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Assessing the Probability of Affirmative Action Women's Quota for Members of the Regional Representative Council (DPD)

Muhammad RM Fayasy Failaq ¹, Rahmatika Monati ²

¹ Faculty of Law Universitas Gadjah Mada, Yogyakarta, Indonesia

² Faculty of Sharia and Law Universitas Islam Negeri Sunan Kalijaga, Yogyakarta, Indonesia

✉ fayasyfailaq2@gmail.com

Abstract: Gender quota policies for women in parliament or politics worldwide have developed since the 1990s. Indonesia applies this policy to the House of Representatives (DPR) as a political representation with a 30 (thirty) percent quota. As a fellow national parliamentary institution that is part of the People's Consultative Assembly (MPR), it turns out that there is a policy vacuum for DPD institutions. The vacuum, in addition to illustrating discriminatory practices, can potentially result in a very minimal representation of women in the institution. This study aims to assess the probability of implementing a similar policy for DPD institutions or provide other recommendations that are more appropriate. This research used normative legal research that uses the statute approach, conceptual approach, and comparative approach. Our data is obtained from a literature study and will be analyzed qualitatively. The results of this study, based on the consideration of nomination inequality and patriarchal culture, comparison of other countries, DPD as part of the MPR, Indonesia's bicameral system, and the correlation of Regional Representation and Women's Issues in Indonesia; DPD has several important and relevant arguments for implementing affirmative gender quota policy. However, against these considerations, there are also arguments that are not important and irrelevant, have no significant impact, or are impossible to apply, which is a challenge to implement affirmative policies such as DPR. Therefore, the most appropriate recommendation for DPD is simply through more massive socialization of candidacy by the General Election Commission (KPU) so that the legal culture in the form of awareness of the existence of female DPD members will grow and concerns about the lack of female DPD members can be prevented.

Keywords: gender; DPD; affirmative action.



OPEN ACCESS

Citation: Failaq, M. R. F., & Monati, R. (2023). Assessing the Probability of Affirmative Action Women's Quota for Members of the Regional Representative Council (DPD). *Jurnal Bina Praja*, 15(3), 621–637. <https://doi.org/10.21787/jbp.15.2023.621-637>

Received: 23 October 2023

Accepted: 3 December 2023

Published: December 2023

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1. Introduction

Women's political rights is a concept that has always evolved and continues to be discussed. In the early days of democracy, women were not allowed to publicly exercise democracy and voice their aspirations. Women only served as wives and housewives (Asmanidar, 2015). Aspirations and political affairs at that time were considered the business of men. Even in the United States, a reference country for democracy, women's political rights to vote in elections were only given in 1920 (Syachrotunnisa et al., 2021). Until now, women's political rights continue to be fought for all over the world, including through the representative system (parliament).

Anne Phillips then divides the concept of representation in the representative system into two types. Namely, the representation of ideas (politics of ideas) and the representation of presence (politics of presence). Women's political rights can be realized through these two aspects. However, in Indonesia, the representation of ideas is not realized. For this reason, representation based on presence must be fought for to be applied optimally so that these ideas can be better applied. Anne Phillips even classifies that representation of ideas is the most ideal form (Syachrotunnisa et al., 2021).

Since the 1990s, women's quotas have increased women's political representation in parliament. Argentina was the first to establish a significant percentage of women's seats in parliament. To date, there are more than 130 (one hundred and thirty) countries that have implemented this strategy (Kim & Fallon, 2023). There are at least two forms of quotas: reserved and candidate. The number of numbers also varies, ranging from 10-50 percent. Samoa is a country that uses a quota percentage of 10 percent, while Bolivia and Libya use a percentage of female representation of 50 percent. South Korea uses two quota categories, namely 50 percent for institutions that use the concept of proportional representation and 30 percent for single-member districts (Hughes et al., 2019).

Judith Squires states three reasons why a quota of women in parliament is important. First, a women's quota will create a women's agency that will add to the voice and struggle of gender and women's issues in policy-making. Second, women's quota policies ensure gender-equitable policies and that the principle of gender mainstreaming is integrated into every stage of policy-making. Third, women's quotas can be targeted at increasing the quantity of women in policy-making institutions. Meanwhile, from the presence of women, there are several agendas carried out by women that can be seen: First, lead and promote efforts against gender violence; Second, promote and ensure issues related to elderly, children, pensions, laws/regulations to strengthen gender equality in elections and women's access to parliament in legislative processes; Third, most women feel they are responsible for representing the accountability of women in general; Fourth, some of them (women) emphasized the importance of advocating for the wider community; and Fifth, promoting the so-called women's agenda into the political sphere.

Currently, the affirmative gender quota policy in Indonesia based on Act No. 7 Year 2017 on Elections and on Act No. 17 Year 2014 on MPR, DPR, DPD, and DPRD is only given to DPR and DPRD institutions. There is a regulatory vacuum when the policy is applied to the DPD institution. There is a potential inequality of female DPD members, which will be presented in the discussion section. This paper aims to provide consideration and design an affirmative policy for DPD by referring to the same policy given to DPR.

