

The Executive Summary

Quota and Decentralization

The Study on the Representation of Women in 2009 Legislative Elections at *DPR RI* (Indonesian Parliament), *DPRD* (Legislative Assembly) of the City of Banda Aceh, the City of Solo, the City of Pontianak, the City of Mataram and the District of North Minahasa

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“The patriarchal culture implanted in the structure and culture of a community is capable of creating gender imbalances within the community concerned.”
(McDonald. 1999)¹

Preface

Similar to the above statement, gender imbalances in Indonesia are still found in various aspects of life, in social as well as in political sectors. One of them is found at the legislative assembly structure. Therefore, The Women Research Institute (WRI) has conducted a one-year study to assess the promotion of women’s representation at legislative assemblies in Indonesia as shown by the 1999 election results. An assessment on the quota system capability² of promoting political representation of women at the formal political institutions has been made by WRI at the national and regional levels. WRI has conducted a research in the national legislative assembly (House of Representative – DPR RI) election for the national level, and in municipal assemblies of the cities of Banda Aceh, Solo, Pontianak, Mataram, and the regional assembly of North Minahasa district.

History of Women’s Representation at Legislative Assemblies

The 2000 BPS (Statistical Bureau) records show that out of 209,000,000 people of Indonesia, 105 million are women – larger in number than the total number of men which is 104 million³. But the larger number of women is not equally represented at the legislative assemblies. On the contrary, women have a much less proportion of representation than that of men. This has been reflected in the sheer low representation of women in DPR RI (National House of Representatives) since Indonesia had a parliament until the last period of 2004-2009.

¹ Mac Donald, Mandy., Sprenger, Ellen dan Dubel. *Gender dan Perubahan Organisasi*. Yogyakarta: ISIST dan REMDEC, 1999. Hal.1.

² Quota system is a system with minimum presentation of men or women to ensure an amount balance and a description of men and women in political positions and decision makers. The definition was cited from “The Quota System: Women’s boon or bane?” in Women Around the World, A quarterly fact sheet of the Center for Legislative Development, April 2000 vol.I, no.3. in Ani Widyani Soetjipto, “Politik Perempuan Bukan Gerhana” (Jakarta:Kompas, 2005), p.105

³ www.bps.go.id. Accessed on 26 November 2005 at 10.45 West Indonesian Time (WIB)

Table 1.
Women in DPR RI 1955-2004

Period	Women	Men
1955-1956	17 (6.3%)	272 (93.7%)
Constituents 1956-1959	25 (5.1%)	488 (94.9%)
1971-1977	36 (7.8%)	460 (92.2%)
1977-1982	29 (6.3%)	460 (93.7%)
1982-1987	39 (8.5%)	460 (91.5%)
1987-1992	65 (13%)	500 (87%)
1992-1997	62 (12.5%)	500 (87.5%)
1997-1999	54 (10.8%)	500 (89.2%)
1999-2004	46 (9%)	500 (91%)
2004-2009	61 (11.09%)	489 (88.9%)

Source: General Secretariate of The Indonesian Parliament (DPR RI) , 2001⁴

During the Old Order and New Order (1955-1977) the government failes to increase the number of women's representatives in parliament. The affirmative action on the women's representation is actually taken in the reform era – more precisely at the time when the 2004 election takes place⁵. The 2004 election has accomodated the 'affirmative action' by applying the minimum quota of 30% women's representation in the legislative assembly nomination. During the 2004 election the authorities combines the quota system and the sequential (numerical) order, but they have not used the 'zipper system' yet⁶. The affirmative action during the 2004 Election is seen by many as 'having flaws' resulting in that the number of women is only 11.09% out of 550 members of the House. This has given an important lesson to Indonesia, particularly the women's movement circles, in their efforts to promote women's representation in parliament at the 2009 Election.

Affirmative Action to Increase Women's Representation at 2009 Election

At the 2009 Election, the affirmative action is taken by elaborating the quota system, the zipper system and the sequential system. The elaboration of this affirmative action is a result of the lesson taken from the 2004 Election. In accordance to the the Election Law that tokes effect at the 2004 Election (Election Law No. 12 Year 2003) legislative candidates are to be appointed as members of parliament according to the their numerical line-up. Consequently, those with first smaller numbers would have better chances of becoming members of the House. It's clearly shown below:

⁴ *Op.cit.* hal. 239.

⁵ In general, the affirmation action means a pro-active action to eradicate discrimination against gender and race. Ibid, p. 99.

⁶ Zipper system is a candidate determination mechanism in a list of candidates based on a sequence number, alternately between men and women due to provide a balance opportunity of them.

Table 2.
Number of DPR RI Members Based on Sequential Nomination System at 2004 Election

No.	Numerical Order	Number of 2004-2009 DPR RI Members	% o Members of 2004-2009 DPR RI
1.	1	405	73.6%
2.	2	104	19%
3.	3	32	5.8%
4.	4	6	1%
5.	5	3	0.6%

Source: Data taken from Election Committee (KPU) regarding the Decision on Vote Numbers of Political Parties and Elected Nominees of Members of the House of Representatives at the 2004 General Election.⁷

The above table shows the legislative assembly is dominated by candidates with the first and second rows of the lineup, whereas those with numbers three and four in the nomination order are not significant in proportion. Matters begin to get worse when a large number of women are given relatively high sequential order in the nomination. This has made them more difficult to be elected as members of the assembly. Records in the List of Permanent Candidates for the 2004 General Election showed only 9.17% of women candidates have been given the first places in the candidacy order, and only 16.8% the second row out of 100% women nominated by the contesting political parties.⁸ The low number of woman candidates on the first and second rows also show that the success rate of women entering the legislative assemblies is also low, bearing in mind the fact that only candidates holding the first and second numerical lineups have better chances of winning parliamentary seats.

Embarking from the 2004 Election experiences the authorities have decided to put into effect the 2008 General Election Law requiring all political parties to nominate at least ONE woman candidate among each three candidates put in the numerical order. This is to avoid failures in women entering parliament, because they have more often been allocated rear row places – less prioritized political party candidates. Despite the fact that the 1:3 zipper system has been laid down in the 2008 Election, a number of political parties still put women candidates in the last sequential lineup of each row of three – number 3, 6 and 9. Anyway, of the goal of the zipper system is to be achieved, at least there should be one female member of parliament among every three lawmakers elected.

