

# Draft Representation of Women in Candidate Determination in Elections Member of the People's Representative Council of the Republic of Indonesia Realize Gender Equality

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Women's representation in politics is a crucial issue in realizing gender equality and inclusive democracy. Regulations through Law Number 7 of 2017 concerning Elections and General Election Commission Regulations (PKPU) have stipulated the obligation of political parties to include at least 30% women in the list of legislative candidates in each constituency. However, electoral political practices show that there is a discrepancy in the formulation of representation, both in terms of distribution and placement of female candidates on non-strategic lists. Legal vacuums arise when quota provisions are not consistently enforced, so that the principles of substantive justice and the protection of women's political rights are weakened. The purpose of this research is to analyze the formulation and enforcement of women's representation law in the determination of candidates for members of the House of Representatives of the Republic of Indonesia based on PKPU in order to realize gender equality in elections. The research method used is a normative juridical method with legislative, case, and conceptual approaches. The results of the study show that women's representation in the determination of candidates for members of the House of Representatives of the Republic of Indonesia has not been fully realized in accordance with regulations. Data from the 2024 election shows that women only obtained 22.1% of the seats in the House of Representatives, still below the 30% quota target. This inconsistency illustrates weak institutional commitment, legal uncertainty, and structural bias in the political system. The conclusion of this research is that although regulations have regulated the quota of women's representation, weak law enforcement and institutional commitment have caused gender equality in elections to not be achieved substantively.

**Keywords:** Women's Representation, Gender Equality, Determination of Candidates

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## 1. Introduction

Indonesia as a democratic country, continues to strive to achieve gender equality in various aspects of life, including politics. One important indicator of a healthy democracy is equal representation of men and women in legislative institutions [1]. However, in reality, women's participation in politics still faces various challenges, both structural, cultural, and institutional.

General elections are the primary mechanism in a democratic system for electing people's representatives. In Indonesia, elections are conducted directly, publicly, freely, secretly, honestly, and fairly [2]. Elections are not only a means of channeling people's sovereignty, but also an important instrument for ensuring the representation of certain groups, including women [3]. Although there are regulations governing a 30% quota for women's representation in legislative candidate lists, the reality on the ground shows that the number of women's representation in parliament is still far from ideal. According to Wahyuningsi & Rusmini (2025), 2019 Election data shows that only around 20.5% of DPR members are women. This indicates a

gap between regulations and implementation, as well as the need for an evaluation of the nomination mechanism and political party support for female candidates [4].

Gender equality in politics is part of human rights guaranteed by the constitution and various international legal instruments such as CEDAW [5]. Women's participation in politics is not only important for gender justice, but also to enrich perspectives in public policy making. *Affirmative action* is a policy that aims to accelerate the achievement of gender equality by providing special treatment to groups that have been marginalized [6]. In Indonesian politics, the 30% quota policy for women on the list of legislative candidates is a form of *affirmative action*. However, its effectiveness is still questionable because it is not accompanied by strict sanctions for parties that do not fulfill it [7]. The main challenges in realizing women's representation include patriarchal culture, minimal financial support, lack of political education for women and weak law enforcement against violations of gender quotas are also serious obstacles.

## 2. Literature Review and Problem Statement

Women's political representation is a crucial element of substantive democracy, which demands equal access and fairness in the political decision-making process. Theoretically, this concept is explained through a descriptive approach, representation and substantive representation [8]. Descriptive representation emphasizes the numerical representation of women in political institutions, while substantive representation emphasizes the extent to which women's interests and experiences are truly accommodated in public policy. A number of studies show that increasing the number of women in legislative institutions does not automatically result in gender-responsive policies, especially when women's presence is symbolic and not supported by inclusive political structures.

In Indonesia, the affirmative action policy of a 30% quota for women in legislative candidacies is intended as a corrective measure to address historical and structural inequalities. This policy has a strong legal basis, both in the constitution and legislation, and is in line with Indonesia's international commitment through its ratification of CEDAW. Weak enforcement of sanctions for quota violations and the tendency of election organizers to interpret regulations procedurally mean that the principle of gender equality has not been substantively realized. This situation indicates a gap between legal norms (*das sollen*) and empirical practice (*das sein*), which is closely related to the issues of legal certainty and the effectiveness of law enforcement.