To apply the same policy for DPD RI institutions, we use five main considerations: First, Nomination inequality and patriarchal culture. This consideration departs from

the nature of affirmative action as a method chosen by many states as a response to discriminatory social conditions, inequality, and marginalization in all areas of life due to patriarchal structures at the public and private levels; Second, comparison with other countries. Comparison (legal comparison) is used as a benchmark for how practice is in other countries and to fulfill the importance of comparison as a way to reform the domestic legal system in a country; Third, DPD is part of the MPR. The People's Consultative Assembly has the authority to change the constitution so that DPD members indirectly influence in making the highest policies that affect women's policies; Fourth, Indonesia's Bicameral System. There are two parliamentary chambers in Indonesia, namely the DPR and DPD, both of which should be treated the same so that the parliamentary institution has good checks and balances; Fifth, there is a correlation between Regional Representation and Women's Issues in Indonesia. The DPD functions as a regional representation that brings up regional issues, so it is important to measure its relevance to women and gender issues.

Furthermore, against these five considerations, we ask two questions. First, "Are these considerations important or relevant to the granting of affirmative policies for DPD as the policy on the institution of DPR?" Second, "Based on current conditions, does the consideration have a significant impact or may be applied?"

The answers to these two questions will then be categorized into three categories: 1) Need to implement affirmative policies. This category is when the consideration has important and relevant arguments and has a significant impact or may be applied. 2) Gray. This category is where the consideration has important and relevant arguments but no significant impact or is unlikely to be applied. 3) There is no need to implement affirmative action. This category is when the consideration has arguments that are not important and relevant. We will compile all of these categories to measure the appropriate recommendation, whether it is necessary to implement an affirmative gender quota policy like the DPR or whether other recommendations are sufficient.

2. Methods

This research is normative legal research using a statutory, conceptual, and comparative approach. Data was obtained from literature studies in the form of statutory regulations, research results, books, etc., on topics related to the Regional Representative Council and Gender. Furthermore, the data and legal materials collected will be analyzed qualitatively.

3. Results and Discussion

3.1. Considerations for Gender Quota Affirmative Policies

As a parliament in Indonesia, five considerations can be used for DPR and DPD institutions to determine the applicability of gender quota affirmative policies for them. We will present these considerations along with juridical and conceptual explanations in the elaboration of the discussion. More fully, these considerations are:

3.1.1. Nomination Inequality and Patriarchal Culture

Referring to the data from the General Election Commission of the Republic of Indonesia (KPU RI) in May 2023, it is stated that the number of female candidates for the Regional Representative Council (DPD) who have registered with the General Election Commission to take part in the 2024 elections. In the election 2024 only 139 people, or 19.86% of the total 700 candidates (Sulistyo, 2023). Even three provinces do not have female candidates, namely West Sulawesi, West Papua, and Southwest

Papua. The low number of women’s candidacies in DPD is not much different from the previous election, namely the 2019 Election, with the number of female candidates for DPD RI as many as 152 people from a total of 807 candidates spread across 34 provinces in Indonesia (Alfian, 2023). Women’s representation in DPD every election year is still very minimal, never touching the minimum limit of the 30% Affirmation Policy, as illustrated in Table 1.

Table 1. Number of DPD Members by Gender

Province	Number of DPD Members by Gender					
	Male			Female		
	2009	2014	2019	2009	2014	2019
ACEH	4	4	4	0	0	0
NORTHERN SUMATERA	3	3	3	1	1	1
WEST SUMATERA	3	3	3	1	1	1
RIAU	2	1	2	2	3	2
JAMBI	2	2	2	2	2	2
SOUTH SUMATRA	2	1	0	2	3	4
BENGGULU	3	2	2	1	2	2
LAMPUNG	4	4	3	0	0	1
BANGKA BELITUNG ISLANDS	3	4	4	1	0	0
RIAU ISLANDS	3	4	4	1	0	0
DKI JAKARTA	4	3	2	0	1	2
WEST JAVA	3	3	3	1	1	1
CENTRAL JAVA	1	3	2	3	1	2
YOGYAKARTA	3	3	3	1	1	1
EAST JAVA	3	3	2	1	1	2
BANTEN	4	3	3	0	1	1
BALI	4	4	4	0	0	0
WEST NUSA TENGGARA	3	2	3	1	2	1
EAST NUSA TENGGARA	2	4	2	2	0	2
WEST KALIMANTAN	0	2	2	4	2	2
CENTRAL KALIMANTAN	3	3	3	1	1	1
SOUTH KALIMANTAN	4	3	4	0	1	0
EAST KALIMANTAN	4	4	3	0	0	1
NORTHERN KALIMANTAN	-	-	3	-	-	1
NORTH SULAWESI	3	2	2	1	2	2
CENTRAL SULAWESI	3	3	4	1	1	0
SOUTH SULAWESI	4	4	3	0	0	1
SOUTHEAST SULAWESI	4	3	2	0	1	2
GORONTALO	2	1	2	2	3	2
WEST SULAWESI	3	4	4	1	0	0
MALUKU	2	2	1	2	2	3
NORTH MALUKU	3	3	3	1	1	1
WEST PAPUA	3	4	4	1	0	0

Province	Number of DPD Members by Gender					
	Male			Female		
	2009	2014	2019	2009	2014	2019
PAPUA	3	4	3	1	0	1
INDONESIA	97	98	94	35	34	42

Source: BPS Indonesia

The low number of women's representation in DPD, even during the nomination process, is caused by the heavy competition in the election. This is in line with the opinion of Titi Anggaraini, Supervisor of Perludem (Association for Elections and Democracy), who is also a lecturer in election law at the University of Indonesia that the election of DPD members is very competitive because they are not nominated by political parties but independently. Historically, women's enthusiasm to participate in the election of DPD members was initially quite high. This is evidenced by the number of electability that is always above 20 percent since the election of DPD candidates was first held in 2004 (Sulistyo, 2023). Unfortunately, this was inversely proportional in the 2009, 2014, and 2019 elections. Women's enthusiasm to run for office became increasingly minimal. The election competition for DPD candidates is considered very tight and tough because the electoral area is wide, covering one province while only four seats are contested. It takes a lot of money and a wide campaign field, especially for provinces with large populations and areas. In addition, the candidacy for DPD is done independently without the help of political parties such as DPR. As individual candidates, DPD candidates only rely on personal strength that is not supported by the machine and structure of political parties for the winning work, so the challenge becomes much greater. This is exacerbated by the patriarchal paradigm that is still strong in Indonesia.

