



Election Update

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Women in Parliament: Quotas and Beyond

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Elections in Indonesia are now often regarded as genuine ‘festivals of democracy’, events to be celebrated after more than the three decades of dictatorship when elections were rigged and the outcome was always predictable. As the 2009 elections draw near and the hustle and bustle of election fever intensifies, a question in many people’s minds is: Will women win a larger share of the seats than in the two elections that followed Suharto’s downfall?

In December, with less than four months to go before this year’s election of the national and provisional assemblies, the Constitutional Court issued a ruling that could make the statutory quota for women candidates ineffective since candidates with the most votes will be elected irrespective of gender.

The ruling has been met with a mixed response. While some political parties have welcomed it for upholding democratic values, women’s groups are worried that it may damage the position of women in the political process.

CONTROVERSIAL RULING

Five people - a legislative candidate of the PDI-P (*Partai Demokrasi Indonesia – Perjuangan*, Indonesian Democracy Party – Struggle), two candidates of the *Partai Demokrat* (Democratic Party) and a member of the general public - asked the Court to consider the constitutionality of two articles of Law 10/2008 on the Elections:

- Article 55 on the nomination of candidates for the DPR (*Dewan Perwakilan Rakyat*, Peoples

Representative Assembly), the DPD (*Dewan Perwakilan Daerah*, Assembly

of Regional Representatives) and the DPRD (*Dewan Perwakilan Rakyat Daerah*, Regional Representative Council). This article stipulates that ‘at least one in every three candidates included on a political party list should be a woman’.

- Article 214 stipulates that a party’s list of candidates should be based on the order of preference set by the party in question.

The petitioners were concerned that the Election Law grants a position of privilege to women candidates by means of the ‘zipper’ system, so called because it involves alternating men and women candidates in a party list to achieve the minimum objective of one woman for every three candidates. They also questioned the principle of granting special treatment to women by allocating a minimum of 30 percent of the names on a party’s list to women regardless of their loyalty to the party in question or their political track record (the law refers to a 30 percent

requirement in some places and a '1 in 3' requirement in other places). They argued that democratic principles mean that the electorate should have the freedom to choose between the candidates, regardless of gender.

Will women win a larger share of the seats than in the two elections that followed Suharto's downfall?

In December, the Constitutional Court upheld Article 55, thereby reasserting affirmative action for women in the political process and upholding Indonesia's commitment to women's rights based on the International Covenant on Civil and Political Rights and CEDAW, the Convention on the Elimination of All Forms of Discrimination Against Women. However, the Court agreed with the petitioners that Article 214 was unconstitutional because it contravenes the Indonesian Constitution with regard to people's sovereignty, equal rights for all, as well as the rights to freedom of association and freedom of expression.

The Court's ruling means in effect that voters are now free to choose candidates according to their own preferences. While party lists still have to include at least one woman in every three candidates, the parties are not able to rank their candidates so that sufficient numbers of women are actually elected.

Women's groups saw the ruling as a setback in the struggle waged by women to secure a more proportionate position in the DPR. It is of course true that Indonesian women do not have a history of struggle comparable to women in countries where the suffragette movement played such a key role. This may be the reason why, more than half a century since Indonesia's declaration of independence in 1945, women are still a small minority in the country's Parliament. [See Table 1]

While the direct election of the president and vice-president in 2004 was a landmark in Indonesia's progress towards democracy, the general elections failed to improve the level of women's representation in the DPR despite the adoption of the 30 percent quota. Nor has the proliferation of parties in the post-Suharto era resulted in an increase in the number of women winning seats in Parliament. [See Table 2] There are good reasons to doubt whether women will even reach the same proportion of seats in 2009 as they won in 2004.

QUOTA SYSTEM

A quota system is universally accepted as a way of securing fairer proportion between different sections of the population in an election. Once the objective is generally met (with more genuine participation of women and less discrimination against them), there should be no gender-based privileges. With that in mind, the quota system was introduced in Indonesia as a temporary measure to stay in place until women are no longer marginalised in political life.

