

CHAPTER I

INTRODUCTION

1.1. Background

“Lex uno ore omnes alloquitur” – the law addresses all with the same mouth or voice. The maxim suggests that all persons shall be treated equally under the law¹ regardless of the differences between 1 (one) individual and the other, including but not limited to gender, race, religion, ethnicity, and nationality. The Indonesian ideology – Pancasila, enshrines similar values within its *silas* which upholds humanism and draws on the varied cultural pluralism which is the very essence of the Indonesian worldview.² Pancasila knows no othering as it is specifically designed to be an inclusive ideology that protects and shelters all groups from any type of injustice. Pancasila sets a lens for Indonesians to view every individual as necessary and indispensable.³ c

Aside from ensuring that individuals are treated equally before the law, Indonesia also awards a large amount of freedom to the hands of the people due to its status of being a democratic state. By implementing such a system, the power of the government comes from the people.⁴ The Indonesian government

¹ Shivani Rani, *“Lex uno ore omnes alloquitur”*, Law Times Journal, <https://lawtimesjournal.in/lex-uno-ore-omnes-alloquitur/>, accessed on 17 September 2021.

² Dicky Sofjan, *“Pancasila and the Dignity of Humankind”*, International Journal of Interreligious and Intercultural Studies, Vol. 1, No. 1, October 2018, p. 2.

³ *Ibid.*

⁴ Anak Agung Gede Oka Wisnumurti, *“Democracy of Pancasila: The Concept and Its Implementation in Indonesia”*, University of Queensland Indonesian Students’ Association Seminar,

merely acts as a vessel to realize the aspirations of the citizens. The people of Indonesia, as previously mentioned, is made up of varying groups. The latest 2020 census done by Central Agency on Statistic (*Badan Pusat Statistik*) shows that the proportion of male and female citizens in Indonesia is close to equal, with 50.58% (fifty-point five eight percent) of the population being men and 49.42% (forty-nine-point four two percent) of the population being women.⁵ Such that, it is the voice of these 273.500.000 (two hundred seventy-three million five hundred thousand) citizens that determine the direction of growth of the nation.

Before venturing deeper, it is important to fully grasp the standing of better half of the Indonesian population, that is the women of Indonesia. A woman is referred to as '*perempuan*' in Indonesian, which etymologically comes from the word '*empu*' and '*puan*'. The word '*empu*' directly translates to master or a person who is skilled or powerful. Whereas the word '*puan*' holds the meaning of being a support, guard or simply a device that holds things back from falling.⁶

Historically, Indonesian women have always held an integral role pre- and post-independence. Prior to independence, the women of Indonesia struggled long and hard to place themselves in important positions to influence the ongoing processes. Prominent figures such as Cut Nyak Dhien and Cut Nyak Meutia from

<http://repository.warmadewa.ac.id/id/eprint/409/1/DEMOCRACY%20OF%20PANCASILA%20THE%20CONCEPT%20AND%20ITS%20IMPLEMENTATION%20IN%20INDONESIA.pdf>, accessed on 29 September 2021.

⁵ Hadijah Alaydrus, "*Sensus Penduduk 2020: Jumlah Laki-Laki di Indonesia Lebih Banyak dari Perempuan*", *Bisnis.com*, <https://kabar24.bisnis.com/read/20210121/15/1346104/sensus-penduduk-2020-jumlah-laki-laki-di-indonesia-lebih-banyak-dari-perempuan>, accessed on 29 September 2021.

⁶ Titik Pudjiastuti, "*Sita Berperasaan Perempuan*", Workshop on Old Javanese Ramayana: Texts, Culture and History, ANRC, Gonda Foundation, <https://docplayer.info/33226799-Sita-berperasaan-perempuan.html>, accessed on 9 November 2021, p. 6.