The patriarchal system holds that men always dominate women, and women are always seen as second to men (Nurcahyo, 2016). This has led to a division of labor for women, as men always make decisions in the family and the workplace. This patriarchal culture has limited women's opportunities. We can see this in politics in Indonesia today; many women participate in politics, but the results are not very satisfying. This is also supported by Khoffa Indar Parawansa (Barriers to Women's Political Participation in Indonesia), that several factors influence the selection pattern between men and women as legislative members (Parawansa, 2002). The first factor is related to the cultural context in Indonesia, which is still very thick with patriarchal principles. The second factor is related to the selection process within political parties. The third is related to the media, which plays an important role in building public opinion about the importance of women's representation in parliament. Fourth, there is an absence of networks between mass organizations, NGOs, and political parties to fight for women's representation. In line with this statement, the status quo shows that female DPD candidates face many obstacles and challenges from the community and political parties. Male domination still occurs in every field, such as in the family, which is still controlled by men, as well as in the workplace, which men still lead. So, women who participate in every job are still underestimated. The conception of patriarchal perceptions is principally based on a paternalist view, which assumes that in the social system, the existence of fathers or men becomes a phenomenon that determines the realization of a functionalist structure in the family. The paternalist concept is a symbolic significance that men are symbols of a leadership system based on the relationship between mothers and their children in forming an intact social life dynamic (Israpil, 2017). Patriarchy is a social system that places men as the main

authority figure central to social organization. The position of men is higher than women in all aspects of social, cultural, and economic life (Israpil, 2017). Patriarchal culture and low representation have a very close relationship like two sides of an inseparable coin.

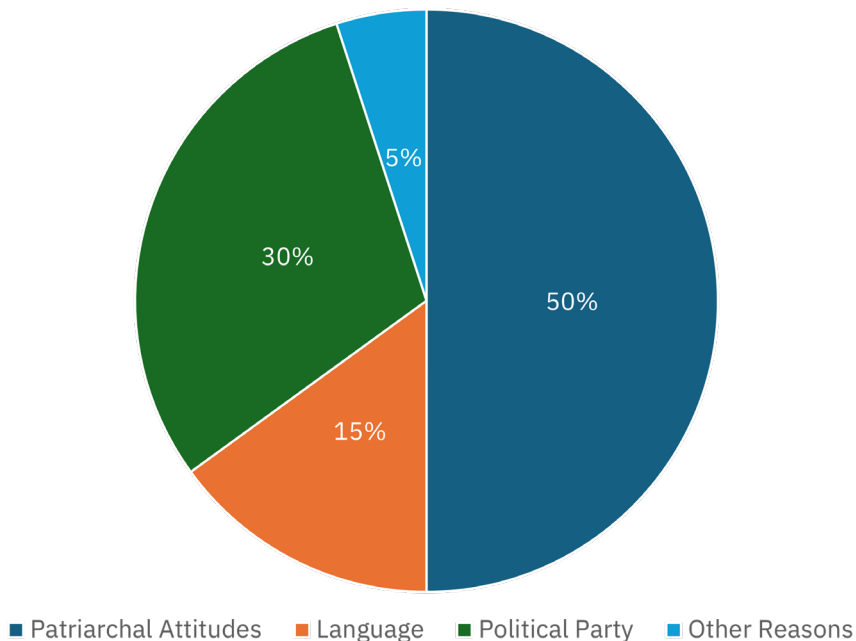


Figure 1. Patriarchal Culture and Representation

Based on Figure 1, it can be concluded that the most significant challenges related to the low representation of women in politics are patriarchal norms and attitudes, followed by the internal role of political parties in increasing the participation of women MPs and the complexity of legislative language. The smallest percentage is other challenges related to the everyday world, such as long and irregular working hours that make it difficult for women MPs to balance demands at the constituent level and work in parliament and household chores that make them feel tired. These findings are similar to those of Heilman (2001) and Carli and Eagly (2007) (as cited in Anumo & Pacificah, 2019), who state that the masculine construct of leadership and its oppositional relationship to women is a major barrier to women’s leadership ambitions. Studies in the Ugandan parliament suggest that parliament’s institutional framework can perpetuate gender inequality and influence the way women MPs participate in debates and motions during parliamentary sessions due to gender bias (Anumo & Pacificah, 2019).