The election nomination process with quota and zipper systems for the 2009 General Election has had significant effect. Most political parties have endeavored to promote women's representation in the electoral nominations to a point closer to or even in accordance to the minimum quota of 30% (one woman among every three candidates). One of the real effects of the increase in the number of female legislative election candidates compared to that of the 2004 General Election. The following is the table showing the comparison:

⁷ Komisi Pemilihan Umum, *Penetapan Perolehan Jumlah Kursi Partai Politik dan Calon Terpilih Anggota Dewan Perwakilan Rakyat dalam Pemilihan Umum Tahun 2004*; in www.kpu.go.id, accessed on 26 July 2007 at 17.00 WIB.

⁸ Fitriyah, *Perempuan di Pemilu 2009*; in www.suaramerdeka.com accessed on 19 January 2009 at 20.34 WIB.

Table 3.
Composition of Female Legislative Election Candidates (*Caleg*) of the 2004 Election in DPR RI and Five DPRD of District/Municipality
WRI Research
(Banda Aceh, Solo, Pontianak, Minahasa Utara dan Mataram)

Parliament	2004 Election		2009 Election	
	Σ Caleg ♀	% Caleg ♀	Σ Caleg ♀	% Caleg ♀
DPR RI	2507	32.3%	3894	34.7%
DPRD Banda Aceh	-	-	137	29.7%
DPRD Solo	151	-	193	35.5%
DPRD Pontianak	200	27.96%	430	36%
DPRD Minut	-	32%	188	40%
DPRD Mataram	-	-	235	34.2%

Sources: KPU Pusat and KPUD Banda Aceh, Solo, Pontianak, Minahasa Utara, and Mataram

The above table shows that the number of woman candidates for the election in the House of Parliament, the Solo, Pontianak Municipal Legislative Assemblies and the Northern Minahasa Regional Assembly has increased. The 2009 Election records also show that elections for DPR RI members and other regional assemblies – except for Banda Aceh Municipality – have met the quota of minimum 30% of women among all candidates put forward by every political party. The number of women represented in the nomination lists has even exceeded the 30% quota and the Northern Minahasa regency has had over 40%, the highest of them all.

With regard to the above data, the minimum 30% quota for woman candidates is seen as having produced a good result for the political parties in promoting woman nominations. The average numbers have fulfilled the lowest limit of 30% female representations. However, does this really prove that every political party taking part in the election has executed the quota regulation accordingly? Below is the table of the research results on the major parties contesting in the 2009 General Election and their efforts to meet the quota:

Table 4.
Composition of Legislative Election Candidates (*Caleg*) and Members of Female Legislative on the 2009 Election in DPR RI, Based on
Nine Major Party Election Winners

No	Political Party	Amount of <i>Caleg</i> ♀	% <i>Caleg</i> ♀
1.	PD	220	33.3%
2.	PDIP	221	35.19%
3.	PG	192	30.09%
4.	PKB	134	34.18%

5.	PAN	174	29.44%
6.	PPP	135	28,78%
7.	P.Gerindra	112	28.94%
8.	P.Hanura	186	31%
9.	PKS	215	37.17%

Source: KPU Pusat RI

The records in the above table explain that although the total number of woman candidates nominated by political parties has reached 34.7%, the fact is that not all parties have fulfilled the minimum 30% quota. Out of nine major political parties in that table, only six have met the minimum rate set by the quota. The other three have failed to meet the 30% quota; they are PAN, PPP and Gerindra Party. This failure (to reach 30%) is also shown in the regional/local legislative elections. One example to illustrate the situation is how the following table shows the percentage of woman candidates in 7 major political parties in the regional election in Pontianak Municipality.

Table 5.
Composition of Female Legislative Candidates on the 2009 Election in DPRD Pontianak RI Based on Seven Major Parties in Pontianak

Party	% <i>caleg F Dapil 1 Municipality Ptk</i>	% <i>caleg F Dapil 2 West Ptk</i>	% <i>caleg F Dapil 3 North Ptk</i>	% <i>caleg F Dapil 4 East Ptk</i>	% <i>caleg F Dapil 5 South-Southeast Ptk</i>	Total %
Golkar	27%	42%	18%	33%	31%	30%
PDIP	44%	22%	33%	29%	20%	30%
PPP	27%	33%	14%	57%	22%	32%
PKS	36%	50%	54%	43%	42%	45%
PAN	36%	27%	28%	29%	15%	27%
PD	36%	42%	37%	17%	31%	34%
PKB	17%	20%	30%	25%	0	22%

Source: was processed from KPUD Kota Pontianak's Data

The data demonstrate that the candidate nominations by political parties in the regions, which have been adjusted to different conditions of individual regions, have shown the political parties' inconsistency in fulfilling the woman candidacy quota. Apart from PKS, no other parties have fulfilled the minimum 30% targets – evenly in every electoral region (Dapil) - PAN and PKB even have had only one region where they have succeeded in fulfilling the 30% quota. The situation in which the seven major parties failed the 30% quota is contradictory to the overall 36% representations of women nominated by the political parties (Table 3). Data in Tables 3,4 and 5 clearly show that so far not all political parties

have complied with the Law stipulating that they are obliged to submit at least 30% women among their candidates.

Another affirmative action for further study regarding its application by the contesting parties is the alternate placements of women – one woman among every three candidates – in the lists. The table below shows data of placements of women according to their sequential lineups designated by the nine parties in the 2009 General Election.

