



## The proposed on fulfilling the 30 percent quota of female legislative candidates by political parties participating in the election of people's representative in the City (DPRK) of Banda Aceh

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### Abstract

Democratic consensus assures the holding of parliamentary elections (elections) as an absolute indicator of its implementation. And for Indonesia, election is an essential element of the history of the constitutional system. The necessity of holding elections is also discussed within the constitutional framework. Law Number 7 of 2017 Article 240 respecting General Elections controls general elections which are held officially, freely, quietly, honestly and fairly every five years. This has an impact on the political phenomena where parties looking for female legislative candidates seem forced, this is due to the lack of participation and also the credentials of women in nominating themselves as female legislative candidates. The obligation of political parties is also meant as a means of delivering political education to the public as well as candidates so that both candidates and the public may comprehend and participate as a kind of democracy in politics, especially for those representing women. This research aims to explain how the fulfillment of the 30 percent quota for female legislative candidates by political parties participating in the People's Representative Council elections in the city of Banda Aceh is in accordance with the legal provisions in force in Indonesia as well as the ability of political parties to fulfill this quota and explain structurally the causes of obstacles in its implementation. The approach utilized in this research is empirical juridical which is field research, essentially research on primary data which, like research, investigates legal regulations which are then integrated with facts and behavior that lives in society. The results of the research show that the fulfillment of the 30 percent quota for female legislative candidates by political parties participating in the People's Representative Council elections in the city of Banda Aceh is still lacking in fulfilling the quota and is hampered by fulfilling the requirements for women's candidacy which is still not in line with the regulations of Law Number 7 of 2017 Article 240 Concerning General Elections. The solution to overcome obstacles in fulfilling the Women's quota by political parties participating in the People's Representative Council elections in the city of Banda Aceh can be implemented by efforts to update the requirements in Law Number 7 of 2017 Article 240 concerning General Elections in fulfilling the 30 percent quota for women legislative candidates by political parties participating in the election. This enables for an active role in political parties to pay more attention to the cadres of legislative candidates from political parties, notably the role of women in political engagement. Political parties can also play an active role if legislative requirements can be in keeping with the context of the party's vision and mission for each candidate for each cadre. so that political sensitivity in Indonesia can flow in compliance with the rules and regulations of legislation that apply both today and in the future.

**Keywords:** Political party, local political party, election, governor

### Introduction

The right to vote and choose is a protected and recognized right in the Constitution of the Republic of Indonesia (UUD 1945). Article 27 Clause (1), Article 28D Clause (3), Article 28E Clause (3) are applicable. This is also stipulated in Article 43 (1) of Law Number 39 of 1999 concerning Human Rights. These provisions serve as the legal basis for every Indonesian citizen to have the freedom to participate in the appointment of their representatives, both as members of the legislature and as heads of the executive branch, through general elections. Therefore, all citizens who enjoy these rights in all elections must be free from fear and any form of discrimination that may hinder their enjoyment of the right to vote and the right to be elected in all elections <sup>[1]</sup>. Elections are a means to achieve the sovereignty of the people in a country that adheres to the principles of democracy. The election provides the widest possible space for the people to engage in politics, albeit only in the context and position as voters. The purpose of general elections is to establish a democratic government based on Pancasila and the 1945 Constitution of the Republic of

Indonesia. Direct, universal, free, secret, fair, and honest general elections can be achieved when conducted by election organizers who possess integrity, professionalism, and accountability <sup>[2]</sup>.

Democratic consensus ensures the implementation of parliamentary elections (elections) as one of the absolute indicators of its execution. For Indonesia, elections have become an inseparable part of the country's constitutional system. The importance of conducting elections is even debated within the framework of the constitution. Article 22E stipulates the direct, universal, free, secret, fair, and honest elections every five years. Article 1, paragraph (3) of the 1945 Constitution of the Republic of Indonesia explicitly states that Indonesia is a constitutional state.

Law Number 7 of 2017 on General Elections regarding the Procedure for Submitting Candidates for Members of the Regional Representative Council (DPR), Provincial DPRD, and District/City DPRD, as mentioned in Article 245, states that the list of prospective candidates as referred to in Article 243 must include a representation of women of at least 30% (thirty percent). This means that the participation

of women in the government role in the DPRD seats is mandatory, considering the previous regulations on women's involvement capacity remain the same and are systematically mentioned in the legislation.

The participation of women in the public and political arena is a crucial step towards rebuilding the economic, political, and social conditions necessary to achieve gender equality and provide equal opportunities and progress for both women and men. Women are capable of keeping up with the progress of time, thinking, and devising strategies for their own needs. The current participation of women in politics is increasingly needed to integrate gender needs into various public policies and produce legal instruments that are gender-sensitive, which have been neglected and hindered women in various sectors of life. The lack of women's political participation in general elections (Pemilu) is caused by a series of barriers that restrict women's progress. Strengthening women's political participation requires equal empowerment and opportunities for both men and women to engage in politics, starting with greater involvement of women in the political party structure<sup>[3]</sup>. The phenomenon of general elections that take place every 5 (five) years demands active participation from the community and political parties that accommodate such participation. Additionally, the analysis of each political party's obligations to provide political education to both the public and candidates is crucial for them to understand and participate in politics as a form of democracy, especially for women's representation. However, the biggest challenge faced by Indonesia currently is how to assess whether the fulfillment of the 30 percent quota for female legislative candidates by political parties participating in the People's Representative Council elections in Banda Aceh has been carried out systematically or if specific additions are needed in its implementation, particularly from the parties' perspectives.