The patriarchal culture in Indonesia is perpetuated because the stigma of society still holds that women only occupy the role of kitchen and well. This is in line with research conducted by the World Values Survey (WVS), an Austrian international research institute. WVS has conducted surveys from 2017-2022. The results of the research are very concerning that the patriarchal culture in Indonesia is still very strong, as evidenced by 47% of Indonesian respondents who agree that male leaders are better than women. There were only about 24% of respondents who disagreed with the statement. This survey shows how the patriarchal culture that places men as the main power holder is still dominant in Indonesia. Referring to the WEF report in 2022, in general Indonesia scored a gender inequality index score of 0.697 and ranked 92nd out of 146 countries, and it is very concerning that political presentation ranks the lowest with only 0.169% (Ahdiat, 2022).

The low representation of women in DPD, even since the nomination, is closely correlated with the patriarchal culture that reinforces the view that men have a higher position than women. This culture compartmentalizes the roles of men and women by distinguishing in detail the roles of women and men in social life, especially in the family. Patriarchal culture has, for generations, shaped differences in behavior, status, and authority between men and women in society, which later became a gender hierarchy. Men, as leaders or heads of families, have authority, including control over economic resources and a sexual division of labor in the family. This causes women to have less access to the public sector than men. In Islam, all humans are equal and come from the same source, namely Allah SWT, which distinguishes between humans and His piety. This is as stated in the Quran letter Adh-Dhariyat 51:56, which means: "I did not create jinn and humans except to worship Me."

Islam does not teach that women are subordinate to men. Islam teaches that when a woman is married, the responsibility for her lies with the man who is her husband. Islam gives great respect to women because the best Muslim man is the one who is good to his wife. Islam gives high honor to Muslim women. There is no obligation for them to earn a living. Rather than portraying women as weak and burdensome to men, this is Islam's respect for women in light of their vital role in the family home. Islam gives equal obligations and rights to both men and women, but men are given one level higher than women, not to demean them, but in a household, the man becomes the imam who has the responsibility and difficult task of taking care of his wife and children.

3.1.2. Other Country Comparisons

The status quo shows that the number of unitary states in the world today is 107 countries. Of the 54 unitary states, half have a unicameral structure of representative institutions, and the other half have a bicameral structure of representative institutions. Among them are the unitary states of England, France, the Netherlands, Thailand, the Philippines, Japan, Colombia, South Africa, Egypt, Algeria, and Congo. Therefore, to enrich this study, the author conducts a comparative study of bicameral representative institutions in several countries that apply the gender quota system. This study does not intend to transfer other countries' usual systems because each country has a different constitutional history, culture, and needs. However, we want to see, from the various models of gender quota policy affirmation policies, which model is widely adopted by unitary countries. Whatever system of representation is chosen and applied by a country, the important thing is that it can fulfill the goals of the country concerned, namely the achievement of a democratic, prosperous, just, and prosperous society. [Table 2](#) discusses a comparison of several countries with bicameral systems that use a gender quota system.

Table 2. Comparison of Gender Quota Systems

Country	Form of State	Parliamentary System	Lower House Quotas (%)	Upper House Quotas (%)
Bolivia	Republic	Bicameral	50%	50%
Brazil	Federal	Bicameral	30%	-
Kenya	Republic	Bicameral	-	-
France	Republic	Bicameral	40%	
United States of America	Federal	Bicaemeral	-	-
Colombia	Republic	Bicameral	30%	

Source: *Inter Parliamentary Union*

Brazil

A federal republic. Politically and administratively, the country consists of the Union, the states, the Federal District, and the municipalities, all of which are autonomous under the constitution. The Union comprises federal territories; their creation, transformation into states, or reincorporation into their country of origin is regulated by law. Each state is governed by its constitution and is headed by a governor. The country is subdivided into a capital city, 26 states, and 5,560 municipalities. Brazil's National Congress is bicameral, based on the Diputados and Federal Senado cameras. The total number of participants, such as representatives of states and federal districts, is regulated by those who complement each other in a manner proportional to society, making the necessary adjustments the previous year at the elections so that no more unity exists. The federation of less than one point (8) or more than a set (70) is shown. In this case, the Senado, each state, and the Distrito Federal elect three (3) members. Since 1997, Brazilian law stipulates that party lists and coalitions must have a minimum of 30% and a maximum of 70% of the total vote of either men or women for elections at local and national levels.

Kenya

The Republic of Kenya is a unitary state. Kenya gained its independence from British colonial rule on December 12, 1963. The country follows a multi-party-political system characterized by parliamentary democracy. The Kenyan Parliament is a bicameral body consisting of the National Assembly and the Senate. The National Assembly has a total of 349 members plus an ex-officio Speaker. Article 95 of the Constitution provides that the National Assembly shall consist of: - two hundred and ninety (290) members, each elected by registered voters in a single-member constituency; forty-seven (47) women, each elected by registered voters in a county, each county being a single member constituency; twelve (12) members nominated by political parties in parliament in accordance with the proportion of members of the National Assembly in accordance with Article 90, to represent special interests including youth, persons with disabilities and workers; and the Speaker, who is an ex officio member. The Senate comprises 67 members plus the Speaker, an ex-officio member. Article 98 of the Constitution provides that the Senate shall consist of: - Forty-seven (47) members, each elected by the registered voters of a region, each region being a single member constituency; Sixteen (16) female members who political parties shall nominate in accordance with the proportion of members of the Senate elected under paragraph (a) in accordance with Article 90; Two (2) members, one male and one female, representing the youth; Two (2) members, one male and one female, representing persons with disabilities; and the Speaker, who shall be an ex officio member.

