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# The Implementation Of Political Women's Rights In State Of Republic Indonesia Would Behave Democracy

*by Nany Suryawati*

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## 5 The Implementation of Political Women's Rights in State of Republic Indonesia Would behave Democracy

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### Abstract

3 The State of the Republic of Indonesia is a rule of law based on democracy, and as outlined in its Constitution, the 1945 Constitution of the Republic of Indonesia, which has been amended gradually from 1999 to 2002. This amendment brought about fundamental changes to the building of the Indonesian state structure, particularly in fulfillment of the rights of citizens, in the political field, without distinction. Political human rights for Indonesian women are further emphasized in various laws and regulations. These human rights in the field of women's politics have not experienced a significant increase, so that the representation of women in parliament, has not been evenly distributed, because it is still dominated by men.

1 The existence of affirmative action that is fought for continuously makes the distribution of women's representation in the management of political parties and in parliament close to the number of male representatives.

The representation of Indonesian women has experienced ups and downs since the first general election in 1955, but with the amendment to the 1945 Constitution of the Republic of Indonesia, an activity is needed to socialize the understanding of democracy and politics for Indonesian women and also men, so support for involvement Indonesian women in politics are not only from the government but from all Indonesian people, so that the political rights of every Indonesian citizen can be fulfilled, at the same age as the goal of the Indonesian rule of law.

Keywords : Rights in the political field; Women's representation ; Parliament.

### Introduction

The constitutional building in the Republic of Indonesia has experienced significant changes in the government system in the Republic of Indonesia, particularly in the political field, by providing opportunities for Indonesian citizens to participate in political bidnag without distinction, through amendments to the 1945 Constitution of the Republic of Indonesia.

The political opportunities is one of the manifestations of human rights that are recognized by all countries yang adheres to the principle of the State of Law and the State of Law No principle of democracy. Democratic societies are not governed by a single and universal procedure, but rather by complex social procedures or practices. Every procedure is embedded in life forms so it must be obeyed and practiced. Procedures are not rules that are created based on certain universal principles, because they cannot be separated from forms of life. Identity pluralism is a factor that influences the existence of democracy itself.

The constitution regulates the political rights of the people, including the rights of women, so that the political rights of women can be fulfilled in their tactics, so that the principle of democracy is maximally practiced.

The Universal Declaration of Human Right, has formulated that every person has the right to freedom to have and issue opinions without interference, including the right to seek, receive, convey information, and opinions in any way without limits.

This declaration is the basis for the fulfillment of human rights, including human rights in politics.

### Discussion

Fulfillment of political rights for women in the Republic of Indonesia, is a real need to accommodate the interests of Indonesian women, by actively involving women in making policies and decisions that have both direct and indirect impacts on women's interests, to avoid gender injustice. Equality paradigm and gender justice indeed emotion s followed by action and a maximum of integrating gender mainstreaming (gender mainstreaming) in any policy formulation and decision-making. The concept of freedom according to Kant is freedom of freedom (Kuswanto, 2016), which is the basis of actions which include actions against oneself, others and shared life (the ways we treat ourselves, the ways we interact with others, and the ways we organize our collective lives) According to Kant's opinion, the concept of good will as the basis of sharia action is related to the concept of duty, so that the understanding becomes: acting for the obligation itself (will from duty).

Therefore, between the human rights they have and the obligation to respect the rights of others, makes everyone's freedom to exercise their human rights limited by the rights of others, and this also applies to the State, meaning that the State must not neglect the rights of every citizen his country without exception.

Republic of Indonesia has the ideology of Pancasila as the nation which contains the idea that humans dicipt a right by God Almighty to bear two (2) aspects, namely: the aspect of individuality (private) and aspects<sup>2</sup> sociality (community).

This authority to respect the human rights of the nation's citizens is reflected<sup>1</sup> in the Preamble of the 1945 Constitution of the Republic of Indonesia, which animates all articles in the constitution, especially those relating to the equality of the position of the nation's citizens in law and government.

Political human rights are in essence not only the rights of every national citizen, but also the right of everyone to participate in practical political activities, which include the right to vote, the right to be elected, both as an administrator of a political party, and as a legislative candidate, even become a member of the legislature (parliament).

