

Strategies of Improving Women Participation in Legislative Institution in East Java Province

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The dynamics of women participation in legislative institution of Bangkalan was significantly degrading. The result of 2014 legislative election in Bangkalan was “zero” which means there were no women winning the votes, the only regency in East Java which does not have any women representatives. Culture, religious interpretation and understanding, pattern of leadership, and structured patriarchy become its cause. These results are not in line with the Law which has regulated 30% quota. This paper aimed to explain the regulation related to women participation in legislative institution and the strategies to improve it in Bangkalan regency. The method of this paper is using socio-legal approach by combining legal research and non-legal research (textual and contextual).

Keyword: Women Participation. Legislatives, Bangkalan

I. INTRODUCTION

In Indonesia, the development of women's problem and participation in politics, as an Affirmative Action in 30% quota policy, leads to the way of how to fill the quota, how women can and are able to fill it, and whether men and Political Parties are going to sacrifice their place. Affirmative Action is defined as the step to achieve equal chances which is more substantive and more than becoming a formality for certain social groups, including women or indigenous minority which are not really represented in explicit determining positions in the society considering the special character of gender or ethnicity which becomes the background of discrimination [1].

Recently, there was a regulations which obliges the political parties to empower women and change the electability system. But the other existing problems which should be continuously examined is the way of how the law is executed, the existence of the law enforcers, and the systems of the law, for example, how the implementation of Affirmative Action principles is executed by several stakeholders and how the implementation or the execution of problem solving of women participation in politics. It is important to improve the women participation in legislative institution. There should be a strategies for improving the participation, especially in Bangkalan Regency. But once again, the means and implementation must be critically scrutinized.

II. METHODS

The method of this paper was socio-legal approach which combined legal research and non-legal research (textual and contextual)[2]. Socio-legal approach was used to reveal the 2-blade-sided effects of law, which means the research was divided into two perspectives: doctrinal legal perspective and social science perspective. In this paper, socio-legal approach will analyze the regulations set of legislative election and political party, especially its affirmative action adoption, and also its implementations which concluded from empirical evidence and what social changes have occurred.

III. ELECTION POLITICS IN BANGKALAN

A. Regulations and Implementations

The demand in fulfilling 30% of women representations in politics, especially in legislative institutions, has become a crucial issue in some debates related to the quality of democratic institutions resulted from the general election. Law certainty of affirmative action about women representation in the parliament is challenging. After the regulation was cancelled by the Constitutional Court of Indonesia in 2008 by providing an excuse that the law product was discriminative, the regulation of 30% quota for women was re-regulated by Law Number 8/2012 which obligates the political parties to nominate at least 30% of the total candidates in the central, province, or regency/city level.

The regulation of Affirmative Action which has been inserted in the Law of Politics and Law of Election was seen accommodative and Affirmative Action policy was only made as the required formal procedure which did not consider the essence of women participation in politics [3]. For instance, in Law Number 2 Year 2008 and Law Number 2 Year 2011 about Political Parties, the representation of 30% quota of women in the management of political parties was only considered as the requirement of Political Parties creation, same case also occurred in Law Number 8 Year 2012 about Legislative Election, the representation of 30% quota of women in the management of political parties is used as the initial requirement of Political Parties to be qualified as the participant of Election in 2014. The representation of 30% quota policy in the candidacy of Legislative members is only used as the requirement which makes the political parties not get lifted from the constituency. Thus, the existence of Law of

Political Parties and Law of Election is not giving maximum contribution in empowering women. If it is seen from the statutes and bylaws of Political Parties contesting in the 2014 Election, there were only 3 Political Parties which entered explicitly matters regarding women empowerment in their statutes and bylaws. These three political parties are, National Awakening Party (Partai Kebangkitan Bangsa), National Mandate Party (Partai Amanat Nasional), and Great Indonesia Movement Party (Partai Gerakan Indonesia Raya). So, the involvement of women in politics is still becoming a formality which makes an implication to the electability of women in legislative institution that makes them unable to fill the 30% quota policy

In 2014 Indonesian Legislatives Election, there was a significant enhancement of women candidacy in Bangkalan Regency. This candidacy is based on Law Number 8/2014 about Indonesian Legislative Election and the Regulation of General Elections Commissions Number 7/2013 Jo the Regulation of General Election Commissions Number 13/2013 about Candidacy Regulation of Legislative members which clarifies the affirmative action towards every political party in nominating the member of Regional House of Representatives in Central Java to nominate at least a woman candidate in every 3 candidates. It is followed by a provision that the political party that ignores the rule will be banned in the constituency.