### Research methods

The research method employed in this study was the empirical juridical approach which is widely used by law sociologists that aims to obtain the empirical legal knowledge related to the fulfillment of the 30 percent quota of female legislative candidates by political parties participating in the People's Representative Council elections in the city of Banda Aceh. This empirical juridical approach was also categorised as sociological legal research and also as the field research, which studies the legal provisions that apply in people's lives. In other words, it is research that occurs in society with the aim of knowing and finding the facts and data needed, after the required data is collected it then leads to problem identification which ultimately leads to solving the problem<sup>[4]</sup>.

### Results and Discussion Compliance with the requirement for political parties participating in the People's Representative Council Election in Banda Aceh City

To nominate a minimum of 30 percent female candidates for the legislative positions, the political parties participating in the People's Representative Council elections in the city of Banda Aceh are required to meet the quota of 30 percent female legislative candidates. This requirement is in accordance with the Indonesian law, specifically Law Number 7 of 2017 Article 240 concerning General

Elections. The provisions outlined in paragraph (1) include requirements such as being at least 21 years old, being a citizen of Indonesia, having a minimum education level of high school graduation, having no prior convictions, and so forth. This provision is applicable when the political party supplies administrative equipment to the General Election Commission and when the fulfillment of the Women's quota in the general election for people's representatives in Banda Aceh has been executed in compliance with the law.

Political parties in general must ensure the fulfillment of the 30 percent quota for female legislative candidates. However, each party faces its own challenges in meeting this requirement for the People's Representative Council elections in the city of Banda Aceh. Typically, political parties must meet the quota specified in the law to ensure their eligibility for nominating candidates for regional representation in the future. However, there are no mandatory penalties if the representation of women falls below 30 percent.

General elections featuring an excessively diverse multiparty system often lead to numerous issues and detrimental political consequences in the nation's political landscape. As symptoms appear in post-reform general elections in Indonesia, the problems appear in the technical aspects of planning; budgeting; logistics management (procurement and distribution); campaign settings; administrative management of the implementation of voting and vote counting; even in resolving disputes and disputes over the results of general elections in the future<sup>[5]</sup>.

Political parties' non-compliance is a contributing factor that hinders the fulfillment of the Supreme Court's ruling to have 30 percent of female parliamentary candidates. This might potentially have dire ramifications for the election, as it is at risk of being deemed unconstitutional and could result in potential litigation over the election outcomes at the Constitutional Court. Conducting accurate and exemplary elections may foster healthy competition, ensure representation of the community, and promote accountability in their execution. In the context of conducting elections, many types of elections are held, including as those for members of the DPR, DPD, and DPRD, as well as the elections for the President and Vice President. These elections are conducted separately and in different phases. Hence, the pursuit of women's involvement in development has logical implications for achieving a participatory national existence. The purpose of this is to ensure that every citizen actively participates in the process of development. The fulfillment of women's representation in state institutions, such as the DPR, is an imperative requirement for Indonesia to have a genuinely democratic society.

Jimly Asshiddiqie asserted that elections serve as a platform for establishing and operating a democratic government. They are conducted periodically to reflect changes in public attitudes and opinions, as well as to address the aspirations of the people in selecting leaders and representatives in parliament, with a focus on the conditions and aspects of their lives. Moreover, experiences are subject to alterations based on conditions and circumstances, contingent upon the environment that exerts an influence. These influences, which can be attributed to dynamic factors within the local or domestic setting, or the global arena, have the potential to modify aspirations. Such modifications may arise from internal or external factors that impact the community. to

actualize the nation's principles. Thus, elections serve as a mechanism for directing and expressing the essential human rights of citizens. The impediments that hinder the achievement of the 30 percent quota for female legislative candidates by political parties participating in the People's Representative Council elections in the city of Banda Aceh are already well-documented. According to initial research conducted with various parties in Aceh, including the *Partai Golongan Karya*

(Golkar), *Partai Amanat Nasional* (PAN), *Partai Keadilan Sejahtera* (PKS), *Partai Demokrat*, and *Partai Aceh* (Aceh Local Party), there are still several challenges in implementing the regulations outlined in Law Number 7 of 2017 Article 240 regarding General Elections, particularly in terms of political mechanisms. supports women running for legislative positions. There are several obstacles experienced by political parties in meeting the 30% women quota is finding female legislative candidates in nominating themselves to represent the party, this results in the party's decision to carry out and search for legislative candidates in an instant way, we can see this in the political phenomenon where parties looking for female legislative candidates seem forced, this is due to a lack of participation and also the qualifications of women in running as female legislative candidates.