Table 6.
Placement of Female Legislative Candidates Based on Sequence Number of the 2009 in DPR RI, Based on Election Winners of Nine Major Parties

Political Party	1	2	3	4	5	6	7	8	9	10.11,... etc
PD	15	17	53	23	21	40	14	16	14	7
PG	12	17	51	12	13	42	11	12	13	9
PDIP	2	21	56	11	26	38	18	21	15	13
PAN	10	17	45	19	16	26	10	10	10	11
PKS	2	8	64	7	26	41	18	23	17	9
PKB	10	26	43	11	14	13	6	7	1	3
PPP	13	19	29	23	19	16	13	6	2	...
P.Gerindra	13	15	43	10	16	3	3	1	0	5
P.Hanura	5	22	53	10	23	32	12	10	9	10

Resource: processed from the *KPU Pusat* data

In general the political parties have changed their attitudes in placing woman candidates in the sequential lineups in the 2009 Election from theirs in the previous 2004 Election. Woman candidates in the 2009 Election are given much more respected sequential numbers, not just the so called „shoe size numbers’ largely allocated for them in the past. This displays that the zipper system regulation has good effects on the election participants. The above table, however, shows that the political parties have fulfilled only the minimum target of one woman among every three candidates and put her in number three of a row and its multiplication (6, 9 and so forth). The significant number of women turning up in the list numbers of 3 and 6 in the above data demonstrates that the political parties often put women in the least row of options in the zipper system. The political parties tend to put one woman candidate in the third place while numbers one and two are set aside for male candidates. This is not in line with the intention of the zipper system regulated by the law which states: at least one female out of every three candidates. That means more than one woman candidate is likely to be nominated and women should not be ruled out to get the first or second rows.

Table 7.
Placement of Female Legislative Candidates Based on the 2009 Election Sequence
Number in DPRD Pontianak Municipality, Based on
the Seven Major Party Election Winners

Partai	Sequence numbers of women <i>Dapil</i> 1 Municipality Ptk	Sequence numbers of women <i>Dapil</i> 2, West PTK	Sequence numbers of women <i>Dapil</i> 3, North PTK	Sequence numbers of women <i>Dapil</i> 4, East PTK	Sequence numbers of women <i>Dapil</i> 5, South-Southeast PTK
PDIP	2,4,8	3,6	3,6	3,6	6
Golkar	1,6,9	3,6,9,10,11	3,6,9	2,6	2,6, 9,11
PPP	3,6,8,11	2,7,9,12	2,9,10	1,5,6	3,9
PAN	3,6,7,10	2,5,8,10	3,4,7	2,5	2,6
PKS	3,6,8,11	3,5,7,9,10,11	3,6,7,9,10,11	2,6,7	3,5,7,11,12
PKB	3,6	2,6	4,6,7	3	3
PD	3,6,8,9	3,5,8,9,12	3,5,7	3	3,6,9,12

Sumber: data diolah dari data KPUD Kota Pontianak

The above data show the comparison between what have taken place in the national level for the Indonesian parliament (DPR RI) – Table 6 – and in the regional level, in this case what has happened in the regional assembly election in Pontianak Municipality. The data show the phenomenon resulting from the national level is not much different from that of the regional level. Women are still given the third row or its multiplication in the election nomination lineups by the seven major political parties (see the red-colored numbers). Not just that, most woman candidates are put in the „shoe size number’ rows (blue numbers). The fact is that the number of woman candidates with rows number one and two is still very limited.

Tables 3,4,5,6 and 7 showed that the quota affirmation and zipper system have made positive changes albeit their many shortcomings. The political parties still haven’t consistently and evenly tried hard to fulfill the minimum 30% quota, whereas the zipper system hasn’t been maximally taken into reality. All this has been partly attributed to the non-binding affirmative ruling since it bears no sanctions against any election participant which has failed to comply with. According to the KPU (Election Committee) any political party failing to act in compliance with the affirmative rules would only be given back its candidate list for re-fixing. Subsequently, if the party still fails to rectify the candidate list it would be given a sanction in the form of a notification in the press about the failure, but this doesn’t affect its participation in the election. The following table shows how no political party in Pontianak Municipality has made changes after the Election Committee (KPU) returns its candidate list for the failure in fulfilling the affirmative action.

Table 8.
Composition of 30% Quota of Female Legislative Candidates and the Zipper System
between DCS and DCT of DPRD Legislative Candidates of Pontianak Municipality,
2009

<i>Dapil</i> (Election Region)	Parties Without DCS's Changes	Parties With DCS's Changes			
		Females are Replaced by Males	Females are Replaced by Males	Females are Eliminated and not Be Placed	Females are added
<i>Dapil 1</i>	5 (Golkar, PPDI, PK, Pelopor, PBB)	-	-	4 (PPP, PKB, PNI, PKDI)	-
<i>Dapil 2</i>	5 (PKNU, PDIP, Karya Perjuangan, Gerindra, PKPB)	-	-	3 (PIS, PKB, PAN)	-
<i>Dapil 3</i>	6 (Hanura, PKP, PPDI, PDK, PBB, PSI)	-	1 (PPD)	8 (Barnas, PAN, PPD, PMB, Golkar, PPP, PDIP, PKNU)	-
<i>Dapil 4</i>	12 (Hanura, PAN, P.Kedaulatan, PKB, PMB, PPDI, PBBB, PDIP, PD, PIS, PNUI, P.Buruh)	-	-	2 (Gerindra, PNI Marean)	-
<i>Dapil 5</i>	5 (Gerindra: there is a sequence change of number of women legislative candidates from 4 to 3, PAN, PKP, PPP, PDIP)	-	-	4 (P.Kedaulatan, PKB, P.Pelopor, P.Buruh)	-

Note: Data is processed from the List of Temporary Legislative Candidates of the 2009 Election, KPU Pontianak Municipality and the List of Permanent Legislative Candidates of the 2009 Election, KPU Pontianak Municipality

The light sanction which brings little effects on the nomination of election candidates makes the participating political parties perform short of optimal point in fulfilling the affirmative action. One of the causes found in the investigation by WRI that may have influenced the low rate of woman nomination is related to the party management.

Table 9.
Composition of Legislative Candidates Who Are Political Parties' Board Members and Non Political Board Members of the 2009 Election in DPRD Pontianak Municipality Based on the Seven Major Parties in Pontianak Municipality

Party	<i>Caleg</i> who are board members	%	<i>Caleg</i> who are non-board members	%	Total
Golkar	15	100%	0	0	15
PDIP	14	93.3%	1	6.7%	15
PPP	14	93.3%	1	6.7%	15
PKS	10	67.7%	5	33.3%	15
PD	12	80%	3	20%	15
PKB	9	60%	6	40%	15

Source: Data is processed from data of board members of Golkar, PDIP, PPP, PKS, PD, and PKB of Pontianak Municipality and data of KPU Pontianak Municipality

Table 9 illustrates that the most likely-to-win places (1st, 2nd and 3rd) have been dominated by members of the political party managements. It's explained that out of those six major parties in Pontianak, to be members of the party managerial boards gives better chances of obtaining better places in the candidate lists than those who are not involved in the management. Thus, to become a member or cadre of a political party alone is not enough. In line with this situation, a question is to be raised: is there enough number of women involved in party managements?