Aceh, as well as Roro Gusik from Java and Martha Christina Tiahahu from Maluku – all had remarkable involvement in the struggle against colonialism.⁷ By pushing for the opportunity to pursue education, women groups have successfully become involved in public arenas and eventually took part in the Youth Pledge (*Sumpah Pemuda*) that happened on the 28 October 1938. Aside from their involvement in the struggle to overturn the Dutch rule, several women also demanded to propose resolutions to the colonial government. They fought for their political right to vote and be voted for. Their efforts were successful as the Dutch allocated room for native Indonesia women to vote in Indonesian representatives Level II Regional Parliament.⁸

This sheds a light on the efforts of women to fight the strong patriarchal culture that is deeply rooted in Indonesia. Another testimony to such culture is the term '*konco wingking*' which is widely associated with Indonesian women. This term literally translates to the phrase 'the friend behind'.⁹ This Javanese concept suggests that women mainly function as the companion of men and shall only be in charge of the tasks behind the main scene such as cooking, cleaning and bearing children. Such that, women are only expected to accompany her husband in all his ventures, legitimize his decisions and obediently tend to his needs.

⁷ Gadis Arivia and Nur Iman Subono, "A Hundred Years of Feminism in Indonesia: An Analysis of Actors, Debates and Strategies", Friedrich-Ebert-Stiftung, <https://library.fes.de/pdf-files/bueros/indonesien/13830.pdf>, accessed on 17 September 2021, p. 7.

⁸ *Ibid.* The figures included but are not limited to Emma Puradierda in Bandung, Sri Umiyati in Cirebon, Soenaryo Mangunpuspito in Semarang and Siti Sundari Sudirman in Surabaya.

⁹ Moh. Faiz Maulana, *Konco Wingking dari Waktu ke Waktu*, (Yogyakarta: Diva Pres, January 2021), p. 1.

This terminology, much like many others of the same kind, is tied to that of 'kodrat'. 'Kodrat' is a word that every Indonesian woman has heard at least once in her lifetime. This term literally translates to the word 'nature' and refers to the character of women and her capabilities which are considered to contribute to the 'kodrat' of women.¹⁰ This term puts women into boxes and limits them to a predetermined set of actions. These figurative boxes are noticeable through the expectations set by society which requires women to fulfill their primary responsibility of bearing children, becoming a nurturing mother and wife, as well as successfully managing the household. Notions like 'kodrat' tend to affect motivational factors such as ambition, self-confidence, self-belief, and dedication and has been proven to hinder women from taking on important and public roles.¹¹ Thus, eroding the chance for women to exercise their political rights to participate in government as protected under Article 43 of Law No. 39 Year 1999 concerning Human Rights [hereinafter referred to as "**Law on Human Rights**"]. This is made worse by the lack of adequate regulations that seeks to motivate such participation. Cumulatively, hampering women from exercising their political right of being elected which is actually the inherent right of every individual.

The Indonesian government has actively tried to increase protection towards the rights of women in particular through several attempts including ratifying the Convention on the Political Rights of Women through Law No. 68

¹⁰ Husein Muhammad, *Fiqh Perempuan: Refleksi Kiai atas Wacana Agama dan Gender*, (Yogyakarta: LKIS, 2001), p. 9.

¹¹ Sue Maguire, "Barriers to Women Entering Parliament and Local Government", Report, Bath: Institute for Public Research, University of Bath, October 2018, p. 6.

Year 1958;¹² and ratifying the Convention on the Elimination of All Forms of Discrimination Against Women through Law No. 7 Year 1984 [hereinafter referred to as “CEDAW”]¹³. Other than that, Indonesia has also given special attention towards the protection of women’s rights in the drafting of various regulations including but not limited to Law on Human Rights,¹⁴ Law No. 23 Year 2004 concerning Elimination of Domestic Violence, Law No. 12 Year 2006 concerning Citizenship, and Law No. 21 Year 2007 concerning the Eradication of the Criminal Act of Trafficking Persons. Former Indonesian president, Abdurrahman Wahid has even gone so far as to release Presidential Instruction No. 9 Year 2000 concerning Gender Mainstreaming in National Development which set out that gender mainstreaming is an inseparable part of the functional activities of all government agencies and institutions and therefore shall be done in order to improve the position, role, and quality of women, as well as realize gender equality.¹⁵ Furthermore, Presidential Regulation No. 65 Year 2005 was also passed in order to establish a National Commission on Violence Against Women [hereinafter referred to as “**Komnas Perempuan**”].