Women's groups saw the ruling as a setback in the long struggle to secure a more proportionate position in the DPR

Women's groups have been instrumental in advocating the introduction of the principle of a 'critical minority' of 30 percent representation of women into Indonesian laws on elections and political parties. Not surprisingly, it is from this quarter that angry voices have been raised against the Constitutional Court ruling that Article 214 is unconstitutional. It means that the successful outcome for a candidate is no longer based on the ranking system established by the candidate's party but on the

candidate winning the largest number of votes. At the same time, Article 55 which stipulates that woman candidates should be one third of the total has been left intact. In the opinion of many commentators, unless party rankings can be used to promote women candidates, for instance by means of the 'zipper' system, the quota system will not be effective. Without the support of the quota system, the proportion of women could fall even lower as the chances of women getting elected decline. This explains the pessimism felt by women's groups and women activists' right across the political spectrum.

OPTIONS FOR WOMEN

Erma Ranik, who has been nominated as a candidate for the DPD in West Kalimantan, believes that the Constitutional Court's ruling presents women candidates with two options. Those who enjoy the support of a strong infrastructure and are well-known in their region need not be deterred by the ruling. But there are very few women candidates who feel confident about making a bid for a seat if they lack a strong political network and support. As an independent DPD candidate, Erma Ranik is not affected by the ruling. She feels that, thanks to her long track record as an NGO activist who is personally well known to her constituents, and thanks to her proven commitment to many grassroots causes, she will be able to win the necessary votes to secure a seat in the DPD.



Erma Ranik

Ideally, she says that she would like to see the position of women being strengthened by measures such as the 'zipper' system for two five-year electoral periods only. There would need to be a nationwide programme of political education for women during this ten-year grace period, by the end of which affirmative action would no longer be needed. This would create a situation where women are more politically aware and active and better equipped to run for seats in parliament. The challenge is to ensure that the time is well used.

Women are hesitant about coming forward because of the cultural perception that 'a woman's place is in the home, looking after the children'

One example of activism by women in pursuance of this objective was the creation of a coalition of women's groups in North Sumatra called HAPSARI, (*Himpunan Serikat Perempuan Indonesia*, Alliance of Women's Groups) which has been working since 1990 to encourage greater participation by women in the decision-making process at the village level. HAPSARI is composed of seven groups including women living in fishing and peasant communities. Their experience has shown that women are hesitant about coming forward, preferring to remain in the background because of the cultural perception that 'a woman's place is in the home, looking after the children'. And once they have been persuaded to venture outside the home environment, they prefer to take what they see as the safe option.

During the Suharto dictatorship, the safest option for women was to join the organisation that had the approval of the regime. In those days this was the PKK (*Pembinaan Kesejahteraan Keluarga* or Guiding toward a Prosperous Family). It has since been given a new name, *Pemberdayaan Kesejahteraan Keluarga* (Empowering Prosperous Family),

which still enforces the stereotypical role of women. After Suharto came to power, joining organisations other than those approved by the regime in those parts of Indonesia where the Indonesian Communist Party (PKI) had been strong would have meant being branded as 'Gerwani'. Gerwani was the women's organisation closely affiliated to the PKI during the pre-Suharto years. This could earn you a long spell in prison, or worse.

Another largely neglected issue is the violence experienced by women in the context of environmental degradation

After the fall of Suharto, which led to the era of *reformasi*, the political atmosphere in Indonesia underwent a sea-change. HAPSARI made common cause with other progressive organisations, mostly rural-based groups, to set up the *Partai Perserikatan Rakyat* (People's Union Party) in 2005. It was their intention to further invigorate the five-yearly festivals of democracy with their active participation but as yet their objectives have not been achieved. The party failed to gain official recognition to qualify as a participant in this year's elections since it did not meet the minimum administrative requirement. Undaunted, several members of the party have been nominated to run in the elections as candidates for other parties.