Table 10.
Composition of Political Party Board Members (to the end of 2009) in DPC and PAC Levels, Based on the Seven Major Parties in Pontianak Municipality

Party	DPC	PAC of Municipality	East PAC	South PAC	Southeast PAC	West PAC	North PAC	Total
PPP	M:37 F:9	M:15 F:3	M:19 F:8P	M:18 F:3	-	M:26 F:2	M:18 F:2	16.9%
PD	M:29 F:4	-	M:12 F:3	M:11 F:4	M:11 F:4	M:10 F:3	M:10 F:6	26%
PKS	M:80 F:2	M:7 F:10	M:20 F:12	M:8 F:7	M:7 F:14	M:9 F:7	M:7 F:5	29.2%
Golkar	L:48 F:15	M:17 F:22	M:14 F:9	M:23 F:8	-	M:23 F:10	M:21 F:5	31.7%
PKB	M:17 F:2	M:5 F:3	M:3 F:1	M:2 F:1	-	M:7 F:2	M:4 F:1	20.8%

PDIP	M:11 F:2	M:5 F:4	M:9 F:2	M:10 F:1	M:9 F:2	M:9 F:2	M:10 F:1	18.2%
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Source: Data is processed from the board member data of Golkar, PDIP, PPP, PKS, PD, and PKB Pontianak Municipality

Pontianak's data in Table 10 show that only a small number of women are involved in party managements in sub-branches and branches (PAC and DPC) levels in Pontianak. Out of the six major parties in Pontianak, only one party has met the minimum limit of 30% woman legislative candidates. It's Golkar. Other parties aren't represented well enough by women. Compare this to the data in Table 9 to see that the low involvement of women in the party management may have resulted in the low number of women being selected by their parties as legislative candidates. And that's why only few women have been given the most-likely-to-win sequential numbers.

The low representation of women in the party managements doesn't only affect the candidate nomination process. The low representation and the less strategic positions held by most women members in the managerial boards may have resulted in that the party fails to produce programs and policies which are sensitive to the needs of the party cadres, participants and women in the society. WRI's research in 5 towns finds that major parties have largely had no programs dealing with women's issues and problems. Political education – often seen by many as needed by female members of general public, cadres and participants – is rarely held. The low representation of women in the party managements is said to be attributable to the Law on Political Parties which has failed to legally bind the political parties at all levels, from the top to the regional boards, to meet the minimum 30% women's representation in the management.

Amendment in Ruling: from Sequential Numbers to Top Votes Winners in 2009 Legislative Election

With the application of the zipper system quota and the sequential number nomination in the Election the number of woman legislative assembly members is expected to increase. Nevertheless, even before the election takes place, the affirmative action for women's representation has to face a fresh challenge with the abolition of the sequential number system (of candidate nominations by parties) and the introduction of the top vote winner system. All the hard work of various woman movements to promote women's representation with the zipper system and 30% quota is now facing uncertainty. The zipper and minimum 30% woman candidate quota systems are now cancelled after the sequential number regulation has been annulled through a judicial review by the Supreme Constitutional Court (MK) at the end of 2008. Different assumptions and opinions with regards to the women's representation struggle in the 2009 General Election are raised in response to this change. Many activists as well as political observers and academics believe that the top vote winner system would only put down the struggle to promote women's representation in parliament.

Economic and political hurdles are seen by some academic circles and women's cause advocates as challenges faced by the woman legislative candidates. Male candidates who have had their start line ahead of their woman comrades in the political movement are also seen as another cause why it's difficult for women to compete in the struggle to collect any top number of votes in the election. Besides, the socio-cultural condition of the Indonesian people with its strong patriarchal characteristics is regarded as „still unprepared' to accept women entering the public political area such as the legislative institution. Many women's movement activists see this as a ruling that would drive away the women's struggle in the election.

Findings and Analysis on Level of Women's Representation at 2009 Legislative Election

A large number of women activists and observers have predicted that the various obstructions faced by the women legislative candidates would result in the low number of them being elected. The fact that comes up after the legislative election, however, is the increase of the number of woman members of parliament. The following is the table showing results of the legislative election in DPR RI and five municipal assemblies within the WRI research zones.

Table 11.
Composition of Female Legislative Members (*Aleg*)
in DPR RI and Five DPRD of Districts/Municipalities of the WRI Research
(Banda Aceh, Solo, Pontianak, Minahasa Utara dan Mataram)

Legislative	2004 Election		2009 Election		Notes
	Σ <i>Aleg</i> ♀	% <i>Aleg</i> ♀	Σ <i>Aleg</i> ♀	% <i>Aleg</i> ♀	
DPR	63 persons	11.45%	101 persons	17.9%	↑
DPRD Banda Aceh	4 persons	13.3%	1 person	3.3	↓
DPRD Solo	3 persons	7.5 %	10 persons	24 %	↑
DPRD Pontianak	0	0	6 persons	13.3%	↑
DPRD Minut	5 persons	20 %	8 persons	32%	↑
DPRD Mataram	2 persons	5.7 %	3 persons	8.57 %	↑

Source: KPU Pusat and KPUD Banda Aceh, Solo, Pontianak, Minahasa Utara, and Mataram

From the above data, we see that only Aceh's regional assembly (DPRD Aceh) has experienced a decrease in the number of elected legislative members, from four to only one. Meanwhile the other four municipalities covered by WRI research and DPR RI, reflecting the national level results, have shown an increase in the number of woman members of parliament. DPR RI sees an increase 6% or 38 woman MPs. On the regency level, Solo sees as the most significant gain of 16.5%. Look at Northern Minahasa which DPRD even surpasses the minimum 30% line, the critical limit for influencing the policy-making. They even reach 32% of women's representation.