Based on this review, it is clear that previous research has primarily addressed the normative aspects of quota policies and the achievement of women's numerical representation, while research analyzing the relationship between legal certainty, law enforcement by election organizers, and the protection of women's political rights remains relatively limited. This study focuses on the key issue of how legal certainty and law enforcement regarding women's political representation policies are implemented in election practice, and how this ensures the realization of gender equality in law and politics.

## 3. Method

This research employs a normative juridical method with a statutory, case-based, and conceptual approach. The analysis was conducted on regulations governing women's representation, specifically the PKPU (General Elections Commission Regulation) derived from the Election Law, as well as decisions by supervisory bodies such as Bawaslu and the Elections Supervisory Board (DKPP). The DKPP decision case study was used to assess the consistency of law enforcement regarding women's representation on the final candidate list for the 2024 Election.

#### 4. Results and Discussion

##### **Formulation Inappropriate Representation of Women in Registration Election of the People's Representative Council of the Republic of Indonesia which can Become Gender Equality**

Women's representation in politics is not merely a number or an administrative formality, but rather a reflection of the principles of substantive justice and human rights [9]. In the election of members of the People's Representative Council of the Republic of Indonesia, the formulation of women's representation has been expressly regulated in Law Number 7 of 2017 concerning Elections and detailed in the Regulation of the General Elections Commission (PKPU). This provision states that political parties are required to include at least 30% of women in the list of prospective legislative candidates in each electoral district. However, in reality, this formulation is not implemented consistently, so the main goal of realizing gender equality has not been achieved.

The inconsistency of the formulation of women's representation in the registration of legislative candidates can be seen from 2 aspects, namely:

1. Some political parties have compiled candidate lists without meeting the 30% quota of women in each electoral district. Parties only list women in certain electoral districts, while others do not have a single female candidate. This contradicts the spirit of regulations that require equitable representation.
2. are placed at the bottom of the candidate list, making their chances of being elected very slim. In an open proportional representation system like Indonesia's, the order on the list significantly determines electability, so non-strategic placement is a violation of the principle of substantive equality.

The case study of the DKPP Decision No. 214-PKE-DKPP/IX/2024 serves as evidence of the inconsistency of this formulation. In this case, the DKPP stated that the Chairperson and several members of the Indonesian General Elections Commission (KPU) were proven to have violated the code of ethics by failing to follow up on the Bawaslu decision stating that there was an inconsistency in the representation of women in the final candidate list (DCT) for the 2024 Election. The Bawaslu decision had previously stated that there was a violation of the 30% quota for women, but the KPU did not take the appropriate corrective steps. This action demonstrates that even though regulations have been explicitly stipulated, their implementation still depends on institutional commitment and the effectiveness of oversight mechanisms.

According to Widodo et al., (2023) regarding legal certainty, the inconsistency of the formulation of women's representation illustrates the lack of consistency and integrity in the implementation of legal norms [10]. Legal certainty demands that every provision that has been established must be fully enforced and must not be ignored by the implementing agency. When the KPU does not comply with the Bawaslu decision, what is violated is not only administrative procedures, but also the basic principles of the rule of law that guarantee the protection of the political rights of every citizen. Legal certainty that should protect women's political rights turns into a procedural illusion when norms are not implemented consistently. Meanwhile, according to Insan (2024), regarding law enforcement, this case shows that the legal structure (KPU), legal substance (PKPU and Election Law), and legal culture (gender awareness) have not worked synergistically [11]. Law enforcement regarding women's representation is not enough with ethical sanctions alone, but must be accompanied by institutional reform and strengthening ethical awareness among election organizers. Without consistent law enforcement, the formulation of women's representation will only be a formal procedure without transformative power.

According to Lakalet (2025) on legal feminism, inappropriate formulations of women's representation demonstrate institutional bias that ignores the importance of women's representation as part of social justice [12]. Laws that appear neutral in text can actually become tools of exclusion when not enforced

fairly. Therefore, the placement of women on the candidate list is not only a matter of administrative technicalities, but also a matter of siding with substantive justice. When the nomination mechanism is not implemented seriously, women are again disadvantaged by the system that is supposed to protect political rights.

The inappropriate formulation of women's representation in the registration of candidates for members of the Indonesian House of Representatives (DPR RI) demonstrates that gender equality has not yet been fully realized. The DKPP case study is a critical point demonstrating that violations of women's representation are not merely administrative violations, but violations of the principles of justice and the rule of law.