In November 2008, *Komnas HAM Perempuan* (National Human Rights Commission for Women) published its annual report, which drew attention to no less than 27 laws and regulations that discriminate against women. The Commission's vice chairperson, Ninik Rahayu, said that these laws substantially limit the space and mobility for women by, for example, regulating hours when they should not be seen alone in public places, to avoid them being regarded as prostitutes. This can

certainly impinge on women who campaign on their own behalf as electoral candidates.

BEYOND QUOTAS

One of the criticisms of the quota system is that it can undermine efforts by women to demonstrate their abilities and win nomination on merit. Women's groups are well aware of this criticism. While continuing to press for the continuation of affirmative action, they also realise that there should be no place for tokenism: only women with a proven track record and dedication should be encouraged to run for office.

Yuli Maheni, an activist in *Serikat Pekerja Rumah Tangga* (Domestic Workers' Union) who works as a housemaid in Yogyakarta is of the opinion that there has been little change in the position of women in Indonesian society in her lifetime. She believes that only with a greater presence of women in national and regional assemblies will the question of women's rights be taken seriously.



Yuli Maheni



Khalisah Khalid

But Khalisah Khalid who is a member of *Sarekat Hijau Indonesia* (Indonesian Green Union) is one of several activists who warn that campaigning for affirmative action on political representation can result in neglecting other problems confronting women in many parts of Indonesia. There are a number of groups which are keen to focus on the problem of domestic violence and other problems such as discrimination commonly faced by women. Another largely neglected issue is the violence experienced by women in the context of environmental degradation caused by development projects. It is all too frequently the

case that the impact on women of development projects is rarely taken into account if there is too much focus on whether the voting system is democratic. She would also like far more attention to be paid to the subordination of women in general.

The Constitutional Court ruling that seats should go to candidates who win the largest number of votes rather than on the basis of their rank in a party's list is certainly more democratic but it can result in candidates being chosen for no other reason than that they are well-known celebrities. This is when real life gives way to fantasy and political campaigning turns into soap opera.

After all these years, efforts to improve the level of women's participation in legislative bodies have not achieved their objective. The general election in April this year could be a marker as well as providing lessons on how best to ensure that women take their rightful place in the country's national and regional legislative assemblies.

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Table 1: Representation of Women in Indonesia: The House of Representatives (DPR)

	Women		Men	
	Total	%	Total	%
1950 – 5 (Provisional DPR)	9	3.8	236	96.2
1955 - 60	17	6.3	272	93.7
Constituent Assembly: 1956 - 9	25	5.1	488	94.9
1971 - 7	36	7.8	460	92.2
1977 - 82	29	6.3	460	93.7
1982 - 7	39	8.5	460	91.5
1987 - 92	65	13.0	500	87.0
1992 - 7	65	12.5	500	87.5
1997 - 9	54	10.8	500	89.2
1999 - 2004	45	9.0	500	91.0
2004 - 2009	62	11.3	488	88.7

Sources: DPR Secretariat, 2001. Data formulated by the Division on Women and the Elections, CETRO, 2002. Quoted in *Enhancing Women's Political Participation in Indonesia*, Parawansa K.I, (year).

Table 2 : Women in DPR after the 2004 Elections

No	Party	Total Seats	%	Women	%	Men	%
1	Golkar	127	23.1	18	14	109	86
2	PDIP	109	19.8	12	11	98	89
3	PPP	58	10.5	3	5	55	95
4	Partai Demokrat	56	10.2	6	11	49	89
5	PAN	53	9.6	7	13	46	87
6	PKB	52	9.5	7	13	45	87
7	PKS	45	8.2	3	9	41	91
8	PBR	14	2.5	2	14	12	86
9	PDS	13	2.4	3	23	10	77
10	PBB	11	2.0	0	0	11	100
11	PDK	4	0.7	0	0	4	100
12	Partai Pelopor	3	0.5	1	33	2	67
13	PKPB	2	0.4	0	0	2	100
14	PKPI	1	0.2	0	0	1	100
15	PPDI	1	0.2	0	0	1	100
16	PNI Marhaenisme	1	0.2	0	0	1	100
		550	100	62	11	488	89

Source: Election Commission (2004)