The increase in the election of women into parliament through the 2009 Election using the top vote winner system demonstrates positive aspects. But, we need to see further, whether the increase in DPR RI, nationally reflecting the shape of parliament, also applies to the regions (provinces). The data below explain:

Table 12.
Presentation of Women Representation in DPR RI Periode 2009-2014
Based on the Provinces of Election Regions

No	Province	% Women Representation
1.	NAD	0%
2.	Sumut	6.7%
3.	Sumbar	7.1%
4.	Riau	9%
5.	Riau Islands	6.7%
6.	Sumsel	5.9%
7.	Bangka Belitung	0%
8.	Bengkulu	25%
9.	Lampung	27.8%
10.	Jambi	42.9%
11.	DKI Jakarta	23.8%
12.	Banten	27.3%
13.	West Java	24.2%
14.	Central Java	11.3%
15.	Yogyakarta Special Province	12.5%
16.	East Java	22.9%
17.	Bali	0%
18.	NTB	0%
19.	NTT	7.7%
20.	West Kalimantan	10%
21.	Southeast Kalimantan	33.3%
22.	South Kalimantan	0%
23.	East Kalimantan	25%
24.	South Sulawesi	12.5%
25.	North Sulawesi	33.3%
26.	North Sulawesi	20%
27.	Southeast Sulawesi	16.7%
28.	West Sulawesi	0%
29.	Gorontalo	33.3%
30.	Maluku	25%
31.	North Maluku	100%
32.	Papua	30%
33.	West Papua	33.3%

Source: Data processed from KPU Pusat RI's data

Data in Table 12 illustrates that women's representation in DPR RI is not evenly reflected in the provinces. The worst situations are found in six provinces which do not have woman representatives in DPR RI. They are West Sulawesi, Bali, West Nusa Tenggara, Bangka Belitung, South Kalimantan and Nanggroe Aceh Darusalam (NAD). Seventeen other provinces have woman representatives, but their numbers are below the average rate of woman representations in DPR RI. This means that 50% of Indonesia's provinces have failed to meet the average rate of women's representation, i.e. 17.9% (Table 11). Sixteen other provinces have over 20% women's representation in parliament, 7 of them over 30%. On top is Northern Maluku, with 100% of its legislative representatives being women.

Another attractive point is the separation of woman legislative representatives according to the political parties they belong to. The data below make it clear:

Table 13.
Comparison of the Legislative Candidates and Women Legislative Members (*Aleg*) at the 2009 Election in DPR RI Based on Nine Major Party Winners on the Election

No	Political Party	Legislative Candidates ♀	% Legislative Candidates ♀	<i>Aleg</i> ♀	% <i>Aleg</i> ♀
1.	PD	220	33.3%	36	24.8%
2.	PDIP	221	35.19%	20	21.5%
3.	PG	192	30.09%	17	16.5%
4.	PKB	134	34.18%	7	25.9%
5.	PAN	174	29.44%	6	13.33%
6.	PPP	135	28.78%	5	13.5%
7.	P.Gerindra	112	28.94%	4	16%
8.	P.Hanura	186	31%	3	17.6%
9.	PKS	215	37.17%	3	5.3%

Source: Data KPU Pusat RI

The above Table shows that the political parties have different rates of women's representation. Out of the 6 winning parties in the last 2009 DPR RI Election, PKB takes the top seat with 25.9% and PKS the lowest with only 5.3% of its representatives being women. The low rate of PKS women's representation in DPR RI is contradictory to the PKS situation during the pre-election (nomination) period. During the nomination time, PKS is the most consistent party in putting woman candidates above the minimum 30% quota in the list (Tables 4 and 5). But it should be noted that PKS has put women in less important rows of numbers. Women are placed in number 3 and its multiplications (6.9) and shoe-size numbers (very tiny chances of being elected). This causes the low rate of elections of PKS women in the Election.

The explanation regarding the PKS situation shows that the sequential numbers still have strong influence, even in an Election using the top vote winner system. PKS with the highest number of woman candidates should have been able to produce the highest rate of woman representatives, but the contrary is what has resulted. The importance of the sequential numbers in the Election with the top vote winner system is shown as follows:

Table 14.
Level of Legislative Members Vote Results
Period 2004-2009 and 2009-2014

Level	DPR RI Members of 2004-2009		DPR RI Members of 2009-2014	
	Total	%	Total	%
1	405	73.6%	360	64.4%
2	104	19%	104	18.6%
3	32	5.8%	40	7.2%
4, 5, etc	9	1.6%	55	9.8%

Source: Data processed from KPU's data

Table 14 shows that the sequential number is one of important factors for the election of a person in Indonesia's voting. Be it the 2004 Election with the sequential number system or 2009 Election with the top vote winner system, both prove that candidates with the most-likely-to-win numbers (first and second) have better chances to be elected. The 2004 Election with the sequential is naturally won by candidates with the smallest numbers (1, 2, and 3) because the election is based on their sequential lineups in the party lists. This doesn't apply to the 2009 Election with the top vote winner system in which the sequential lineups wouldn't affect the election of a candidate. The top vote winner system gives even chances for every candidate to be elected. A candidate is to be elected if he/she can gather the more votes than his/her party colleagues. It's, however, shown that in Indonesia, in the past DPR RI Election, the sequential number still has strong effects to the party constituents.

The reason of why the sequential system is still regarded as an important factor is that the role of parties remains very significant in Indonesia. As a result, the number one candidate is regarded as the best representative of the party and the most eligible among the constituents. In addition, psychologically many legislative candidates acknowledge that numbers in sequential are strongly influential to the campaigning process. They say the numbers given to them still play an important role when they introduce themselves to their constituents. They would be more confident and convinced in front of their constituents if they hold top numbers.

The above data show that the sequential number still plays major roles even when the top vote winner system has been applied and this is interesting. It's becoming more interesting if we take a look at how far the result of the Election with the top vote winner system is different from that of the sequential number system election. This is more noteworthy, particularly if we bear in mind that women would gain more benefits if the 2009 Election continued to use the sequential system maintaining the affirmative action's important role.

