of the people into the sovereignty of the ruler [6]. Elections are not the only instrument of democracy. Elections must be supported by other instruments to regulate and encourage the creation of national goals as mandated in the preamble to the 1945 Constitution of the Republic of Indonesia. However, elections remain the main instrument of democracy. Elections principally form a system that forces or encourages lawmakers to pay attention to the aspirations of their

people. Although elections are not only one of the instruments of democracy, the role of elections is undeniably very vital, even the existence of elections indicates that a country adopts a democratic political system.

The steps to realize elections with integrity are adapted to the social and political context in each country, but the goal remains the same, which is to ensure honest and fair elections. There are eight criteria for elections with integrity formulated by Ramlan Subakti. Namely: [7] 1) hukum elections and legal certainty; 2) Equality between citizens, both in voting and in the allocation of DPR / DPRD seats and the formation of constituencies; 3) Free and fair competition; 4) Voter participation in elections; 5) Independent election organizers, competence, integrity, efficiency and effective leadership; 6) The process of voting and counting votes is based on the principle of democratic elections and the principle of elections with integrity; 7) Electoral fairness; 8) There is no violence in the electoral process. Electoral violence is any act that injures a person or threat of injuring or an item related to an election. The process of organizing elections starts from program and budget planning as well as the preparation of regulations for the implementation of elections, updating voter data and compiling voter lists, registration and verification of election participants, determining election participants, determining the number of seats and determining constituencies, nominations, campaigns, voting and counting votes, determining election results, pronouncing oaths and promises of elected candidates [8].

#### A. Right to vote and Be Elected

Voter data and information are provided comprehensively, accurately and continuously by the KPU based on the provisions of Article 14 letter 1, Article 17 letter 1, and Article 20 letter 1 of Law No. 7 of 2017 concerning General Elections which formulates that the General Election Commission, Provincial Election Commission and District/City Election Commission update and maintain continuous voter data by taking into account population data in accordance with the provisions legislation.

Further provisions regarding the implementation of the Continuous Voter Data Update (PDPB) are regulated in the General Election Commission Regulation Number 6 of 2021 concerning Continuous Voter Data Update, that the KPU, Provincial KPU and Regency/City KPU have duties, authorities and obligations in the implementation of the PDPB, holding coordination forums at every level. The target of the PDPB is Indonesian citizens domiciled in the territory of the Unitary State of the Republic of Indonesia and/or abroad, who meet the following requirements:

- a. even 17 (seventeen) years of age or older, already married, or already married;
- b. is not being disenfranchised based on a court decision that has permanent legal force;
- c. domiciled in the territory of the Unitary State of the Republic of Indonesia as evidenced by KTP-el;
- d. domiciled abroad as evidenced by an ID card and/or passport;
- e. in the event that the Voter does not have an ID card as referred to in letter c and letter d, can use a Certificate; and
- f. is not currently a member of the Indonesian National Army or the National Police of the Republic of Indonesia.

Data voters are updated continuously covering: New Voter Data, DPT Elections or last Election, data on ineligible Voters, population data consolidated every 6 (six) months by the ministry that organizes domestic government affairs, and data on residents who have qualified as Voters but do not yet have a Residency Document [9].

The data update is carried out by the Regency/City KPU by compiling a recapitulation from the sub-district level, then a recapitulation is carried out at the provincial level in a coordination meeting which is held every 6 (six) months. Recapitulation at the national level is carried out by the KPU RI. In the process of preparing the PDPB, the community can submit input, complaints, responses, and reports orally and in writing in its implementation. In the final stage of PDPB activities, KPU monitors, evaluates and controls the implementation of PDPB in provincial KPU and/or regency/city KPU. The Provincial KPU monitors, evaluates and controls the implementation of the PDPB KPU Regency/City in its work area. KPU, Provincial KPU and Regency/City KPU organized PDPB using the Sidalih Berkelanjutan application.

The right to vote is also regulated in the 1945 Constitution Article 1 Paragraph (2), Article 6A (1), Article 19 Paragraph (1), and Article 22C (1), 22 E, 28E (3). These provisions indicate the existence of inherent juridical guarantees for every Indonesian citizen to be able to exercise his or her right to vote. In addition, Law Number 30/1999 on Human Rights (HAM) also regulates the right to vote as formulated in Article 43 which formulates that every citizen gets the right to vote and vote in general elections based on equal rights through direct, public, free, secret, jurdil voting in accordance with statutory provisions. Hak politics is reflected in the right to association, assembly, and express opinions verbally or in writing and so on is stated in Article 28 of the 1945 Constitution.

This implies that everyone has the same rights. But everyone's freedom to exercise their human rights is limited by the human rights of others, obliged to recognize and respect the human rights of others. Restrictions can only be carried out on the basis of provisions that are already stipulated in the law and aim to respect the good name of others, protect national security or public order, the benefit of society or public morals. The obligation to recognize and respect human rights also applies to the state, meaning that the state must not neglect the human rights of every citizen without exception. The state and government are responsible for respecting, protecting, defending, and guaranteeing the human rights of every citizen and its inhabitants without discrimination. The obligation to respect human rights by the state is reflected in the Preamble to the 1945 Constitution which animates the entire article in its torso, especially with regard to the equality of the position of citizens in law and government [10].