¹² Law No. 68 Year 1958 concerning Ratification of Women’s Political Rights Convention.

¹³ Law No. 7 Year 1984 concerning the Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women.

¹⁴ There are several articles within the Law on Human Rights that specifically protect the various rights of women. Article 20 regulates against acts of women trafficking; Article 38 regulates regarding equal pay and work for men and women; Article 41 regulates the right to special facilities for pregnant women; Article 45, 46, 48, 49, and 50 regulates a woman’s right to obtain education, teach, work, and marry.

¹⁵ Preamble of President Instruction No. 9 Year 2000 concerning Gender Mainstreaming in National Development. By definition, gender mainstreaming refers to a set of specific strategies and approaches, both technical and institutional, which are implemented to achieve gender equality as the overarching and long-term development goal. Gender mainstreaming essentially integrates the concept of gender equality into various organizations on multiple levels with the aim of eradicating and/or limiting discriminatory social institutions, laws, norms, and practices. The aforementioned definition is a conclusion of the Economic and Social Council of 1997, <https://www.un.org/womenwatch/daw/csw/GMS.PDF>, accessed on 3 November 2021.

Indonesia has also released several policies based on 'affirmative action'¹⁶ at the end of reformation era, specifically through the Law No. 12 Year 2003 concerning General Election of Members of the House of Representatives, Regional Representative Council, dan Regional People's Representatives Council which marks the first time the minimal quota rule was introduced.¹⁷ This quota is introduced due to the minimal participation of women in the legislative branch of the Indonesian government, which is mainly in charge of the national legislature of Indonesia. The numbers were so concerning that the position of women and men were no longer equal in the political field. The affirmative action policy was then introduced through a minimum quota as an attempt to provide special treatment for women as to increase their representation in the legislative branch. This act, albeit provides differential treatment, is considered as positive discrimination which is something that is justified according to the stipulations of the 1945 Constitution.¹⁸ The special treatment is particularly extended to achieve a sense of equality and justice in the political field and can be considered a logical consequence of ratifying the aforementioned Convention on Political Rights of Women, and CEDAW.¹⁹

¹⁶ In its very essence, affirmative action refers to positive discrimination towards minority and/or aggrieved groups. In this particular context, affirmative action refers to the positive steps that are undertaken with the purpose of increasing representation of women politically, culturally, and legislatively. Robert Fullinwider, "Affirmative Action", *The Stanford Encyclopedia of Philosophy*, Summer 2018 Edition, <https://plato.stanford.edu/cgi-bin/encyclopedia/archinfo.cgi?entry=affirmative-action>, accessed on 18 February 2021.

¹⁷ The inclusion of the 30% quota is considered to be in line with Article 4 of the CEDAW which has been ratified by Law No. 7 Year 1984. Ukthi Raqim, "*Implementasi Ketentuan Kuota 30% Keterwakilan di DPRD Kota Salatiga*", Thesis, Semarang: Universitas Negeri Semarang, 2016, p. 3.

¹⁸ Article 28H (2), 1945 State Constitution of the Republic of Indonesia.