Basically the vote counting is divided into two stages: party seat vote counting and elected candidate vote counting. The differentiating factor between the sequential number election and the top vote winner election lies in the vote counting of the elected candidates – referring to the following two regulations:

- The top vote winner system ruling as stipulated in KPU Regulation No. 15 Year 2009, Article 49 (2): “.... Based on the highest vote gains, first, second and so forth”
- The top winner system ruling according to Election Law No. 10 Year 2008 Article 214 (1): “the appointment of an elected candidate is based on the (smaller) sequential numbers”

Embarking from the above differences, WRI compares results of the latter DPR RI Election with the top vote winner system and that of the simulated sequential number system. They find 104 substitutions in the elected candidate lists from the current Election (with top vote winner system) if the sequential number system were applied. From the 104 substituted candidates, the 55 male MPs now in DPR should have been substituted by other male candidates who had to be appointed if the sequential number system was to be used. Besides, currently there are three woman MPs (with top vote winner system) taking the elected female candidates’ position.

Another basic comparison was the change in the number of women in parliament if the sequential number system was used instead of the latest top vote winner system. From the simulation conducted (by WRI), if the sequential system was used, there should have been 23 women taking the seats of male MPs (in top vote winner DPR). On the contrary, the number of male elected MPs whose seats are currently taken by woman members of parliament (with top vote winner system) is also 23. The margin of the woman candidate seats is zero (23:23), meaning that if the most recent Election continued to use the sequential order regulation, the number of seats taken by female candidates would be 101 (17.9%) similar to the present result (top vote winner).

Based on the simulation and Table 14 data, the top vote winner system now in use apparently yields no much different results from those of the sequential order system. Data in Table 14 shows that even though the top vote winner system is used, the sequential numbers are still regarded as importantly influential to how the voters choose their representatives. The same is true with the simulation. There’s no change in the results of elected candidates based on the gender. The number of woman candidates elected through the top vote winner system is apparently the same as that of woman candidates appointed through the sequential number system. This explains that the presumption that women would lose their votes in a top vote winner system election is not fully right, because the women’s representation rate has increased up to 7.9%. And, the assumption that the women’s representation rate has increased thanks to the top vote winner system needs to be re-tested, because the fact is that if the sequential number system was to be applied the number of elected candidates would be the same, i.e. 101.

The difference between the number of women elected with the top vote winner system and the sequential order may not be visible as they do not change – 101. But, if separated according to their political parties, the differences begin to surface. Some parties would see increases in number and some others decreases. The following Table would show:

Table 15.
Comparison of the Total and Percentage of the Elected DPR RI Legislative Members (Aleg) Based on the Major Voters According the 2009 Election Result and Based on the Simulation Result of the Sequence Number Regulation in DPR RI, Based on the Nine Election 2009 Winner Major Parties

No.	Political Party	Major Voter Aleg ♀	% Major Voter Aleg ♀	Total Aleg ♀ Sequence Number	% Aleg ♀ Sequence Number	Notes
1.	PD	36	24.8%	38	26.2%	↑
2.	PDIP	20	21.5%	13	14%	↓
3.	PG	17	16.5%	21	20.4%	↑
4.	PKB	7	25.9%	5	18.5%	↓
5.	PAN	6	13.3%	6	13.3%	=
6.	PPP	5	13.5%	8	21.6%	↑
7.	P.Gerindra	4	16%	4	16%	=
8.	P.Hanura	3	17.6%	3	17.6%	=
9.	PKS	3	5.3%	3	5.3%	=

Source: Data was processed from KPU data

Table 15 shows that some political parties see increases in the number of their representatives in parliament when using the sequential order system, such as Partai Demokrat, Partai Golkar and PPP. Contrarily, PDIP and PKB experience decreases in the number of woman representatives if the sequential order is used. PDIP would even suffer more significant downturn – 7 „female’ seats are taken over by their male comrades. Besides, PAN, Partai Gerindra, Partai Hanura and PKS see no changes in the number of elected representatives when the top vote winner system is used.

Despite the fact that the top vote winner system used in the parliamentary election has not changed the results, particularly with regard the woman representative appointments (from the sequential order), the vote winner system produces a powerful effect to the position of women in politics, particularly in the recent Election. During the transformation period – from the sequential to the top vote winner systems – a good number of woman candidate’s stand up to face the competition in the election. They regard their chances of gaining victory are getting better than if the sequential order system is used in the election. This is more meaningful to those suffering traumatic defeats because of their poor sequential (or „shoe size’) numbers in the 2004 Election.

The top vote winner system election freshly proves that women are able to compete with their male colleagues in the election process. The assumption surfacing during the system transformation from the verdict of the Supreme Constitutional Court (MK) Judicial Review is that woman legislative candidates have lower competitive power than their male colleagues. This, however, has been challenged by the fact that from the top vote winner system results it’s proved that the Election can be won by women. The data below support the argument:

Table 16.
Total and Percentage of Voting Result Level per Female Legislative Candidates *Dapil*
(election region) in the DPR RI 2009 Election

No.	Level of Voting Result per <i>Dapil</i>	Total of Female Legislative Candidates	% Female Legislative Candidates
1.	1	16 persons	21%
2.	2	9 persons	12%
3.	3	14 persons	18%

Source: Data is processed from the KPU data

Data of Table 16 shows that 21% of woman candidates take the first ranks in the election vote gathering. This proves that woman candidates are capable of grabbing top positions in the top vote winner system election in their constituencies. The assumption that woman candidates' competitive power is low may not be proven right if we take a look at the performance of the woman candidates. The turning up of woman candidates on the first and third ranks in the number of votes gathered demonstrate that woman legislative candidates have competitive power no weaker than their male comrades in their constituencies.

Although the numbers shown in Table 16 are not significantly high in value, this has proven that women are not really weak and difficult to win an election. In relation to this matter, many activists and women's organizations assume that there are some obstacles faced by woman candidates in the competition and eligibility of women in elections. But the fact is that a different situation has emerged. The following data would explain:

Table 17.
Obstacles of the Female Legislative Candidates to Comply an Election and the
Reflection of Those on the 2009 Election Process
(Refer to the WRI Research Regions)

No.	Obstacles	2009 Reflection
1.	Women "start late" in politic than men.	Indeed women "start late" but the 2009 Election showed that ♀ are capable to defeat ♂ (Election result)
2.	Multi burden of women (private, public and community)	Women's roles in private matters have become a key approach toward ♀ constituents; community's roles are able to gather loyal ♀ constituents.
3.	Women capability of economy are lower than that of men	Elected ♀ legislative candidates have sufficient enough capability on economy

		(relatives of entrepreneurs, artists, officials/businessmen)
4.	Women political education is lower than that of men.	Women organizations/groups help political education and strategic planning of the women legislative candidates.
5.	Patriarchy label through culture and religion toward women.	There is a certain culture values that support the women involvement in the political world (E.g.: North Minahasa)

We know from the brief explanation in the above Table that the obstacle faced by woman candidates – i.e. condition in the field – according to WRI investigation, doesn't fully obstruct the candidates. The first point, where women are said to be lack behind men in starting to play politics, may be true. But from Table 16 we see that the competitiveness and capability to win political fights of some women is not lower than that of men. Although this doesn't apply to all woman candidates, at least this demonstrates that women, too, have equally similar competitive political power as men.