Bolivia

The Plurinational Legislative Assembly is bicameral. The House of Representatives comprises 130 directly elected members for a 5-year term. The Senate consists of 36 directly elected members for a 5-year term. Unitary republic with representative democratic government. Politically and administratively, the country is divided into nine departments, 112 provinces, 327 municipalities, and 1,384 cantons. Bolivia is one of the few countries in the world where around 50% of its parliamentarians are women at every level of government. This is not a coincidence but the result of electoral laws that require half of all-party candidates to be women. Quotas were introduced in 1997 when only 9% of Bolivia's national parliament comprised women. It was later made part of the constitution. Bolivia introduced its bold Electoral Law in 2010 when

How the US and Bolivia compare

Proportion of women MPs by chamber in selected countries

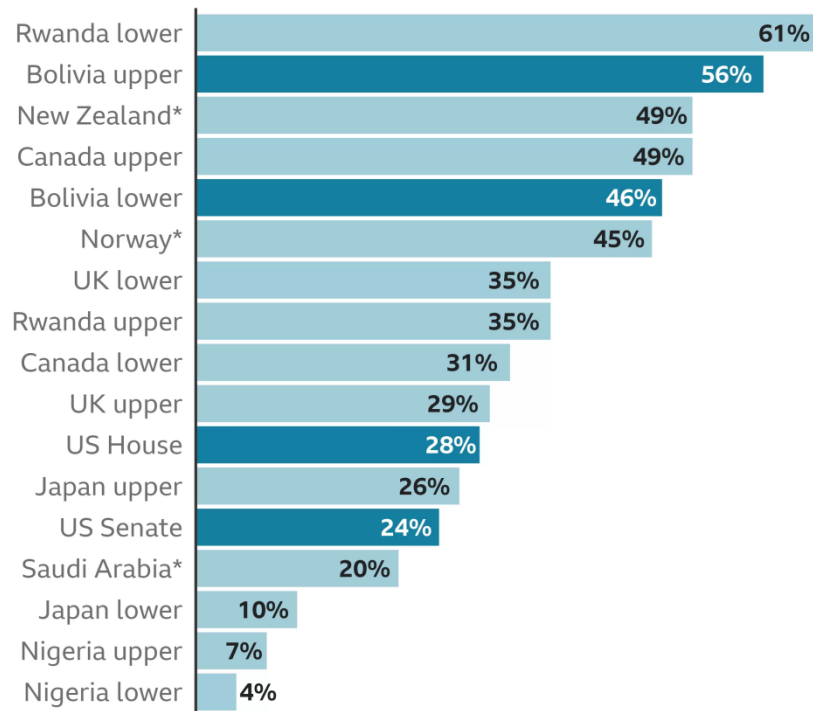


Figure 2. Proportion of Women in Unicameral States

*These countries only have one legislative chamber

Source: Inter-Parliamentary Union

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women's representation was 25%. The law requires that all candidate lists include equal numbers of women and men in alternation. Women must form the majority when a list has an odd number of candidates. In single-member constituencies, at least 50% of the candidates nominated must be women. Non-compliance with these rules results in the regulatory body rejecting a party's entire list. In 2014, this system returned 53% of seats in Bolivia's lower Chamber of representatives and 47% of seats in its upper house to women.

France

During the 1990s, a movement emerged in France for equal representation of women and men in political life. Advocates of 'equality' argued that existing understandings of equality and representation were originally thought to apply only to men. To overcome this historical legacy, they sought constitutional and legal reforms to pave the way for more women to be nominated and elected to political office. They achieved this goal in 1999 when Article 3 of the Constitution was amended to state that "the law supports equal access for women and men to electoral mandates and electoral functions," as well as Article 4 requiring political parties to "contribute to the electoral implementation of the principles set out in the last part of Article 3 under conditions prescribed by law". In 2000, these reforms were supported by changes to the electoral law governing elections to which the parity principle applies, when compliance will be monitored, and the sanctions imposed on parties that do not fully comply with these requirements. As a result of these changes, parties are now required to nominate approximately equal numbers of male and female candidates for various political offices at local, regional, national, and supranational levels.

3.1.3. DPD as Part of the MPR

One of the important considerations discussed in applying affirmative action for DPD is its position along with DPR as part of the People's Consultative Assembly (MPR). Therefore, when DPR is given affirmative action, there is a difference in representation in the MPR institutional body when it is accompanied by DPD, which is not given a similar policy. Before discussing this further, we need to recognize the MPR institution.

The MPR is an institution with a very important position in the Indonesian constitution. Prior to reformasi, it served as the highest state institution and exercised direct popular sovereignty. At that time, the MPR consisted of the House of Representatives, Regional Representatives (UD), and Group Representatives (UG). After the reform, the MPR was reconstructed with its position being equal to other state institutions and its structure consisting only of DPR (political representation) and DPD (regional representation).

Currently, the MPR is only a joint session institution because it only exists when exercising its authority granted under the Constitution (Fudin, 2022). However, the MPR's authority remains urgent and cannot be replaced by any other institution. The MPR's authority under Article 2 of the 1945 Constitution is to amend and enact the Constitution, inaugurate the President and/or Vice President, and dismiss the President and/or Vice President during their term of office according to the Constitution.

With such an institutional conception, the MPR is a combination of political representation and regional representation. It can be said (in the author's language) to be a whole representation institution in the state. Our opinion departs from the elements of the state, which include the government, the territory, and the people (Sari, 2018). The MPR represents all three in exercising its authority to amend and enact the Constitution.