¹⁹ Consideration of the Constitution Court in the Review of Law No. 10 Year 2008 concerning Legislative Election in Case No. 22-24/PUU-VI/2008 from Nalom Kurniawan, "*Keterwakilan*

In this context, quotas are a particular threshold of places to be occupied by women. This has been used increasingly in a number of countries as a tool to increase the political participation of women.²⁰ At its core, this system is to recruit women into political positions and to ensure that they are not just a token few in the political landscape of a country.²¹ This requirement is set out within Article 245²² of Law No. 7 of 2017 concerning General Elections [hereinafter referred to as “**Law on General Elections**”] which stipulates that the list of nominated candidates shall be filled with at least 30% (thirty percent) of women candidates for the legislative branch. In addition to this, Article 246²³ of the same law further sets out the zipper system mechanism which requires for there to be at least 1 (one) woman candidate for every 3 (three) names within the nomination list. The contents of the aforementioned Articles perfectly embody Article 28H (2) of the 1945 Constitution which encourages for differential treatment to be awarded in order to make sure that each individual receives equality and justice. The specific amount of 30% (thirty percent) is based on a 1995 United Nations Development Programme that found that 30% (thirty percent) was the critical minority required

Perempuan di Dewan Perwakilan Rakyat Pasca Putusan Mahkamah Konstitusi Nomor 22-24/PUU-VI/2008”, Report, Jakarta: Pusat Penelitian dan Pengkajian Perkara Pengelolaan Teknologi Informasi dan Komunikasi Kepaniteraan dan Sekretariat Jenderal Mahkamah Konstitusi Republik Indonesia, 2013, p. 274.

²⁰ Joy McCann, “Electoral Quotas for Women: An International Overview”, Parliament of Australia,

https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1314/ElectoralQuotas#_ftn4, accessed on 29 September 2021.

²¹ Mona Lena Krook and Diana Z. O’Brien, “The Politics of Group Representation Quotas for Women and Minorities Worldwide”, *Comparative Politics*, April 2010, Vol. 42, Issue. 3, p. 256.

²² Article 245, Law No. 7 of 2017 concerning General Elections.

²³ Article 246 (2), Law No. 7 of 2017 concerning General Elections.

for women as a group to exert a meaningful influence in legislative assemblies and influence decision making.²⁴

Despite real indications that these platforms are slowly growing in Indonesia, it fails to make real difference in ensuring the political rights of women. Political parties successfully nominate 30% (thirty percent) of women candidates as per the requirement.²⁵ However, there has been no significant change to the real participation rates as the number of women that are elected to be part of the government still remains very low. This indicates a problem with the current system as it does not serve the very purpose of its creation, which is to increase political participation of women. This system merely ensures that women are involved up to the nomination stage but pays no heed to the actual number of political participation of women in parliament, especially in the House of Representatives of the Republic of Indonesia or the *Dewan Perwakilan Rakyat* [hereinafter referred to as “DPR”] which shall be the main focus of this thesis. The reason for such a focus is because the DPR is tasked with an important role of drawing up and passing laws. Statistical research shows that in the year 2019, women only filled up 118 (one hundred and eighteen) chairs out of the 575 (five hundred seventy-five) chairs available for DPR which merely makes 20.5%

²⁴ Expert Group Meeting in Addis Ababa on 24-27 October 2005, “Equal participation of women and men in decision-making processes with particular emphasis on political participation and leadership”, <https://www.un.org/womenwatch/daw/egm/eql-men/>, accessed on 27 September 2021.

²⁵ BBC News Indonesia, “Pemilu: Jumlah caleg perempuan terus meningkat, tapi mengapa 30% belum pernah tercapai?”, <https://www.bbc.com/indonesia/indonesia-47734333>, accessed on 28 September 2021.

(twenty-point five percent) of the total available chairs.²⁶ In fact, ever since 1999 up to the latest 2019 General Elections, women participation rates in the DPR has not yet reached 30% (thirty percent), as shown in the table below:

Table 1.1. Participation rates of women in DPR over 74 years²⁷

Representation of Women in DPR RI from 1950 to 2014				
Period	Women		Men	
	Total	%	Total	%
1950-1955	9	3.8	236	96.2
1955-1960	17	6.3	255	93.7
1956-1959	25	5.1	488	94.9
1971-1977	36	7.83	424	92.2
1977-1982	29	6.3	431	93.7
1982-1987	39	8.5	421	91.5
1987-1992	65	13.9	435	87.0
1992-1997	62	12.5	438	87.5
1997-1999	54	10.8	446	89.2
1999-2004	45	9.0	455	91.0
2004-2009	61	11.09	489	89.3
2009-2014	101	17.86	459	82.14
2019-2024	118	20.52	457	78.48