The second point tells us that the hurdles for women in politics is that basically women already have multi burden – domestic (as mothers and wives), public and community responsibilities. This multi burden may, of course, hinder women from taking part in political activities, mainly the campaigning process and the election which heavily absorb time, funds and energy. But, from WRI research it's found that the multi burden of women has apparently been able to produce positive effects to the women in gathering votes in elections. The women's activities in the community benefit them to obtain their social capital. Their participations in Islamic prayer meetings, sport, *arisan* (money pooling lucky-draw meetings), PKK (village family welfare) and other community activities long before the election process begins become their starting capital to win the hearts of their faithful constituents. Another advantage is that according to many candidates, be they male or female, woman voters are said to have better capability to either directly or indirectly disseminate their favorite choices to others. Their participations in women's communal activities, which they have carried out much earlier than their male colleagues may do because they are part of the activities, indeed, give positive effects to the number of votes they could collect. Apart from that, the private role owned by women gives another advantage to the woman candidates. The woman candidates are able to approach and communicate with woman constituents in parallel with their common experiences as women. Consequently, the woman candidates' attractive power is bigger than the male candidates' in luring woman constituents.

The third point speaks about the economic hurdle affecting women in the Election participation. Woman candidates are said to have lower economic obstacle than their male comrades, because largely their role as breadwinners in the family amounts to their main role in the private scope. This lower economic power has negative effects to the competitive power in the election, since the election campaigning process and the voting need a very large amount of funds. Notwithstanding, from a number of WRI study areas we have discovered that many of the election winners are woman candidates who have relatively high economic power. Most of them are top political figures (former MPs during the previous period) or members of government official families, artists and business persons. Their economic power has boosted their might to win seats in the Election.

The fourth point is about the low ability of woman candidates to perform in politics due to the lack of political education for women. Women's participation in politics is still largely seen more recent than men's. This is due to the assumption that women's place is in the private fields, and not in the public activities. This condition may be reflected in the lower ranked positions taken by women in the party managements than those of men (Table 10). Certainly, this has influenced the success rate of women in the Election with the top vote winner system. But, the woman candidates in the 2009 Election enjoy a lot of political trainings from various women's organizations. This, in turn, greatly helps them understand more the political world and the Election, and help them develop campaign strategies and their victories in the Election. All this, of course, boosts the woman legislative candidates to openly compete with their male comrades in the Election with the top vote winner system.

The fifth point is about the strong patriarchal value reflected in the cultural and religious system which interpretations often discriminate against women. For instance, there's an interpretation in Islam that women are not permitted to become *imam* (leader of communal prayer) or leaders. This makes many Muslims think women should not be given a role as decision makers in parliament. But this cultural and religious discriminative interpretation should not be generalized. The Northern Minahasa (Minut), one of the WRI research areas, gives a different cultural color. In the mythology on women's political participation in Minut, the mention of *Lumimuut* is never neglectfully missed. Any woman candidates would always mention the name of that woman top figure as a factor encouraging them in the competition in the election Toar.⁹ She is also believed to be the first leader of Minahasa Kingdom, because from the beginning Minahasa has been led by a queen. Therefore, the majority of people in Minahasa (including Northern Minahasa/Minut) have the believe that women are capable of becoming leaders.

Based on the above five points, we can make a conclusion that the assumption regarding the obstacles faced by women should not be generalized. The fact is that from what the past Election results and processes have reflected we see 'exceptions'. This demonstrates that Indonesia's women, too, have sufficiently good ability to compete and be elected through election – equal to men. However, solidarity among women, either between woman candidates, woman constituents, political party management members, women's organization activists and the general public, is essential.

Conclusion and Recommendation

The democracy transition in Indonesia during the post-political reform in 1999 has brought fresh atmosphere into the participation of women in politics. This is marked with the introduction of Election Law which accommodates the affirmative action to promote women's representation in parliament in the year 2003. The authorities introduces the affirmative action in the 2004 Election requiring the political parties top up forward at least 30% woman legislative candidates among their entire list of candidates. Unfortunately, the implementation of the affirmative action is regarded as having flaws, making the 2004 Election result less effectively boost the women's representation in the parliament. Changes in the 2004 Election affirmative action are then made in 2008 with the incorporation of the zipper system into the regulation. This step is meant to strengthen the chances of eligibility for woman candidates in the Election. The Election combining the sequential number, quota and zipper systems is believed to be more effective in promoting the women's representation

⁹ In a certain context, the legend of *toar-lumimuut* in Minahasa is similar with the legend of *sangkuriang* in West Java. They tell about a love affair between a son and his mother. Sangkuriang with Dayang Sumbi and Toar with Lumimuut. At the end Toar married to Lumimuut, and they are trusted as Minahasanese ancestors.

in 2009. Anyway, while the Election process is underway, changes are made to abolish the sequential number system and replace it with the top vote winner system.

The top vote winner system Election is regarded by many parties, especially women's because advocates and women's organization members, as a system that tends to weaken women's participation in parliament. Economic disadvantages, social, religious and cultural values hamper women's struggle in the Election. WRI's research, however, finds that an election with the top vote winner system has not absolutely impeded the promotion of women's representation. The Election results for DPR RI and the DPRD's (Assemblies) in five WRI research areas show the increase in women's representations. This is supported by the same results obtained from the Election with the top vote winner system and that with the sequential number system. Besides, we know from the top vote winner system that women actually have big potential to compete with their male colleagues in politics.