The result of 2014 Legislatives Election in Bangkalan Regency showed a bad image in terms of women representation in the Regional House of Representatives of Bangkalan Regency. It can be seen from the zero number of women representations in Bangkalan Regency. Based on the result of 2014 Legislative Election in Bangkalan Regency, Great Indonesia Movement Party (Gerindra) acquired 10 placements (20%), followed by Indonesian Democratic Party of Struggle (PDIP) that acquired 7 placements (14%), Democratic Party acquired 6 placements (12%), United Development Party (PPP) acquired 6 placements (12%), National Awakening Party (PKB) acquired 5 placements (10%), National Mandate Party (PAN) acquired 4 placements (8%), People's Conscience Party (Hanura) acquired 4 placements (8%), Prosperous Justice Party (PKS) acquired 3 placements (6%), Golkar or Functional Group Party acquired 3 placements (6%), National Democratic Party acquired 1 placement (2%), and Indonesian Justice and United Party acquired 1 placement (2%) [4]-[5].

The result of 2014 Legislative Election in Bangkalan Regency showed that all of 50 placements in the Regional House of Representatives were occupied by male. It also showed that there was a decreasing number of women representation in the Regional House of Representatives of Bangkalan Regency comparing to the 2009 election in which there was a woman participated in the election.

B. Decadency Factors and Obstacles

Based on the religion and social-economy background, women in Bangkalan Regency face some challenges and limitation in political and public participation. Nevertheless, there are some general obstacles faced by women in Sampang Regency based on their identity as women that rooted from a bigger expression of social, cultural, economic, institutional, and political context.

In the political context, we should admit that the structure of domination of oligarchy also had a role in election. Winters [6] asserted that the complexity of Indonesia political pattern in post-Suharto era was the mixture between oligarchy and democracy. This pattern concluded that there was a manipulation which, in fact, became a politics tradition.

By the role of male-dominant local actors who had a wide network and huge capital, made a situation which subdued women against masculinistic status quo. Even though according to the law, women was allowed to nominate herself in the ballot, political parties often used them as a political token, a political requirement [7]. Political parties usually manipulated election so that they could highlight the male candidates. This manipulation usually takes in the forms of ballot list fraud, restricted political support for women, money politics or even, manipulated her political campaigns.

The low rate of women representation in Bangkalan's House of Representatives indicates that women's role in the decision making was incredibly low. In fact, there is not enough portion for women to be involved in the political decision making. The general factors that influence the women electability rate in Bangkalan Regency are as follows : *First*, ideological challenges. Like other Indonesian political researchers [8]-[9], Muslim, which is a majority, played a crucial role in Indonesia's political issues, especially women participation. But unfortunately, despite Indonesia's history of women-inclusive acculturation from vernacular traditions and Islam by the Walisongo, the phenomena of religious fundamentalism has been wide-spreading among people of Bangkalan. The Islamic fundamentalism which regard strict-patriarchy cause women has no political role in society. Instead, they were forced to be a housewife and "should not leave the home alone".

Second, socio-economic challenges. Although the housewives have an economic role in their household, yet the income came from husbands. Women were often not allowed to have a job so that they did not have any funds for their political race. *Third*, political structured patriarchy in society. As mentioned before, patriarchy culture in organizational structure often placed women in assistant role. Women were frequently, had been excluded from decision-making process. The patriarchy also takes violence in forms of intimidation or even physical contacts.

And last but not least, women self-problems. Patriarchy domination has psychologically constrained women's capacity to aspire [10]. Their lack of voice necessary to engage in civic action constrained them from participation in politics that also

affected their lives. Women opportunities are strictly limited. Where pathways between aspirations and reality exist, they are likely to be rigid. Instead, they were likely to be skeptical about politics, they usually consider it as a fallacy against social system.

IV. THE STRATEGIES

A. Empowerment of Women Organization

The presence of women in political area is important because: First, women have worked in many fields of life but they do not have political access. Therefore, women's involvement is needed in the decision making; second, nation policies have different effects for male and female citizens; third, the policies related to women are often considered to be fulfilled by male parliament members. In fact, there is not enough portion for women to be involved in the political decision making.

The majority of Bangkalan residents are Muslim. It enables Muslim organizations for women to be well-developed. For instance, Nahdlatul Ulama (NU), recitation group Al-Hidayah, and the factions of the parties. First, NU will be discussed. Legislatives candidates from NU will utilize its huge numbers of women members as a campaign object. For that, the candidates automatically had a good chance to gain votes for election. The candidates also often attend the recitation hold by NU women as a political campaign project.