This issue is often met with questions regarding what difference does an increase in political participation of women bring about for a state? Why do women have to be considered in the process of decision making? What is so wrong about having a male-dominated legislative body? To answer that – *first*,

²⁶ Scholastica Gerintya, “Kuota 30% Perempuan di Parlemen Belum Pernah Tercapai”, <https://tirto.id/kuota-30-perempuan-di-parlemen-belum-pernah-tercapai-cv8q>, accessed on 20 February 2021.

²⁷ Khofifah Indar Parawansa, “Hambatan Terhadap Partisipasi Politik Perempuan di Indonesia”, Guidebook Series, Jakarta: International IDEA, 2002, p. 46.

the lack of women representation is a dominant threat to the Indonesian democracy. It is important to highlight that Indonesia as a democratic country that shall be ruled by the people and for the people. Women make up half of the Indonesian population and are definitely not a minority.²⁸ For proper democracy to exist, political institutions shall be democratically legitimate and inclusive of all citizens, including women. This especially includes the DPR as the legislative products that it produces fully take into account different groups of society that make up the Indonesian population. In short, women are needed to represent women of the country. Women lawmakers are important because they will be able to identify the particular needs of women and children that is to be accommodated within the laws during the drafting process.²⁹ Thus, calling for more representation of women in national parliaments.³⁰

Second, the composition of the parliament has an enormous impact on the policies they prioritize and eventually pass. Policies passed by women are more likely to raise economic productivity and reduce the child and maternal mortality rates while at the same time promoting health and increasing chances for

²⁸ As per the 2020 population census conducted by the Central Statistics Agency, there is just a minor difference between the number of women and men in Indonesia. Out of the entire Indonesian population, men take up 50.58% (fifty point five eight) and women make up 49.42% (forty-nine point four two).

²⁹ Direktorat Kependudukan, Pemberdayaan Perempuan dan Perlindungan Anak, Kedeputan Bidang Sumber Daya Manusia dan Kebudayaan, *“Indeks Kesetaraan dan Keadilan Gender & Indikator Kelembagaan Pengarusutamaan Gender: Kajian Awal”*, Report, Jakarta: Kementerian Perencanaan Pembangunan Nasional/Badan Perencanaan Pembangunan Nasional, 2012, p. 29.

³⁰ Zeena Didi, “Why we need more women in politics”, King’s College London News Centre, <https://www.kcl.ac.uk/news/why-we-need-more-women-in-politics>, accessed on 5 August 2021.

education.³¹ More women sitting in the parliament would also mean that the policies would be more inclusive and cater to the needs of women. This would mean that Draft Bills like the one on Sexual Abuse Eradication, that protects women as the primary victims, would receive more attention and be passed sooner. Thereby, bringing about a greater sense of protection towards the general public.

Lastly, women also tend to engage themselves in consensus building³² which then bolsters legislative effectiveness. In that, the very approach of men and women lawmakers is discernible in a way that makes increasing political participation of women highly beneficial for the citizens of a state and also the state itself. Women lawmakers tend to be more collaborative and cooperative whereas men, more individualistic and competitive.³³ Such generalized nature would impact the regulations and policies adopted by the state. Thus, proving that there is a need for equal representation of the 2 (two) genders in order to accommodate and balance the development and actions of the state.

Rwanda, a country located in Central Africa, also struggled with low women participation rates. To counter this, the country otherwise known as the land of a thousand hills implemented an affirmative action clause which

³¹ Sandra Pepera, “Why Women in Politics?”, Women Deliver, <https://womendeliver.org/2018/why-women-in-politics/>, accessed on 5 August 2021.