In exercising this authority, of course, a women's paradigm needs to be involved. After all, the Constitution is the highest rule; any legal product derived from it will depart from and refer to it. The question is, on what matters in the constitution, is a significant women's paradigm needed? To answer that, we need to look at the content of the constitution as follows: State organization, human rights, procedures for amending the constitution, sometimes containing a prohibition to change certain properties of the constitution (Budiardjo, 2009).

The significant thing that is affected by the presence of women as amendments is related to human rights. The concept of human rights in the constitution is contained in Articles 28A-28J. However, these rights are not specified in relation to women's rights. Even the mention of the words "woman," "mother," "woman," and those that connote women do not exist at all in the constitution of Indonesia, both in the original 1945 Constitution, the RIS Constitution, the 1950 UUDS, and the 1945 NRI Constitution. This void may be regulated with the women's paradigm in the MPR institutional body.

To illustrate the opportunities for the regulation of women's rights that can be done by the MPR, which has a strong representation of women, is a comparison with other model constitutions. The author takes the example of the Constitution of the Philippines (The 1987 Constitution of the Republic of the Philippines) and the Constitution of Thailand (Constitution of The Kingdom of Thailand) as fellow Southeast Asian countries. The Philippine Constitution places women separately in Article XIII, "Women," which reads, "The State shall protect working women by providing safe and healthful working conditions, taking into account their maternal functions, and such facilities and opportunities that will enhance their welfare and enable them to realize their full potential in the service of the nation." The Constitution mentions "women" 6 (six) times in its body both in regulating the role of women in national development,

equality before the law, the house of representatives, health, and as the title of the article. Meanwhile, in the body of the Thai Constitution, it is mentioned 5 (five) times in the section on equal rights between men and women, protection against unfair treatment and so on, equality of candidates in political parties, and the House of representatives and senate sections.

Tamaru and O'Reilly (2018) state the impact that women bring to the agenda of constitutional change is:

1. Build coalitions that bridge divisions;
2. Expanding social participation and informing policymaking;
3. Resulting in fairer and more inclusive constitutional provisions; and
4. Improving prospects for peace (in the discussion of constitutional change).

In addition, we can see the reality of women's representation in the MPR and calculations based on the minimum number of affirmative policies in the MPR RI. The details are described in Table 3.

Table 3. Calculation of Women's Representation in the MPR

No.	Description	Institution	Number of Members	Number of Female Members Based on Affirmative Action Policy	Calculation	Percentage	
1	Reality of MPR members 2019-2024	DPR	575	118	160/711	22,5%	
		DPD	136	<u>42</u>			
2	Minimum calculation if 30 percent of women's representation is met (2019-2024)	Status Quo	DPD	575	155	155/711	21,8%
			DPR	136	<u>0</u>		
3	If DPD is given an affirmative policy	DPD	575	155	155/711	27,5%	
		DPR	136	41			
4	If the MPR is granted a single affirmative policy	MPR	711	213	213/711	30%	

*underline without affirmative action 30 (thirty) percent

The data shows the reality of women's representation in the MPR, which has only reached 22.5% of the total members. In the second point, we propose that if DPD is given an affirmative policy, at least if the figure is achieved, it will only be fulfilled for up to 27.5% of MPR members. This figure is, in fact, higher than the percentage of women in the constitutional amendment forum in the world based on a report from Inclusive Security, which is only 19% from 1990 to 2015 (Tamaru & O'Reilly, 2018). Although significant human rights issues require a paradigm of women in the MPR so that it can be an argument for the application of the policy, the main issue of this point is to provide affirmative policy for DPD because it is part of the MPR, not to provide affirmative policy for MPR as a single entity. Providing the policy for DPD on the grounds of being part of the MPR is not significant on the grounds

1. Only the MPR's authority in amending the Constitution in the field of human rights really requires a women's paradigm; and
2. The number of DPD members in the MPR is not proportional to the number of DPR members in it so even if given an affirmative policy, the number of women's representation in the MPR increases insignificantly.

3.1.4. Indonesia’s Bicameral System

Affirmative policy needs to be studied based on the existing parliamentary design in Indonesia. This is apparent from the House of Representatives as a political representation given the policy, while DPD as a regional representation is not given. Based on the comparison of other countries, as in the previous point, only the lower house or political representation and unicameral parliaments in countries are given affirmative gender quota policies. Based on the author’s search, we did not find the upper house or what is categorized as regional representation, given the policy.

Indonesia itself does not explicitly use the upper house or lower house categories in the parliamentary chamber. However, we can identify the characteristics of the upper house as the DPD while the lower house is the House of Representatives. The difference between the upper house and the lower house, as described by Meijer (2015) based on the election mechanism, the role of legislation, the form of representation, and the relationship with the executive is in Table 4.

Table 4. Differences Between Lower House and Upper House

	Lower Houses	Upper Houses
Selection	Directly Elected	Varies: directly elected, indirectly elected, appointed
Legislative Role	Legislative	Varies: legislative, veto, constitutional, reflective/scrutinizing
Representation	Proportional and/or regional	More often regional
Relationship with Executive	In parliamentarian systems, the executive is responsible to and dependent on the Lower House	Rarely has a direct say about the executive

Source: Meijer (2015)

To be more in-depth and theoretical, we need first to recognize the concept of parliamentary chambers in general. There are various models of parliamentary chambers, namely unicameral and bicameral. Unicameral is a one-chamber parliamentary system in which no two separate bodies exist, either the House of Representatives and the Senate or the Upper House and the Lower House. Countries that use a unicameral system tend to be small. Quoting Dahlan Thaib, unicameral elections have advantages, including: 1) The possibility to pass laws quickly; 2) Greater responsibility, 3) Fewer elected members so that the public can more easily monitor, and 4) Lower costs for the government and taxpayers (Sulaiman, 2013).