The insufficient motivation among women and party members to meet the 30% requirement for female legislative candidates in Banda Aceh, as well as the need for permission from family or husbands, pose obstacles for political parties in fulfilling this quota for the People's Representative Council elections in the city. Preventive Solutions for Setting the Threshold for District Head Candidates in Aceh

### **Solutions towards the Fulfillment of the 30 Percent Quota of Female Legislative Candidates by Political Parties Participating in the electoral process for the People's Representative Council in Banda Aceh City**

The significance of women's presence in politics stems from various crucial matters pertaining to the overall well-being of society and the specific concerns of women. Reproductive health, family welfare, child welfare, and sexual violence are persistent and troubling issues.

Integral aspect of women's existence <sup>[6]</sup>. The involvement of women in politics, particularly in legislative bodies, is crucial for advocating and directing the desires and ambitions of women themselves. Women possess a unique capacity to comprehend, experience, and demonstrate empathy towards the issues and aspirations specific to their gender. Consequently, the inclusion of women's representation is anticipated to have a significant impact on the formulation of policies, resulting in fairness and the incorporation of a gender viewpoint <sup>[7]</sup>. The crucial feature is that women who possess the ability to express women's strategic interests are more dedicated to promoting women's empowerment. Their goal is to achieve gender equality and justice in all areas of life, including the home, community, and state <sup>[7]</sup>.

The primary issue with elections is not solely confined to the technical procedures, which frequently face several infractions. The fundamental difficulty lies in the fact that the outcomes or essence of the election fall far short of the anticipated standards. The ultimate objective of the election is to generate exemplary leaders. Currently, the

implementation process remains amateurish and unprofessional. Furthermore, the elected legislative members generated through the election process are widely regarded as being of low quality. This is due to their limited leadership professionalism, legal issues, and their failure to make progress in the regions they govern during their tenure <sup>[8]</sup>.

The enactment of Law Number 12 of 2003 to Law Number 7 of 2017 regarding General Elections has effectively granted women temporary special privileges in the political arena through affirmative action. The legislation reform policy enables women to enhance their political representation in parliament by a minimum of 30 percent. However, its execution encounters fluctuations in every election. In the 2019 election, the application of the 30% mandate for female representation in parliament fell short, with only 20.5% or 220 individuals out of 575 being elected as legislative members. In the 2019 elections, all political parties successfully met the requirement of having 30% representation of women as a prerequisite for the progress of democratic parties <sup>[8]</sup>.

Regarding its execution, political parties shall strive to enhance the caliber of female candidates for legislative positions and increase the mandated number of such candidates. An effective approach is to organize a democratic gathering that actively includes young individuals as potential future leaders of Indonesia, with a focus on promoting gender equality. Female. Many parties believe that the 30 percent quota is excessively high when considering the effectiveness of identifying qualified and dedicated female candidates for the legislature who are devoted to contributing to the nation's governance. The paramount factor is the caliber of the legislative candidates, as they will serve as exemplars for the community to emulate their achievements. It is the responsibility of every person to fulfill their rights and obligations as citizens of a fully democratic Indonesia.

### **Conclusion**

Essentially, women's political involvement refers to the voluntary engagement of women who are part of the political women's caucus group. This caucus comprises a diverse range of participants, such as political analysts, women advocates, educators, female legislators, and members of political parties. They actively engage in the selection of leaders, either through direct or indirect involvement in the policy-making process. Overall. Participation is not limited to the political sphere, but extends to all aspects of life. Women possess both the right and responsibility to actively engage and contribute. This necessitates a collective and arduous effort by women across all domains, with particular emphasis on the very influential realm of politics. Regarding policy products. The involvement of women in development is determined by their own interests. The recognition of women's role in development has led to the concept of a dual role or equal partnership. Additionally, women are encouraged to engage in politics as representatives of their communities, particularly in making political decisions that pertain to the advancement of women's Rights <sup>[9]</sup>.

The issue of individuals' engagement in elections becomes problematic when confronted with the challenge of enhancing the significance of democracy. Consequently,

women's participation in nominating political candidates for general elections is progressively falling short of the 30% threshold mandated by statutory restrictions. How is public involvement in general elections democratized? Given that nearly all political parties have reached a consensus on the significance of citizens' political engagement in national elections. Nevertheless, the execution of this position really comes down to issues concerning political elites and election organizers. An instance of the manifestation of instability in individuals' political engagement is the inability of the ruling class to safeguard the populace's right to vote in national elections. This can be attributed to the ambiguity in the Permanent Voters List (DPT) for both regional elections and general elections. This complicates the process of capturing images in other areas involving individuals' political involvement. In terms of functionality, stakeholders who have an impact on elections can be categorized into four groups: enforcement groups, monitoring groups, political groups, and bureaucratic groups. The implementation team, comprised of the KPU, Provincial KPU, Regency/City KPU, PPK, PPS, and KPPS, is formed through a transparent recruitment process that must adhere to legal standards. A group of observers, including Bawaslu, Bawaslu Province/Provincial Panwas (Election Supervisory Committee), Regency/City Panwas, District Panwas, and field election observers, was established in accordance with the legal requirement through a selection procedure.

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