³² Consensus building is a process that involves good faith in attempting to meet the interests of all stakeholders in order to attain unanimous agreement. This allows various stakeholders to reach an agreement and maximize gains for all the parties. PON Staff, “What is Consensus Building?”, Program on Negotiation at Harvard Law School, <https://www.pon.harvard.edu/tag/consensus-building/>, accessed on 19 February 2021.

³³ This corresponds to the attributed gender traits. Men are rule-focused, dominating, competitive; women are contextual, relationship focused, good listeners and caring. Georgia Duesrt-Lahti, *Knowing Congress as a Gendered Institution: Manliness and the Implications of Women in Congress*, (Norman: University of Oklahoma Press, 2002), p. 23.

recognizes the need for equality between the 2 (two) genders. They did this by introducing a reservation of seats system for women within the constitution as seen in Article 10 (4) of Rwanda's Constitution which stipulates

“The State of Rwanda commits itself to upholding the fundamental principles and ensuring their respect to building a State governed by the rule of law, a pluralistic democratic Government, equality of all Rwandans and between men and women which is affirmed by women occupying at least thirty percent (30%) of positions in decision-making organs”.³⁴

Upon introducing such a system through the Constitution and the laws, Rwanda has reaped great benefits from increased women participation as it led to the passing of laws that are more sensitivity towards women, children and their respective needs. Furthermore, it has also created a rippled effect and generated a participation rate that not only meets the threshold but exceeds it.

Some may argue that the reservation of seats system of Rwanda is already reflected in Indonesia through the minimal quota. However, there are stark differences between the 2 (two) as reservation withholds seats for women thereby ensuring a higher level of representation in the institutions. The quota system, on the other hand, merely ensures that the 30% (thirty percent) of the nominees are women, without paying heed to the real representation rates in the parliament.

Based on the factors set out, there is a clear urgency to restructure the constitutional system and reconsider what is to be stipulated within the 1945

³⁴ Article 10 (4): Fundamental Principles, Chapter III: Fundamental Principles and Home-Grown Solutions, Rwanda Constitution of 2003 with Amendments through 2015. More details regarding the mechanism of reservation of seats, specifically for the legislative branch of the Rwandan government is contained in Article 76 of the Rwanda Constitution and also in Article 109 of Organic Law 03/2010/OL of 18 June 2010 that governs Presidential and Legislative Elections.

Constitution, such that it can become the holy grail that is referred to in conducting the state. Presently, Indonesia's attempt to increase women representation in DPR can only be seen through the 30% (thirty percent) threshold set at the candidacy level and is merely stipulated in the Law of General Elections which has been proved futile. Introducing a new system that is stipulated both within the laws and also the Constitution would greatly increase the chances for an increase in women participation and representation. Amending the 1945 Constitution has to be done comprehensively as to provide a better legal umbrella that would ensure the political rights of women. This amendment is highly called for, especially when viewed from the aspect of constitutional endurance.³⁵ The hierarchy of law places the 1945 Constitution at the very top of the hierarchy and is followed by Laws or Government Regulation in Lieu of Law further below. Having established such grounds, there is an urgency for there to be a new system set up to boost the rate of women representation in the legislative branch in the Indonesian government. The aforementioned change shall be stipulated in the constitution considering that it manifests supremacy of the law and is to be abided by both the state and its citizens.

³⁵ With reference to this, K.C. Wheare states that "a constitution is indeed the resultant of parallelogram of forces political, economic, and social – which operate at the time of its adoption." In that, the constitution is described to be the 'soul' of a State and must be reflected in progressiveness of state practice. Sri Soemantri shares similar views and opines that the amendment of the 1945 Constitution is necessary because the current regulations cannot be bound upon future generations, thus subjecting the constitution to changes.³⁵ He further elucidates that in governing a state, development is inevitable, and therefore calls for an amendment of the 1945 Constitution. Sri Soemantri, *Prosedur dan Sistem Perubahan Konstitusi*, (Bandung: Alumni, 2006), p.272.

