

The Problems of Women's Participation in Political Parties

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Abstract

The participation of Indonesian women in political parties is still minimal, so it correlates with the low number of women's representation in parliament. Based on data from the World Bank, Indonesia is ranked 7th in Southeast Asia for women's representation in parliament. The low number of women's representation in parliament has implications for policy issues related to gender equality and the lack of response to the main problems faced by women. The problem of women's participation in political parties needs to be studied from a legal perspective, so that the factors behind the lack of women's representation are known. Women's participation in political parties is a place and starting point for women to enter the electoral process. The research method used is normative juridical. The results of the study indicate that there are many factors that cause the lack of women's participation in political parties, one of which is the stigma that discredits women's position in leading and making decisions in the state process. So it needs to be encouraged from the perspective of norms to implementation.

Keywords: *Participation, Women, Political Parties.*

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A. Introduction

The involvement or representation of women in public life has indeed increased, but the expected participation, such as the representation of women in government institutions at the local and national levels, is still relatively low. Mention the district level which is the layer of government closest to the community and is responsible for regional development and social services for the community. The limited representation of women in district governments can lead to unfulfilled needs, unresolved women's concerns, and development priorities in regional development plans and may reinforce the marginalization of women in obtaining social services at the local level.¹

The lack of representation of women in homeland politics is also caused by the cultural heritage and patriarchal mentality which says that politics is the domain and scope of men, and there are still many women who are less interested in politics because of political dogma. Dirty. To improve the situation and model, it is necessary to return to political education which should be given to women again while making it clear that women also have the right and obligation to express their aspirations which can be a beneficial policy for women.

Equal access and full participation of men and women have been guaranteed in Democracy, based on the principle of equality, in all areas and levels of public life, especially in decision-making positions. The Beijing Platform for Action and the Convention on the Elimination of All Forms of Discrimination Against Women recommend that all governments around the world adopt quotas as a special temporary measure to increase the number of women in office. Studies of countries with quotas of women (30 percent) in Parliament, legislatures and local bureaucracies prove the existence of quotas, whether implemented voluntarily by political parties or as determined by law.

At the same time, if we understand better, the words that give meaning to the representation of women seem to make it clear that women's rights in politics are just a gift or a gift. So this disturbance occurs that the law must be re-verified with reference to women's representation, not gifts. In fact, so far, affirmative action, the expectation that women will have at least 30 percent of the minimum

¹UNDP. *Partisipasi Perempuan dalam Politik dan Pemerintah*. The GDI measures human development, but takes gender differences into account. The components of the GDI are the same as those used in the Human Development Index (HDI). (2010).

participation requirement in every public and political activity, seems unattainable. Various obstacles from the perspective of religion, culture, social, and even education are the reasons why the quota is not fulfilled for women to be able to equalize and express their rights with men in the local, national and international spheres.

The representation of women in political parties is also a problem, when looking at what is meant by women's representation itself is not discussed, so it must be reviewed and sought in other laws. Law No. 39 of 1999 concerning Human Rights stipulates that women's representation provides equal opportunities and positions for women to play their roles in executive, judicial, legislative and public elections for justice and gender equality.

Referring to the description above, it is important to conduct a study on the Problems of Women's Participation in Political Parties that focuses on the problem; How to Empower Women in Political Parties? And what about the problems of women's participation in political parties? The research method used is normative legal research with a normative juridical approach. Normative juridical, namely finding the truth of coherence to examine whether there are legal rules according to legal norms and whether norms in the form of orders or prohibitions are in accordance with legal principles, and whether a person's actions are in accordance with legal norms (not only according to legal rules) or legal principles.² The data collection tool used in this research is through document study with library research.