The second way which can be done was through political parties. Law Number 2/2008 Jo Law Number 2/2011 about Political set a binding requirement for the party in establishing political party to involve at least 30% of women in its board. This requirement should be a momentum for the parties to intensively extent their organization through women empowerment. The faction of women in political parties should be an effective tool for women candidates to gain more votes.

Another important aspects of women organization is its grassroots movements. Indonesia really should takes a lesson from Costa Rica [11], which its women organization involved in legislature process of Electoral Code. Women's political activism of Costa Rica led the discussions, served as an opportunity for the women's movement to envision the possibility of including the concept of parity in the new Code. Hence, as a result of actions, an important step in guaranteeing women's equal representation was achieved in 2009. The new Code posited the equal political participation of men and women as a human right under the protection of the principles of equality and non-discrimination, establishing parity and alternability by sex as an obligation

B. Approaching the Socialites

It should be admitted that patronage between socialite and society has created a vertical pursuance. It is a condition in which the socialite's statement is interpreted as an unwritten law that has social punishment if ignored. This opportunity was used by the women candidates in Legislative Election in Sampang Regency (neighbour regency of Bangkalan).

In some studies related to Madura in grassroots level [12]-[13], the society has a respectable and authoritative religious leader context namely the *Kyai*. The loyalty of Madura society towards *Kyai* is different or incomparable than another local leader called *Klebun*. According to the society, *Klebun* is a government leader who does not need to be obeyed as much as *Kyai*. However, it is proven that *Klebun* has a role to mobilize masses and becomes an approach object for the candidates to gain some votes from society.

C. Society Empowerment Programs

It is undeniable that voters rationality has increased nowadays. The society does not want to be tricked by the political appointment of the legislative candidates. It demands the women candidates to directly observe people's needs in every constituency.

The practical approach in this discussion can be said as another form of money politics followed by a motive to give contribution for the society. It seems to be a tradition for the legislative candidates which were expected to gain more sympathy from society. It is explicitly expressed by an informant, Nyai Zumroh, who says, "The women members ask for a uniform. They ask for the top clothes first. If the candidate is chosen as legislative member, they want the full clothes." The money politics might be practically useful to gain votes, but that kind of slick politics can not buy people's loyalty. This kind of practices will actually infringe social norms and political ethics, and the afterwards is always led to corruption.

D. Regulation Changes

Law Number 2/2008 Jo Law Number 2/2011 about Political Party explained that political party is a national organization established by a group of citizens based on voluntary and similar wish and aspiration to support and fight for the political interests of the members, society, nation, and maintain the wholeness of the Republic of Indonesia based on Pancasila and the Constitution. The laws also explain that political party functions as a medium of politics education for their members and also the society to raise awareness of their rights and obligations, creating a conducive atmosphere to improve the solidarity in order to reach a prosperous nation, to absorb, accumulate, and deliver people's political aspiration in formulating and implementing the policies, especially citizens political participation, and political recruitment to fulfill political position through democracy mechanism, which also should considering gender equality.

The existence of political party in a democratic country shows the quality of democracy itself. The laws about political party have explained that one of the requirements to establish a political party is to involve at least 30% of women in its management board. However, the quota does not implicate women empowerment. The quota's aim to ensure balance of both genders representatives can not be achieved due to the problems of inequality, whether by law or culture in society [14].

It is mandatory to change a legal perspectives and means in our election regulations. The regulation to increase women participation in a political parties can be a mandatory for all

parties by inserting a regulation of women empowerment in the Article of Associations. Besides, Law Number 8/2012 about Indonesia Legislative Election has set a provision related to women candidacy. In this case, the Electoral Commission should be strictly involved and superintended in political parties policy of women empowerment.

V. CONCLUSIONS

The implementation of women's quota in legislative institution in Bangkalan Regency was far from what the Law has been mandated. The problem lies the patriarchy culture that was structured in all of the stakeholders and institutions related to women and politics. Also, the religion fundamentalist restriction and its lacks of understanding for women, especially from socialites, has influenced the dynamics of women representation in Bangkalan Regency. There was an urgencies of strategies to developed women representation. A change in the regulation related to political parties obligation as the prominent pillar to empower women is needed as a form of political regeneration. Political parties must include a program of women empowerment in its Article of Associations. Socialization is also needed to be done by the stakeholders such as political parties, religious leaders, and socialites related to the importance of women representation in the Legislative Institutions. Thereby, women are willing to prepare themselves to be a qualified candidate to be nominated by the parties and to be voted by people. The stakeholders related to women in politics needs more efforts to improve the quality and quantity of women candidates in political context through political parties, General Election Commissions, and Non-Governmental Organizations to be emphatic towards social problems, including gender mainstreaming public policy.

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