Bicameral is a parliamentary system consisting of two chambers of parliament with a second chamber or Upper House. The model of the second chamber varies across countries, for example, the UK (House of Lords), Germany (Bundesrat), Malaysia (Council of State), and so on. Quoting Andrew S Ellis, King Faisal stated that the constitution’s framers chose the bicameral system to establish a mechanism of checks and balances and to establish representation of certain interests that are usually not adequately represented by the first chamber or lower house. World countries that use a bicameral parliamentary system are Australia (Second chamber, Senate), Germany (Second Chamber, Bundesrat), Netherlands (Second Chamber, Eerste Kamer), Romania (Second chamber, Senate), South Africa [Second chamber, National Council of Provinces (NCOP)], Spain (Second chamber, Senate), and so on (Bulmer, 2014).

Massicotte describes four features of the state and parliamentary system in relation to unicameral and bicameral systems. First is federalism. Countries with a federal form tend to use bicameral parliamentary systems to represent citizens regionally and by population size. Second, population. Countries with small populations use a unicameral system, while countries with large populations use a bicameral system. Third, the size

of the country. In countries with small sizes, the population is also concentrated in a small area, so there is no need for a second chamber. Fourth, countries with stable democracies tend to use a bicameral parliamentary system (Meijer, 2015).

Indonesia has a bicameral system because the MPR is only a joint session (Busroh, 2023). The basic idea of a bicameral system is checks and balances. The second chamber controls the first chamber. Here, the DPD controls the DPR as the first chamber of parliament. Bicameral itself is divided into several categories, namely. In the context of Indonesia, Bagir Manan considers that there are several considerations why Indonesia adopted a bicameral system as follows (Sulaiman, 2013):

1. The two-chamber system describes the mechanism of checks and balances within one representative body;
2. Simplification of the representative body system. There is only one central level representative body consisting of two elements representing all the people and representing the region. There is no need for group elements because they are already represented by elements representing all the people;
3. Regional representatives become part of the parliamentary function. Thus, all regional interests can be integrated and become a factor to strengthen unity; and
4. A two-room system will be more productive.

Another argument for why Indonesia adopted a bicameral parliamentary system is related to the checks and balances associated with determining the relationship between the center and the regions. Especially in the logic of autonomy, regions can check the power of the center and vice versa (Efriza & Rozi, 2010).

Maurice Duverger categorizes the bicameral parliamentary model into symmetrical and asymmetrical (Sulaiman, 2013). More fully, Arend Lijphart argues that parliamentary characteristics can be categorized based on asymmetrical-symmetrical authority and congruent-incongruent parliamentary content. This categorization will produce three types of bicameral systems: First, strong bicameral is when the authority between the chambers in the parliament is symmetrical (the same), but the content between the chambers is incongruent (not the same). Second, medium-strength bicameral when one of the conditions of strong bicameral is missing; in this case, there is one condition between symmetry and incongruence. Third, weak bicameral, if the authority is asymmetrical but the membership is the same (congruent). A medium-strength parliamentary chamber characterizes Indonesia because the membership elements between DPD and DPR are different (Sulaiman, 2013), as well as the authority and position of DPR which is dominant to DPD (Rich, 2011).

With the logic of checks and balances, ideally, the affirmative policy is important to be given so that DPD and DPR can both view women in carrying out its legislative performance. But checks and balances do not occur between the two. This happens because Indonesia's bicameral parliamentary design produces very minimal authority for DPD so that general checks and balances do not occur, especially when checks and balances on gender policy aspects in it.

3.1.5. Correlation Between Regional Representation and Women

Talking about women's representation in DPD is closely related to the function of DPD as a legislative body in Indonesia. This analysis is based on systematic research, looking for the correlation between DPD function and women's representation. As we all know, the DPD is part of the legislature and has a vital role as stipulated in the 1945 Constitution of the Republic of Indonesia. First, DPD can submit a bill to DPR, namely the bill relating to regional autonomy, central and regional relations, the establishment

and expansion and merging of regions, the management of natural resources and other economic resources, as well as those relating to the financial balance between the center and the regions. DPD also discussed certain bills with DPR but have a specific nature that only discusses the bill relating to regional autonomy, central and regional relations, management of natural resources and other economic resources, and the financial balance between the center and the regions. In addition, DPD is also authorized to consider DPR on the state budget bill and the bill relating to taxes, education, and religion. Even so, it should be understood that the legislative role of DPD is only limited to the authority to propose without the authority to decide or enact the bill into law because the authority is in the hands of DPR in accordance with Article 20 paragraph (1) of the 1945 Constitution which states that DPR has the authority to enact the law. Article 20, paragraph (2) of the 1945 Constitution has stated that the DPR and the President discuss every bill to obtain joint approval. If the bill has received joint approval between the DPR and the President, the President will ratify the bill into law. Second is the supervisory function. The supervisory function of DPD is only limited to supervising the implementation of the Act on regional autonomy, formation, expansion, and merger of regions, central and local relations, management of natural resources and other economic resources, implementation of the state budget, taxes, education, and religion. However, the results of the supervision conducted by the DPD cannot be followed up directly by the DPD. Still, they must be submitted to the DPR as a consideration for further action because supervising the course of government and the implementation of legislation is the authority of the DPR. Therefore, DPD does not have the right of interpellation, the right of inquiry, or the right to express an opinion as owned by DPR. Third is the budget function. The budget function of DPD is only limited to considering DPR on the state budget bill, while the authority to set the state budget bill into law remains in the hands of DPR. Fourth, in addition to the three functions above, DPD still has another authority: to receive the results of the examination of state finances provided by BPK and give consideration to DPR in selecting members of BPK. DPD does not have the authority to elect members of BPK and also does not have the authority to choose or give approval in the election of public officials, either proposed by the President or proposed by other state agencies.