Library research, namely research on written documents³ In accordance with the type and nature of the research, the data source used is secondary data.⁴ Literature study is the single method used in normative legal research.⁵ Secondary data which includes abstracts, indexes, bibliographies, government publications, and other reference materials.⁶ This means that the research was conducted using written documents as secondary data, and the data sources used in this study included primary legal materials and secondary legal materials.⁷

B. Discussion

1. Empowering Women and Political Parties

Indonesia's presence in the Gender Development Index (GDI) in 2007 was still at number 80 out of 156 countries, while in 2009 there was a very significant decline, Indonesia was at number 90, which means women in Indonesia are still have not enjoyed the same rights and standards as men.⁸

The political role of women is still very minimal, including in their participation in political parties. According to Ichlasul amal, the main obstacle is the perspective and treatment of women. Patriarchal culture in society has taken root and dominates in life. Even in the smallest miniature countries, namely; In the family, the feel of male domination is very strong, especially in rural areas. The labels and stamps given to women are very thick as weak, useless, and shackled in dependencies that have been indoctrinated for generations. Weak women should not struggle with the world of politics which is full of violence and roughness of the game.⁹

Juridically, the constitution has guaranteed equality between men and women without exception, including the involvement of women in the realm of political parties. For this reason, it is necessary to empower women to be involved in political parties, so that women's awareness of their role in politics is increasing.

Empowerment is an effort made to make someone who is helpless to become more empowered, or from the weak to become strong in the aspects that they are engaged in. Empowerment comes from English, namely empowerment, this word is widely used in various scientific perspectives. such as in

² Peter Mahmud Marzuki, *Penelitian Hukum*. Jakarta: Kencana, (2011).

³ Rahmat Ramadhani, "Kedudukan Hukum Perjanjian Perikatan Jual Beli (PPJB) dalam Kegiatan Pendaftaran Peralihan Hak Atas Tanah", *Iuris Studia: Jurnal Kajian Hukum* 3, No. 1, (2022): p. 46.

⁴ Rahmat Ramadhani, "Eradication Of Soil Mafia In The Post- Covid-19 Pandemic Based On National Law And Islamic Law", *Proceeding International Seminar on Islamic Studies* 3, No. 1, (2022): p. 681.

⁵ Philips Dillah Suratman, *Metode Penelitian Hukum*. Bandung: Alfabeta, (2015).

⁶ Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif. Suatu Tinjauan Singkat*. Jakarta: Raja Grafindo Persada, (2003).

⁷ Erwin Asmadi, "Regulasi Mandiri Transportasi Online dalam Pembayaran Pesanan Makanan Atas Konsumen yang Ingkar Janji" *De Lega Lata: Jurnal Ilmu Hukum* 4, No. 1 (2019): p. 104

⁸ UNDP *Op.Cit.*

⁹ Najilah Naqiyah, *Otonomi Perempuan*. Malang: Bayumedia Publishing. (2005): p.213.

the fields of economics, law, agriculture and political science itself. The term empowerment was first used by the Black Panther movement in political mobilization in the United States in the 1960s. In the 1980s the women's movement popularized the concept of empowerment again. The concept of empowerment at this time has entered various fields of knowledge both at the practical level and as a concept used in various contexts, so that in the end it eliminates the true meaning or understanding.¹⁰

According to Longwe and Clarke in Nurlina Tarmizi, one way to increase women's empowerment in any field, including politics, should be to increase human capital factors, such as education, economic health and others. If the human resource factor has low capacity, then their participation in politics and development will be low. As a result of low productivity and low efficiency and subsequently the feedback received is also low. This condition continues when empowerment is not carried out optimally, effectively and steadily.

The enactment of Law Number 2 of 2008 concerning Political Parties became one of the beginnings of the starting point of gender politics in Indonesia along with one of the basic things contained in the law, the requirement to become a legal entity of a political party requires that the party be a legal entity, and must have administration, at least 60% of the total province, 50% of the total Kelurahan / city in each province concerned. At the same time, for sub-districts, they must have the administration of at least 25% of the total sub-districts in each district/city in their respective regions.

The issue of gender equality is strictly regulated by setting the level of women's participation in political party activities at a minimum of 30 percent, as well as the number of women in government at the district and district/city levels. Some of the arrangements regarding women in political parties are:¹¹