Related to the Election system we've talked earlier, the next question is „which system is suited to Indonesia, particularly if the representation of women is to be promoted in the Election'. To respond to this question, WRI refers to some other countries with women's representation already standing at the 30 level. The following is the list of countries with 30% women's representation.

Table 18.
Level of Countries in the World that Have Fulfilled Minimum 30% Woman
Representation in Parliament and the Indonesia's Level

No.	Country	% Representation ♀
1.	Rwanda	56.3%
2.	Sweden	46.4%
3.	South Africa	44.5%
4.	Cuba	43.2%
5.	Iceland	42.9%
6.	Holland	42%
7.	Finland	40%
8.	Norway	39.1%
9.	Angola	38.6
10.	Argentina	38.5%
11.	Belgium	38%
	Denmark	38%
12.	Costa Rica	36.8%
13.	Spain	36.6%
14.	Andorra	35.7%
15.	New Zealand	33.6%

16.	Nepal	33.2%
17.	German	32.8%
18.	Macedonia	32.5%
19.	Ecuador	32.3%
20.	Belarus	31.8%
21.	Uganda	31.5%
22.	Burundi	31.4%
23.	Tanzania	30.4%
24.	Guyana	30%
69.	Indonesia	17.9%

Source: IPU

Out of the 24 countries mentioned in the above list, we know that 17 countries use the proportional system; three uses the combined system of proportional and top vote winner methods and five other countries use the top vote winner system. Based on the above figures we find that countries successfully promoting women's representation in parliament mostly use the proportional system. But this particular election system doesn't work itself, because it's accompanied with the affirmative action. The following Table may explain.

Table 19.
The Election System and Affirmative Action Used by Countries in the World with Woman Representation in the Parliament Fulfill 30% Minimum Quota

Election System	Affirmative Regulation	Total Country	Applied Countries
Proportional system with a list	Regulation on political right equality of ♀ and ♂	1	Angola
	Reserved seat	2	Rwanda, Argentina
	Parties' guarantee of women legislative candidate's quota (30-50%)	16	Rwanda, Sweden, Iceland, Holland, Finland, Norway, Angola, Argentina, Belgium, Denmark, Costa Rica, Spain, The F.Y.R. of Macedonia, Equador, Burundi, Guyana
	Parties' guarantee of women political party board member's quota (30-50%)	1	Sweden
	Sanctions to abuse the quota	6	Iceland, Argentina, Belgium, Costa Rica, Spain, The F.Y.R. of Macedonia

	There is a woman party	1	Iceland
A combination of proportional and top vote winners' system	No affirmative actions	2	Andorra, New Zealand
	Party guarantee to have 30% quota of woman legislative candidates	1	German
Top vote winners system	No affirmative actions	2	Belarus, Cuba
	Reserved seat	3	Nepal, Uganda, United Republic of Tanzania
	Party's guarantee to have 30% quota of woman legislative candidates	1	Nepal
	Sanctions to break the quota	1	Nepal

Source: IDEA

With the above data as the basis we can take a lesson that the collaboration of the affirmative regulation and the election system is becoming more important in guaranteeing the women's representation in parliament. The above table shows that the majority of countries with women's representation rate of 30% or over is countries with the proportional system election in collaboration with the affirmative action, in particular the minimum quota regulation and alternate or zipper system. Based on the lesson taken from these countries, WRI is of the opinion that there are two forms of system with their affirmative actions we can apply to in Indonesia.

Firstly, the proportional election system mixed with the affirmative action in the form of the minimum quota figures and the zipper system. Different from the affirmative action and system Indonesia has had before, the nomination minimum quota system is no longer set at 30% but 40%. The effort to lift the quota level is meant to make the eligibility of women better. Basically, the final goal is 30% of women's representation in parliament because the 30% representation line is seen as the critical limit for women to be able to have voices in the policy making. Therefore, to reach the 30% representation of women in parliament, the first nomination would need over 30% representation of women, which is 40%. Thus making the 30% representation is much more possible. Apart from this, the minimum quota of 30% should be applied in all constituencies, and the 30% figure should no longer be just the average rates of all constituencies as of the 2004 and 2009 Election.

In addition to the quota system, the affirmative action in the form of alternate system between male and female candidates is also needed. Moreover, let's refer to the data in Table 15 where the sequential numbers still strongly influence chances of any women to be elected into parliament. The zipper system, too, has to be altered from the "minimum of woman candidate among every three candidates" in the 2009 Election to the alternate male-female-male (1:2) method. This needs to be implemented to increase chances for any woman candidates to be elected bearing in mind that as what Table 15 shows, number one and number two in the sequential order are the ones who have the best chances of winning seats. The last point to be made another additional regulation in this affirmative action is the

enforcement of sanctions against the parties participating in the election which have failed to fulfill the quota regulation and the alternate system. The sanctions must be severe and effective in the election process of the political parties concerned – forcing them to comply with the affirmative regulation. The sanctions can be in the form of correction by the Election regulator making the parties' lists in line with the quota regulation and alternate system or the suspension of the parties concerned from the Election.

Basically, observing the political situation in Indonesia where political parties still have powerful influence in the political system, the list proportional system constitutes a policy that's the most relevant to use. Apart from that, the list proportional system has proved to be able to promote women's representations in many countries. Nevertheless, the continuing democracy transition process and the political system reform struggle in Indonesia do not rule out any possibility of an enforcement of the open election system with the top vote winner method, like the changes taking place in the 2009 Election.

So, WRI thinks Indonesia may need to make an alternative consideration on the election system and the accompanying affirmative action. The alternative means is the combination of the top vote winner system and the "reserved seat" affirmative action. The "reserved seat" is some sort of minimum allocations of a certain number of seats for women candidates, in this case, at least 30% of seats contested by every constituent must be allocated for woman candidates. For example, if constituent A wins three seats in DPR, one of those three should be given to a woman candidate. If constituent B has 5 seats, two of its seats must be set aside for women. If the seats set aside for woman candidates are not filled, the seats should be left vacant and not to be replaced by male candidates. In the top vote winner system election, women entitled to the quota seats are female candidates who have won the highest number of votes among other woman candidates in her constituency. Thus, the top vote winner system election is to be made into action guaranteeing the promotion of women's representation in parliament.