In the Republic of Indonesia, these politi<sup>1</sup> rights have only been granted opportunities in accordance with the provisions of the articles in the 1945 Constitution of the Republic of Indonesia, after the reforms, after the administration of President Soeharto, which were continued with amendments to the Constitution gradually from 1999 to in 2002.

This reform movement, as outlined in the Decree M of the People's Consultative Assembly (Tap MPR) Number X / MPR / 1998, challenged the Principles of Reform which contained:

- a. Crisis relief in the political field aims to build a democratic and stable political life with the goal of reestablishing the authority immediately and government legitimacy, supported by the participation and trust of the people, and creating a conducive atmosphere for ensuring peace, tranquility, and order of the community, both in urban areas and in the countryside
- b. The implementation of information in the political field is aimed at upholding people's sovereignty as a way to resolve national crises in all fields, with priority scale.

The<sup>2</sup> existence of the MPR Decree, has become a new era in this democratic country, as a legal basis for the fulfillment of the rights of citizens in all fields including politics, especially for Indonesian wo<sup>2</sup>en.

The concept of the rule of law experienced significant development, namely:

- a. The existence of a state government system based on popular sovereignty;
- b. Governance is based on law;
- c. The guarantee of human rights which is the right of citizens;
- d. The distribution of power;
- e. A judicial system that is free and independent, impartial and cannot be influenced by anyone, both institutions and individuals;

f. There is an active role or community participation in the implementation of policies made by the government.

The equality of political rights between male citizens and female citizens must indeed be guaranteed in the Constitution, because this right is a part of human rights that comes from God, and is universal.

Law No. 39 Know n 1999 abo ng Human Rights, Article 45 mengat a right : ' the rights of women in law is adal ah human rights , so it is clear that there is no distinction of sex in human rights including the human rights field of politics' .

The state must not discriminate against the rights of its citizens, but must obtain the same treatment and treatment and must not be affected by differences in color, race, religion and gender. Value - the value of human rights in das a paint a mixed picture for prioritizing universal freedom and equality.

The essence of human rights is inclination towards the State's obligation to protect the principle of preventing the possibility of deprivation of these rights, therefore, through a constitution that has the highest position and at the same time as the most powerful legal instrument in providing guarantees for the protection of the basic rights and human rights of its citizens, as well as giving citizens the opportunity to participate in government, especially women.

In State Republik Indonesia can not be separated from the influence of culture, the activeness of women in politics, very dependent on men understanding of human rights and gender equality. Policies that lead to gender justice, cannot necessarily be realized, even though women's political rights have been recognized in the Constitution, because of various aspects, including : aspects of democracy itself, representation of women, both in the management of political parties, to becoming members the legislature, there has been no significant increase, does not yet reflect the representation of women in proportion to the total population of the Republic of Indonesia. Implementation and fulfillment of women's human rights in Indonesia, through the number of female personnel, both as legislative members, and as party administrators .

There are limitations to the representation of women, apart from time and financial constraints of women, therefore, this representation of women is a 'key ' so that women must be able to leave the traditions and culture of the past, and at the same time try to improve their capacity, so that able to compete with male kaun, openly.

The development of women's representation experienced a downturn (ranging from 20 percent); through the opportunities available, it is expected that the participation of citizens, especially women citizens.

The existence of women's representation, with this 30% quota, we should use to increase the quality of representation, so that it can gain the trust of the community, especially those related to suffrage.

The fulfillment of women's rights Indonesia political field through the representation of women in 2008 (prior to the General Election tahun2009) in the management of the central level at 9am (nine) p party politic, have increased significantly. This shows that the active role of women in government especially in politics has been quite expressive.

The amendment to the 1945 Constitution, which further emphasizes the substance of the rule of law in the field of protection of human rights, has opened opportunities for women to participate actively in government and no longer as second-class citizens, because they have the same rights and obligations and positions as the men without distinction.

The embodiment of the state's obligation to provide protection to the basic rights of its citizens, through legislation including: Law Number 2 of 2008 concerning Political Parties.

However, based on data received by the author from the Provincial Election Commission, after the 2009 General Election, there was actually a decrease in the representation of women in the management of political parties.

This fact shows that obtaining a quota of 30% cannot guarantee the realization of women's representation in proportion to the total female population in Indonesia.