1. The 1945 Constitution of the Republic of Indonesia The 1945 Constitution of the Republic of Indonesia shows that all citizens, meaning "men and women", have the same position and equal opportunities in the political field. This is stated among others in Articles 27 and 28:
2. Law Number 68 of 1958 concerning Approval of the Convention on Women's Political Rights The International Convention on the Political Rights of Women was ratified in 1952, and Indonesia has ratified by Law Number 68 of 1958. In principle, women and men have the right to vote and be elected to office in publicly elected bodies, without discrimination.
3. Law Number 7 of 1984 concerning Ratification of the United Nations Convention on the Elimination of All Forms of Discrimination Against Women This law requires participating countries to make regulations to eliminate discrimination against women in the political field. This can be seen in Articles 2, 3, 4, 7 and 8.
4. Law Number 39 of 1999 concerning Human Rights Indonesia has issued Law Number 39 of 1999 concerning Human Rights, which among others regulates women's rights. Specifically concerning women's rights in politics, it is regulated in Articles 46 and 49.
5. Article 3 of Law Number 12 of 2005 concerning Ratification of the International Covenant on Civil and Political Rights, states: States parties to this Covenant undertake to guarantee equal rights of men and women to enjoy all the civil and political rights provided for in the present Covenant.
6. Law Number 15 of 2011 concerning General Election Organizers replaces Law 22 of 2007 concerning the Organization of General Elections. This description regulates the amount of women's representation, including in: Article 6 paragraph (5) The composition of the membership of KPU, Provincial KPU, and Regency/Municipal KPU takes into account the representation of women at least 30% (thirty percent). Article 41 paragraph (3) The composition of PPK membership takes into account the representation of women at least 30% (thirty percent). Article 72 paragraph (8) The composition of the membership of Bawaslu, Provincial Bawaslu, and Regency/Municipal Panwaslu takes into account the representation of women at least 30% (thirty percent)
7. Law Number 2 of 2011 concerning Political Parties replaces Law Number 2 of 2008 concerning Political Parties. Temporary special measures in Law Number 2 of 2011 concerning Political Parties are contained in: Article 2 paragraph (2): The establishment and formation of Political Parties as referred to in paragraph (1) includes 30% (thirty percent) women's representation
8. Members of the People's Representative Council, Regional Representative Council and People's Representative Council and efforts to make amendments to the Election Law. The legal guarantee

¹⁰Aida Vityala. S. Hubeis. *Pemberdayaan Perempuan dari masa ke masa*. Bogor: IPB Press. (2010): p.. 37

¹¹ Kunthi Tridewiyanti, "Kesetaraan Dan Keadilan Gender Di Bidang Politik Pentingnya Partisipasi Dan Keterwakilan Perempuan Di Legislatif", *Jurnal Legislasi Indonesia* 9, No. 1 (2012): p.73–90.

for temporary special measures has been started since 2002, namely in Article 65 paragraph (1) of Law Number 12 of 2003: "Every Election Contesting Political Party may nominate candidates for Members of DPR, Provincial DPRD, and Regency/Municipal DPRD for each Region. Election by taking into account the representation of women at least 30% ".

2. The Problems of Women's Participation in Political Parties

Women are citizens who have political rights like men. The data shows that women's participation and representation in politics is very small, especially in the Legislature. This is due to discrimination. Discrimination against women causes injustice and gender inequality. A democratic state will hold quality general elections to realize the principle of people's sovereignty in order to produce and elect representatives of the people who will sit in representative institutions, both at the central level (members of the DPR-RI and DPD) and at the regional level (Provincial DPRD and Regency/Municipal DPRD).). The House of Representatives or the legislature, both at the center and at the regional level, should ideally be filled by people who can represent the people and can convey the aspirations of the people, including the aspirations of women citizens. Gender inequality gives birth to gender discrimination, especially for women. Therefore Article 1 of the Convention on the Elimination of All Forms of Discrimination Against Women explains the definition of Discrimination: All distinctions, exclusions or restrictions made on the basis of sex, which have the effect or purpose of reducing or eliminating the recognition, enjoyment or exercise of human rights and freedoms. -basic freedoms in the political, economic, social, cultural, civil or any other field by women, regardless of their marital status, on an equal basis between men and women. To determine gender inequality and discrimination, it is important to do a Gender Analysis. Gender analysis is the process of systematically analyzing data and information about the condition of men and women to identify and reveal their positions, functions, roles and responsibilities in the development process, as well as the factors that influence access, participation, control and benefits (APKM).¹²

Women are constructed as second-class beings, this prejudice is then strengthened in the moral structure of society which is manifested in religious and customary regulations, however in the political arena an affirmative policy has been set by giving women a 30% quota.¹³