Seeing the fairly limited role of DPD, it can be drawn a red thread that there is less correlation between women's representation in DPD. This is based on several factors. First, the authority to form the largest legislation is in DPR, from formation to ratification. Although the DPD has a legislative role, it is very limited to the discussion of regional autonomy alone. Gender issues, domestic issues, violence issues, and equality issues will be more aspired through DPR or DPRD because the role of DPD in the national forum is to bring regional issues to focus on discussing regional issues. This is certainly not necessary for women's representatives in contrast to legislation in the DPR or DPRD, where the legislative issues discussed are not only regional issues but are more general and target women's issues. Second, the supervisory role of DPD has not had a comprehensive and concrete follow-up role. Although the DPD has a role to oversee local regulations, the reality shows that this role does not correlate with affirmation policy actions.

3.2. Analysis Results and Ideal Recommendations for DPD Institutions

Against some of the above considerations, we ask two main questions: First, "Are these considerations important or relevant to the granting of affirmative policies for DPD as the policy on the DPR institution?". Second, "Based on current conditions, does the consideration have a significant impact or may be applied?". The answers to these two questions will then be categorized into three categories:

1. **Need to implement affirmative policies.** This category is when the consideration has important and relevant arguments and has a significant impact or may be applied.
2. **Gray.** This category is where the consideration has important and relevant arguments, but no significant impact or application is possible.
3. **There is no need to implement affirmative action.** This category is when the consideration has arguments that are not important and relevant.

Table 5. Consideration of Affirmative Policies for DPD

For DPD				
No.	Consider	Need for Affirmative Action	Gray	No Need for Affirmative Action Policies
1	Nomination inequality	V	-	-
2	Authority of DPD	-	-	V
3	Other country comparisons	-	V	-
4	DPD as part of the MPR	-	V	-
5	Indonesia's bicameral system	-	V	-

Table 6. Consideration of Affirmative Policies for DPR

For the House				
No.	Consider	Need for Affirmative Action	Gray	No Need for Affirmative Action Policies
1	Nomination inequality	V	-	-
2	Authority of the House of Representatives	V	-	-
3	Comparison with other countries	V	-	-
4	DPR as part of the MPR	V	-	-
5	Indonesia's bicameral system	V	-	-

Based on Table 5 and Table 6, there are significant differences between DPR and DPD in the argumentation on implementing gender quota policy. In DPR, the five considerations resulted in the need for affirmative policy, while in DPD, only the "inequality of candidacy" aspect resulted in the need for affirmative policy. Regarding DPD's authority, the answer does not need affirmative policy. At the same time, other aspects are in the gray area.

Because it has significantly different results, the affirmative gender quota policy cannot be applied to the DPD institution. Therefore, reflecting the regulatory vacuum problem and the potential lack of women in the DPD, other solutions need to be presented to answer these problems. The solution can begin in legal culture to gain awareness so that the paradigm of women and their presence as members can be accommodated in the parliamentary body. To produce a good legal culture, election organizers, namely the General Election Commission (KPU), need to be more active in socializing and attracting female candidates for DPD members. Socialization must be done more massively and scheduled in a gender-fair election policy. The practice of legal culture to accommodate the presence of women in DPD can also be done by DPD candidates in the same province so that at least one female member of the institutional body from the same province can be accommodated. A good example of a gender-fair culture without obligation in legislation is that applied to the Constitutional Court (MK) institution. Until now, the Constitutional Court has accommodated one female Constitutional Judge. This is evidenced when Maria Farida was replaced as a

female judge, Enny Nurbaningsih, who is also a woman, replaced her. This culture is important because the Constitutional Court exercises the authority to examine laws that are also related to the topic of children and women. DPD has the same style as the Constitutional Court; the hope is that the culture can grow, starting with more massive socialization by the KPU in DPD electoral districts throughout Indonesia.

4. Conclusion

The results of this study, based on consideration of the nomination inequality and patriarchal culture, comparison of other countries, DPD as part of the MPR, Indonesia's bicameral system, and the correlation of Regional Representation and Women's Issues in Indonesia; DPD has several important and relevant arguments for implementing affirmative gender quota policies. However, against these considerations, some arguments are not important and irrelevant, have no significant impact, or are impossible to apply, which is a challenge to implementing affirmative policies such as the House of Representatives. To that end, the most appropriate recommendation for DPD is simply through more massive socialization of candidacy by the General Election Commission (KPU) so that the legal culture in the form of awareness of the existence of female DPD members will grow and concerns about the lack of female DPD members can be prevented.

Acknowledgment

We would like to thank the parties involved in discussing the issue of the Regional Representative Council and women's representation, especially colleagues at Gadjah Mada University and UIN Sunan Kalijaga.

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