### **Law Enforcement on Women's Representation in the Determination of Candidates for the Election of Members of the People's Representative Council of the Republic of Indonesia Based on the KPU Regulation**

The General Elections Commission (PKPU) Regulation, derived from Law Number 7 of 2017 concerning Elections, explicitly stipulates that political parties must include at least 30% women on their lists of legislative candidates in each electoral district. Normatively, the PKPU has stipulated that women's representation is not merely an administrative requirement, but part of the principle of substantive justice. This provision aims to correct long-standing inequalities in political representation and provide a fair space for women to participate in the political process. In some cases, women are only listed at the bottom of the candidate list, thus significantly reducing their chances of being elected. This demonstrates that despite the explicit regulation, its implementation has not fully supported the principle of substantive justice.

According to Rambe et al ., (2025) , empirical data from the 2024 Election shows that women's representation in the Indonesian House of Representatives reached 22.1% of the total seats, or 127 out of 580 members [13] . Although this figure is the highest achievement in the history of legislative elections in Indonesia, it still does not meet the minimum quota target of 30% as stipulated in the regulations. This shows that law enforcement regarding women's representation is not yet fully effective. Without consistent law enforcement and strong institutional commitment, progressive regulations will only be symbols without substance.

The Elections Supervisory Agency (DKPP) Decision No. 214-PKE-DKPP/IX/2024 demonstrates the weak enforcement of the law regarding women's representation. In this case, the DKPP stated that the Chairperson and several members of the Indonesian General Elections Commission (KPU) were proven to have violated the code of ethics by failing to follow up on the Bawaslu decision stating that there was a discrepancy in the representation of women in the final candidate list (DCT) for the 2024 Election. The Bawaslu decision had previously stated that there was a violation of the 30% quota for women, but the KPU did not take the appropriate corrective measures. This action demonstrates that even though regulations have been explicitly stipulated, their implementation still depends on institutional commitment and the effectiveness of oversight mechanisms.

According to Munggaran (2023) , law enforcement consists of three components: legal structure, legal substance, and legal culture [14] . In this case, the legal structure (the General Elections Commission (KPU) as the implementing agency), legal substance (the KPU Regulation and the Election Law), and legal culture (gender awareness and institutional ethics) do not function harmoniously. Although the legal substance clearly regulates this, the implementing structure fails to fulfill its obligations, and the legal culture underlying institutional behavior does not fully support the principle of gender equality. Weak law enforcement opens up space for repeated violations and creates legal uncertainty that is detrimental to women as legal subjects whose political rights are guaranteed by the constitution.

According to Rafni (2024) , the law must be seen as a tool to achieve substantive justice, not merely a formal procedure [15] . In this case, the KPU's action in ignoring the Bawaslu decision is not only an administrative violation, but a form of denial of the values of justice that should be the soul of election law. Law enforcement that only focuses on procedural aspects without considering the impact on vulnerable groups, such as women, will fail to realize an inclusive democracy. When election management institutions do not comply with the decisions of supervisory institutions, the principle of the rule of law is weakened, and public trust in the election system will be eroded. Inconsistent law enforcement creates uncertainty and opens up space for discriminatory practices that are detrimental to gender groups.

From a legal feminist perspective, law enforcement regarding women's representation must be seen as an effort to correct structural bias in the legal and political system [16] . Laws that appear neutral in text often fail to protect historically marginalized groups. Law enforcement should not be neutral, but should side with substantive justice.

## 5. Conclusion

The conclusion of this study is that women's representation in the election of members of the Indonesian House of Representatives (DPR RI) has not yet reflected substantive gender equality, despite being formally regulated in the Election Law and the General Elections Commission (PKPU), as inconsistencies in candidate nomination and weak law enforcement illustrated by the General Elections Commission Decision No. 214-PKE-DKPP/IX/2024 reveal limitations in institutional commitment and the integrity of election organizers. However, this study is limited to normative and institutional analysis and does not fully capture party practices, socio-political dynamics, or voter perspectives, therefore future research should employ empirical, qualitative, and comparative approaches, while policy efforts should focus on consistent law enforcement, strengthening supervisory institutions, and reinforcing accountability mechanisms to ensure that gender quota policies move beyond formal compliance toward genuinely inclusive and gender-equitable democratic representation.

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