The position of women's political representation in Indonesia is only 17.8 percent, in a global context far below other countries in various corners and parts of the world. The ten countries with the highest levels of women's political representation include Rwanda (56.3 percent), Andorra (50 percent), Cuba (45.2 percent), Sweden (44.7 percent), Republic of Seychelles (43.8 percent), Finland (42 percent). .5 percent), South Africa (42.3 percent), the Netherlands (40.7 percent), Nicaragua (40.2 percent) and Iceland (39.7 percent). The United States, a country considered democratic, ranks only 78th. Realizing the low participation of women in state decision-making, has encouraged women activists in the world to open up about the importance of women's representation in parliament.¹⁴

Political parties are a space for people to express their freedom and openness to democracy. In addition to this, the fulfillment of rights also faces various challenges including realizing women's rights related to the right of women's representation in the management of political parties, women's representation in parliament, increasing women's political participation, to increasing women's leadership in policy makers. Awareness of women's rights in politics has begun to be built through a policy of implementing affirmative action as outlined in the provisions of laws and regulations with a minimum figure of 30% (thirty percent) of women's representation that must be achieved. With the strengthening of the political party law in the previous discussion, in fact it has not been able to increase the role of women in the involvement of both the overall management of political parties and filling positions in Parliament. Until another effort was made by the government recently in 2017 by reaffirming in Law Number 7 of 2017 concerning General Elections.¹⁵

¹² *Ibid.*

¹³ Sopiani & Zainal Mubaroq, "Politik Hukum Pembentukan Peraturan Perundang-Undangan Pasca Perubahan Undang-Undang Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-Undangan," *Jurnal Legislasi Indonesia* 17, No. 2 (2020).

¹⁴ Andi Suwarko, "Kuota Keterwakilan Perempuan Dalam Rekrutmen Pengurus Dan Caleg Di Dpw Pan Jawa Timur Pada Pemilu 2014," *Jurnal Review Politik* 04, No. 01 (2014): p. 243–271

¹⁵ Isyrafah Amaliyah Achmad, "Penguatan Keterwakilan Perempuan Dalam Kepengurusan Partai Politik," *Jurist-Diction* 1, No. 1 (2018): p.164.

Injustice and inequality of women in politics and public life is caused by, among others: a. The view which states that politics is the world of men, so that women do not need to be involved in politics. b. Men are the head of the family, so women do not need to be involved in decision-making processes at various levels of life. c. Women are only complements in politics, so they are often placed in unimportant positions. d. The legal system in the political field is still discriminatory for women. The representation of women in the DPR as a result of the 2009 General Election is only 18%, namely 100 women out of a total of 559 members of the DPR RI, while the representation of women in the DPR as a result of the 2004 General Election is 11%.¹⁶

It is recorded that many writings in a specific way or specifically tell about the social status of women both in the regional and national contexts which are quite high, as well as the political role of women who also experience things that are not much different from men. The existence of gender in various regions in Indonesia also cannot be separated from the traditional and religious contexts that occur in the region. Regarding the discussion regarding gender, including gender equality and justice, according to experts, there are two main theories, namely the theory of nurture and the theory of nature. In the development of the times, experts have developed a new concept as an instrument for analyzing gender, namely the theory of balance or known as the theory of equilibrium.¹⁷

According to Riant Nugroho¹⁸ that the gender workload has been lasting in society supported by the existing culture and structures in a society. Gender inequality is manifested in the form of marginalization, subordination, workload and stereotypes that occur at various levels. First, gender inequality occurs at the state level, both in one country and in inter-country organizations, this is evident that every public policy, legislation and others, for example, still appear to be partly gender sensitive (gender inequality).

The women's movement in Indonesia has an active involvement in politics but there are still gaps in terms of women's participation and representation in formal political structures. The political representation of women is quite important if we want to place a gender-friendly democracy (gender democracy). During the Old Order and New Order, women's representation experienced ups and downs, while during the reformation period, women's representation increased. In order to improve the quality of democracy that is oriented towards people's welfare, it is necessary to balance the role of women in the political decision-making process in the legislature. Murniati in Abraham argues that the weaknesses of women due to patriarchal culture are: (1) Women are less aware that they are individuals who have the same human rights; (2) Women often have difficulty getting rid of feelings of shame and fear of being wrong; (3) Women are less able to think clearly and logically, so it is difficult to make decisions; (4) Women have a domestic workload; (5) Women always consider factors (5) Women always consider family factors, or family traditions that are active in the organization; (6) Women always consider the factor of religious similarity; (7) Women always consider economic factors; (8) Women are less able to accept power (which is entrusted to them) and in seizing power they prefer to succumb; (9) Women are less able to control their emotions, so their minds are less stable and easily influenced; (10) Women are not able to form a solid union, so they are easily scattered and difficult to unite views.¹⁹