1.2. Formulation of Issues

In regard to the topic of this thesis, the Author will discuss the following formulation of issues:

1. How are the political rights of women protected and/or encouraged under the Indonesian legal system?
2. What is the urgency to enact laws that would increase women participation in the legislative branch?

1.3. Purposes

The Author's purpose of drafting this thesis is to answer the formulation of issues stipulated above, namely:

1. To identify the existence of regulations that protecting and/or encourage women to exercise their political rights.
2. To establish the level of urgency of involving women in legislative branch of the government for the sake of mutual benefit.

1.4. Potential Benefits Derived

1.4.1. Theoretical Benefits

From this thesis, the Author aspires to raise awareness regarding the low rate of political participation of women and the need to introduce and revise laws to tackle the issue at the very root. The Author hopes that the thesis also provides insights regarding the potential that Indonesia is able to achieve by passing regulations which positively discriminate

against the female gender. Rippling the aforementioned factor to destroy hesitation from the minds of women who are capable of taking on such a task and motivating for further participation of other women. Ultimately, allowing for a balanced participation rate that would allow Indonesia to operate functionally and reach its full potential.

1.4.2. Practical Benefits

Installing a practical lens, this thesis could be used as a consideration for the Indonesian government in creating future laws that would seek to target specific groups of individuals, like women that are hindered from holistically contributing to the society and the country. With the realization that Indonesia lags behind other countries which have been progressing rapidly, providing such a platform through 1945 Constitution and introducing the system of reservation of seats would enable Indonesia to gain competitive advantage over other countries and move ahead by fully exploiting the human resources that the nation possesses. The Author is also optimistic that this thesis would be beneficial for the general public and political parties who are looking to become part of the legislative branch of the government and represent the interests of the nation as a whole.

1.5. Systematics of Writing

This thesis is segmented into 5 (five) main chapters that would allow the readers to fully comprehend the discussion presented within.

CHAPTER I: INTRODUCTION

As the initial chapter of this thesis, this particular chapter will serve the purpose of providing context to the thesis, as well as introduce the *status quo* and the underlying background of the thesis topic. In addition to providing a preliminary assessment of the relevance and urgency, this chapter would also consist of supplementary parts that would look into the questions that would be addressed throughout the thesis, the purpose of conducting such research, the benefits that may be derived from it, as well as the research framework.

CHAPTER II: LITERATURE REVIEW

The second part of the thesis highlights the theoretical and conceptual background concerning the issues discussed within the thesis. Among others, it explores the concept of affirmative action, the principles of democracy, theories of human rights, the concept of representation. It also assesses the parameters of good legislation and what it takes to form it. This chapter then discusses the role of women in politics and the prominent discrimination culture that has had an effect on the participation rates of women in parliament.

CHAPTER III: RESEARCH METHODS

The following part of this thesis discusses the methods of legal research utilized in constructing this thesis. It includes the type

of research, kinds of data collected, procedure of collecting research materials, as well as the approach undertaken to draw up the analysis of this thesis.

CHAPTER IV: RESEARCH RESULTS AND ANALYSIS

The fourth chapter will attempt to answer the questions raised in the earlier parts of this thesis by primarily laying out the results of the interviews conducted, results of combing through progress of the quota stipulations through various laws and also the tabulated results that display the gender-sensitivity of the laws enacted from 2014 to 2019. The later parts of the chapter would entail a discussion on the existing regulations which impose a minimum quota for the representation of women and the effectivity of the aforementioned quota. It will also look into how introducing the reservation of seats system through a more powerful legal facet would impact participation rates, and the implications such conduct may bring about. This chapter would also include a cross-jurisdictional analysis with Rwanda which has successfully increased the political participation of women through an introduction of a minimum quota in their constitutions.

CHAPTER V: CLOSING

The final chapter of this thesis would conclude the findings from the research conducted in the prior chapters. It would also

provide the concise answer as to the feasibility of reserving seats to increase women participation in the legislative branch. In addition, several recommendations would be made in regard to the thesis topic that aims to ensure legal certainty and protection of rights for all citizens of the Republic of Indonesia.