This is because there are still obstacles that cannot be overcome, related to the socio-cultural life that exists in Indonesia, as well as the embedded understanding that women are the second citizens and the position of women who are needed in the family.

In addition, the most decisive is the internal constraints of women themselves.

Invite basic law the Republic of Indonesia in 1945, does not provide restrictions on representation peremp uan by granting a quota of 30%, but internal constraints still dominate women, so that the government's efforts d natural fulfillment of the rights of citizens n negara is still limited to legislation.

Similarly, his case on political parties, there are still many political parties that have not se how serious provides an opportunity for women u n t uk take charge even to be candidates for legislative, kare na dominance of 2 members of the party in control of men.

An amendment to the 1945 Constitution of the Republic of Indonesia, which provides a change in political structure that is highly dependent on the willingness of the party with the most control over political resources, both according to real politics and the constitution, namely the President (Mahfud, 2010).

Women's rights related to women's representation in politics, especially at the national level at the regional level, and also in the management of political parties at the regional and national levels are still low, not fulfilling the 30% quota, even though the benchmarks for women's involvement in politics and government, has not shown significant progress.

The activeness of women in the political field is indeed very late, so that the political field is dominated by men, and in the end many decision-making and policies are not in favor of women or detrimental to women.

Support from the government, is still limited to laws and regulations, not yet to the socialization of changes in the mindset of the community that is rooted in culture and an understanding of democracy that is still not deep

Increasing women's representation in politics does not happen quickly, but through continuous struggle for the achievement of equality and justice in society.

Women's representation spread among factions in the House of Representatives (DPR) has not shown significant progress, so women's representation in the House of Representatives is smaller than men, which results in women's involvement in public services being also small, especially in decision making and policy. This has an impact on the lives of women in general, even though women are citizens who must be involved in government in order to improve the overall quality of Indonesian people.

Determination of the 30% quota for women's representation, is an opportunity for women to be more involved in government as citizens who have the same rights and obligations as men. Based on data from the Provincial Election Commission, wome n representation in various commissions in the Council Parliament is still dominated by men, though in Law - Law No. 2 of 2008 on Political parties has been set penalties for political parties which do not meet the 30% quota for women in the management of the party.

As for the representation of women in parliament, more evenly distributed in commissions, and closer to the representation of men, this shows that the representation of this equitable capability, indirectly has been a progress of the realization of the principle of democracy in the Republic of Indonesia.

Public participation in issues of women's representation is associated with several problems, among others: the growing political culture has not sepenuhnya a democratic, whereas the government's efforts have been done in many ways, still have not been able member understanding of democracy to the people.

In addition, there are no regulations that provide opportunities for the co mmunity to exercise supervision over the imposition of a 30% quota for these women, even though sovereignty is in the hands of the people (men and women).

There are several problems faced by the community so that it is difficult for them to carry out formal supervision - binding (Mariana, 2008).

Henry B. Mayo's opinion: ' a democratic political system is a system that shows that public policy is determined on the basis of a majority by representatives who are effectively monitored by the people in periodic elections based on the principle of political equality and held in an atmosphere of guaranteed political freedom (Mahmud, 1984) .

Through the Constitutional Court Decision No. 22-24 / PUU-VI / 2008, has changed the premises proportional system in the list enclosed in Law No.10 of 2008 on the General election, becoming the stem proportional to the open list, it would mean that the Constitutional Court has mengembalikan sovereignty in choosing legislative candidates by determining the election of candidates for legislative members based on the acquisition of the number of votes , with the most votes system . In addition, this regulation also provides a new obligation for political parties to place the people's sovereignty as a fundamental principle in democracy and provide support for affirmative action, among others by giving small numbers to female candidates so as to increase the likelihood that female candidates can be elected as legislators f.

Democracy demands a system of representation that allows groups - groups in society to be represented, and in fact Indonesian women are the key to democratization , meaning that Indonesian women have great potential in coloring democracy in Indonesia, because the number of women warrants is very large.

To be the key to this democratization, women must be able to leave the traditions and culture of the past, and at the same time must increase their capacity, and be willing to compete with men openly.