Political rights are essentially not only the human rights of every citizen, but are the right of everyone to participate in practical political activities. Therefore, political rights are often also referred to as the right to politics for everyone, for example, the right to be elected and vote in legislative elections, the right to be a member of parliament or the right to be elected and vote in the election of heads of government, both President and regional heads. Elections as a means of electoral or circulation of public leadership in both the legislature and the booming executive institutions on the one hand are good news, but on the other hand their effectiveness is threatened by the problem of voter quality which has relatively many limitations, including in terms of political literacy.

Democracy gives the [11] widest possible opportunity for all eligible citizens to be involved in the holding of elections, whether as organizers, participants or voters.

Milbrath and Goel cited by Cholisin (2007) distinguish political participation into several categories, namely: 1) Political participation is apathetic to people who do not participate and withdraw from the political process. 2) Political participation of people who have at least voted in elections. 3) Political participation of gladiators of those who are actively involved in the political process, namely communicators, specialists holding face-to-face contacts, party activists and campaign workers and community activists. 4) Political participation of critics People who participate in unconventional forms [12].

## B. Involvement of Women as Election Organizers and Legislative Candidates

Election Organizer is an institution that organizes the Election Commission consisting of the General Election Commission, the Election Supervisory Board, and the Honorary Board of Election Organizers as a unified function of the Implementation of Elections to elect members of the House of Representatives, members of the Regional Representative Council, President and Vice President, and to elect members of the Regional People's Representative Council directly by the people [13]. As well as to elect governors, regents/mayors democratically.

The General Election Commission (KPU) is national, permanent and independent, and in carrying out elections is free from the influence of any party. The KPU has a hierarchical structure for implementing elections from the Provincial, Regency to the village / kelurahan level, in charge of carrying out the process of organizing election stages according to the level. Each tier has a membership where women and men have the same opportunity to fill that membership.

The holding of elections is supervised by Bawaslu according to its level. Bawaslu has a hierarchical structure from provinces, regencies/cities that are fixed and sub-districts, villages/kelurahan to TPS that are *ad hoc*. Bawaslu is in charge of compiling standards for the implementation of supervision procedures for election supervisors at every level, preventing and cracking down on election violations and disputes in the election process, supervising the preparation of elections, which consists of planning and determining the schedule for election stages, planning logistics procurement by the KPU, socialization of elections and the implementation of other elections in accordance with the provisions of laws and regulations.

The institution in charge of dealing with violations of the code of conduct for election organizers is the Honorary Council of Election Organizers (DKPP). The DKPP was formed to examine and resolve complaints and/or reports, conduct investigations and verify allegations of violations of the code of ethics committed by election organizers. The code of ethics is binding and must be obeyed by all election organizers [14]. The implementation of elections is monitored by election monitors, is a community organization incorporated by a foundation or incorporated association registered with the government or local government. Integrated and obtaining permission from bawaslu according to the coverage area with the obligation to comply with laws and regulations, codes of ethics, customs and local culture, be neutral and report the results of its monitoring to bawaslu according to the coverage area [15]. The self-involvement of women voters, apart from being an election organizer, can become a democracy volunteer integrated with the KPU

who participates in socialization, both *online* and *offline* or becomes an election monitor and participation supervisor integrated with Bawaslu.

Political parties as election participants recruit candidates who will sit as president, governor, Bupati/Walikota as well as candidates for the DPR and DPRD. Unfortunately, political parties do not always recruit candidates objectively, more subjectively. Female candidates are only to meet the 30% representation. Nor do candidates always hunt for political parties that can function as they should. The subjectivity of voters and their candidates tends to be from physical aspects such as dashing, handsome, male or female, ethnic factors, and so on. Not a candidate who has a good vision and mission, credible and integrity, who sells good ideas, namely factual, rational, flexible, continuous, and dialectical.

A report by the Ministry of Women's Empowerment on women's empowerment policies in national development stated that women's empowerment (GEM) in 2002 showed the condition of women that was still poor. This is evident, among other things, from the representation of women in state institutions and in public office, which reflects the inadequate role of women in institutions and activities related to decision-making. [16] But in practice, women are bumped into obstacles that are very real and prevent women from getting involved politically. There are several obstacles that are often experienced by women and hinder participation as election organizers, namely patriarchal culture such as leadership in society centered on male figures, ownership knowledge that is still minimal for women, as well as obstacles to narrow access to women's movement space in fulfilling political rights.

## 4 Conclusion

The higher the level of public participation in voting, it is one of the indications that the elections are more successful and democratic. Democracy demands the involvement of the people in government. The reality is that there are still many among the hundreds of millions of voters, including female voters who are not yet politically literate. Their knowledge and political consciousness are generally not optimal. Obstacles in the election are not only caused by various other factors but in it, it is undeniable that they also come from the issue of the quality of the voters themselves. By improving people's political education, it can improve the quality of voters to become classy voters. Motivating Election Organizers and Election Activists to mobilize all elements of society is also important to be more concerned about the general elections and leaders in the next five years.

The increase in women's involvement capacity is well regulated in the formulation of laws and regulations. The increase in women's involvement in politics is driven through affirmative action of at least 30% of women's representation in political parties, legislatures, and in election organizing institutions. The current condition of women's representation is still within procedural limits, only to comply with laws and regulations, has not yet reached the stage of substance. Finally, it is important to increase the capacity and quality of the voting community so that the effectiveness of the election can be achieved more optimally in order to realize elections and quality, fairness and equality.

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