Miriam Budiardjo in Abraham said that participation is the activity of a person or group of people to participate actively in political life, among others by choosing state leaders and directly or indirectly influencing government policies (public policy). This activity includes the act of voting in general elections, attending general meetings, contacting or lobbying with government officials or members of parliament, becoming a member of a party or one of the social movements with its direction. Special policies for women in the political field were only implemented after the 1999 elections. In the early stages, these policies were stated in Law Number 31 of 2002 concerning Political Parties. This law states that the management of political parties must pay attention to gender equality and justice. Although the formulation of "paying attention to gender equality and justice" is very abstract and immeasurable, the law is the first step to develop further policies.

¹⁶ *Ibid.*

¹⁷ Kementrian Pemberdayaan Perempuan Republik Indonesia (2005): p. 24-27

¹⁸ Riant Nugroho. *Gender dan Administrasi Publik : studi Tentang Kualitas Kesetaraan Gender dalam Administrasi Publik Pasca Reformasi 1998 – 2002*. Yogyakarta: Pustaka Pelajar. (2008): p. 48

¹⁹ Abraham Nurcahyo, "Relevansi Budaya Patriarki Dengan Partisipasi Politik Dan Keterwakilan Perempuan Di Parlemen," *Agastya: Jurnal Sejarah Dan Pembelajarannya* 6, No. 01 (2016): p.25.

This affirmative action is expected to be a solution in dealing with gender inequality in political activities. Women are expected to be able to play their role in society according to their abilities and talents so that it will help create opportunities for women to get positions that have been dominated by men. Without affirmative action, women are considered unable to move freely to contribute their energy, abilities, and talents in the community, nation and state. In political activities such as the election of members of political parties, parliament, women now have a special opportunity to participate in them.²⁰

Women's political rights are fundamentally human rights, and human rights are the essence of the democratic framework. This is reinforced by Article 46 of the Republic of Indonesia Law Number 39 of 1999, concerning Human Rights which guarantees the representation of women, both in the legislature, executive, and judiciary. Therefore, involving women and men in the decision-making process is an absolute requirement in democracy. First, the low number of women in party management at various levels causes the low bargaining position of women in the internal party decision-making process. Second, there is no internal affirmative action of political parties for women. Third, the political skills of women politicians are still low so they are less sensitive to developments in the political situation, including internal party dynamics, are less able to lobby and tend to be less assertive in defending their interests. Fourth, the socio-political base is not yet strong and not well developed. This is related to the recruitment background of women involved in the party. This situation affects the ability to manage the network and constituents needed during candidacy and elections. Fifth, there is often a low level of solidarity among women within the party, causing women's groups to be easily controlled and not taking care of each other. This can be seen, for example, during the nomination period. Sixth, the lack of effective work in the field of women's empowerment in the party is caused by various things. For example, they do not understand their duties, they do not understand what kind of women's interests must be fought for, they are unable to negotiate with other male administrators, there are even cases where women in their party are not supported. Seventh, competition between women in the party management structure and the women's wing of the party, especially in terms of access to the highest leadership of the party.²¹

C. Conclusion

The lack of women's participation has started since their participation in political parties, this is due to the many stigmas that discredit women's position in leading and making decisions in the state process. The role of women in the involvement of both the overall management of political parties and filling positions in Parliament needs to be strengthened through Law Number 7 of 2017 concerning General Elections.

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²⁰ Astrid Anugrah, *Keterwakilan Perempuan dalam Politik*, Jakarta: Penerbit Pancuran Alam, (2009): p.8-10.

²¹ Fahmi Ali Ramdhani, "Peran Perempuan Dalam Politik," *DIMENSI-Journal of Sociology* 4, No. 2 (2015): p.43–56.

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