The constitutional basis for equal position between men and women has been stipulated in the 1945 Constitution of the Republic of Indonesia Article 28 D paragraph (1): 'everyone has the right to equal treatment before the law (equality before the law); in paragraph (3) also stipulated: 'every citizen has the right to have the same opportunity in government'.

The political foundation for women's involvement in political parties has been regulated in Law No. 2 of 2008 concerning Political Parties - Article 8 paragraph (2) letter e; 'Menyert a right of at least 30 % to women's representative leadership of party politics the central level.

Likewise in Law No.8 of 2012 concerning General Election of Members of DPR, D PD and DPRD - Article 53 paragraph (2) : 'in the list of nominees as referred to in paragraph (1), every 3 (three) nominees there are at least 1 (one ) prospective woman; and the 30% quota for legislative nominations is confirmed again.

Although sociologically, the number of women is greater than men, but the involvement and representation of women in the political sphere is very low, this is due to the low financial capacity of women.

The main problem is : the people's representatives must fight for the rights of those who elect the people's representatives.

This 30% quota for women's representation basically opens the way for women to occupy the position of people's representatives in parliament.

The representation of women in parliament since the first general election in 1955 has experienced ups and downs (ranging from 20%), from the number of members of parliament, even though there are quite a lot of women who have better intellectual abilities than men.

If the increased representation of women can be maintained, then gradually democracy in the Republic of Indonesia, will be accomplished in accordance premisesn will holder sovereignty of the country namely : People.

The low level of representation of women in parliament and in public positions, give the impression that women in Indonesia have not been able presenting itself in the community, the nation and the State are berasaskan democracy. As a result, many women's interests neglected , because lack of representative of women in decision-making and policies related to women's interests, resulting in

injustice to women, whereas the purpose of the law is to create justice, especially again **the Republic of Indonesia is a State of Law** which has a Constitution just and democratic.

Transparency in the nominating and giving small numbers to female candidates is indeed not explicitly determined, so that it appears to underestimate the ability of women in politics and also narrow the space for women in politics, especially in parliament.

Other factors influencing the representation of women in this parliament, are internal women themselves, who are still bound by culture and tradition, who normalize men, so women do not want to study politics and are reluctant to compete with men in fighting over parliamentary seats, because of lack of confidence.

Compared with other countries, for example : Islamic State of Iran, has recognized 2 (two) fundamental rights in women's political rights, namely : the right to vote

(right to vote) and the right to run for election (right to stand for election), even though in reality women are still a marginalized group in the political world and this phenomenon is almost evenly distributed throughout the Islamic State. Even in Islamic countries in Arabia and Asia, through research, there were found many gender inequities (gender in equality), due to the politicization of religion and cultural factors, giving rise to unjust and patriarchal rules. Whereas in European continental countries, there is no 30% quota requirement for women's representation, such as in Italy and the Netherlands which sets special rules for this quota. In the UK, also does not set this 30% quota.

In parliaments on the European continent, voting is done for this women's quota, but the success of an activity does not depend on the quota, even the quota can be misused or used to get rid of other candidates. The candidate numbers are political commodities that are often contested by candidates the legislature, there is even the possibility that nominations based on serial numbers, become collateral and nepotism, as well as opportunities for corruption in this case the authority of the parties to determine the serial number of legislative candidates.

Efforts to increase women's representation in parliament, through affirmative action, can realize gender equality. This effort must be made from the highest level to the lowest level, so that the percentage of women representatives in public positions is greater, so that significant changes occur in decision making and policy.

### Closing

The normative political rights of Indonesian women have **been fulfilled**, in various laws and regulations in Indonesia, starting with **the Constitution**, namely the **1945 Constitution of the Republic of Indonesia**, Law No. 3 of 1999 concerning Human Rights. The development of women's representation in parliament shows progress, even though the 30% quota has not been fulfilled. The affirmative action effort **is to support the fulfillment of the 30 % quota**; thus experiencing a gradual and continuous increase in the fight for gender equality.

It is necessary to hold political education for Indonesian women so that they can participate more in the political sphere. Socialization and understanding of democracy activities also need to be held, while at the same time placing the people's sovereignty in the right position because the people's will is manifested in the representation of women in parliament. Discussion activities with men are needed in understanding cultural and traditions that prioritize men, so that men can provide opportunities for women in their family members to be active in the political sphere.

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