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## The Impact of Indonesian Law No. 6/2014 on Women's Political Participation in the Politics of Kelurahan: A Study on Kelurahan's Community Empowerment Institution (LPMK) in Salatiga, Indonesia

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### Abstract

In Indonesia, decentralization and democratization have prompted the issue of women's representation to be brought upon local and small-scale communities. One of the examples is the Indonesian Law No.6/2014 (the Village Act) in which the affirmative action for women's participation is mandated in village's representative body. Later, the same action is implemented in the urban counterpart to village's rural that is Kelurahan, with the same Act –mutatis mutandis-. This article explores the implementation of Law No. 6/2014's affirmative action to the kelurahan's representative body, the Community Empowerment Institution or Lembaga Pemberdayaan Masyarakat Kelurahan (LPMK) in Salatiga. Acknowledging that there are fundamental differences between village and kelurahan, we found that such a maneuver has caused policy and practical inconsistencies where gender equality clause is omitted and the organization's structure remains unreformed. Thus, it seems that the implementation of affirmative action for women participation in kelurahan's politics has been withered before blooming.

**Keywords:** decentralization; democratization; community empowerment; gender; affirmative action.

### Abstrak

*Di Indonesia, perkembangan politik desentralisasi dan demokratisasi telah membawa isu representasi perempuan hingga ranah politik lokal. Salah satu contohnya adalah Undang-Undang No. 6/2014 (UU Desa) yang memandatkan tindakan afirmatif untuk partisipasi perempuan dalam Badan Perwakilan Desa. Hal yang sama diimplementasikan pula di Lembaga Pemberdayaan Masyarakat Kelurahan melalui UU Desa secara mutatis mutandis. Artikel ini akan menelusuri implementasi tindakan afirmatif UU Desa mengenai partisipasi perempuan dalam LPMK di kota Salatiga. Mengingat adanya perbedaan fundamental antara desa dan kelurahan, peneliti menemukan bahwa manuver mutatis mutandis terhadap partisipasi perempuan di LPMK justru menyebabkan inkonsistensi dalam implementasinya baik dalam legislasi lokal, yang meniadakan klausula partisipasi perempuan, dan struktur organisasi politik pemerintahan yang belum sensitif gender. Maka, bisa disimpulkan bahwa implementasi tindakan afirmatif terhadap partisipasi perempuan di politik LPMK kota Salatiga terbelang telah layu sebelum berkembang.*

**Kata kunci:** desentralisasi; demokratisasi; pemberdayaan masyarakat; gender; tindakan afirmatif.

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## Introduction

One of the fundamental aspects of a just human development is political participation. A good democratization is characterized by mutual participations of social elements in the public decision-making process. Women's representation is needed in the democratic process at every level from the highest, state legislative, to a small public

sphere such as village. Human development and gender equality have a complex relationship. History shows that women have long been marginalized (Choi, 2018). Efforts to fight for gender equality are not the only struggle of women, because gender cannot be interpreted only from a gender perspective (Mansbridge, 1999). Furthermore, the term gender was first introduced by Robert Stoller in his 1968 book entitled *Sex and Gender: On the Development of Masculinity and Femininity* to separate human characterization based on the defining socio-cultural nature with definitions derived from biological physical characteristics (Nugroho, 2008: 2; Fakhri, 1999: 8; Stoller, 1968).

In social science, Oakley (1972) argues that gender refers to differences that are not biological and not God's nature. Biological differences are gender differences (sex), which are God's nature. They are permanently different from the notion of gender. Gender is a behavioral difference between men and women who are socially deconstructed; differences which are not God's provisions but are created by humans (not nature) through long social and cultural processes (Nugroho, 2008). Caplan (1987) describes that behavioral differences between women and men are not merely biological, but they are also related to cultural and social processes. Thus, gender can change from place to place, from time to time, even from class to class, while biological sex will remain unchanged.

Based on those definitions, we can see that these scholars, who have conducted research focusing on gender, have been trying to promote the importance of gender equality in every aspect of social life, from family into government. On March 22, 2017 UNDP released the 2016 Human Development Report entitled "Human Development for Everyone", which stated that Gender equality and women's empowerment are fundamental dimensions of human development (UNDP, 2017). Gender gaps exist in terms of capabilities as well as opportunities, and the progress is still too slow for realizing the full potential of half of humanity (Maggio, 2007). Progressive efforts must be made to accelerate the encourage gender equality in all fields, including in the field of policy formation and decision making. Women should get a place in the country's development space. History has noted that women have long been the driving force of change (Wängnerud, 2010). Representation of women in public institutions is one indicator of gender equality in government.

The UNDP's (United Nations Development Program) Indonesia Gender Equality Strategy and Action Plan of 2017-2020 mentions that gender equality is a critical component of sustainable development and its achievement has a profound effect (UNDP, 2015; 2017):

"...achieving gender equality means transforming the relations between men and women. It involves working with both women and men at the grassroots to empower Women economically, socially and politically and at the macro-institutional level to support gender equality in policies and regulations."

In order to achieve a sustainable development, gender equality must be implemented in any process that includes the interests of both women and men as members of a society (Bayeh, 2016; UN Women, 2016; UNDP, 2015). This means that the equality within

the decision-making process of a community is very important to be regulated and enforced by the government as it is their responsibility to respect, fulfill, and maintain the rights for gender equality.

In Indonesia, the development of gender equality has been exponentially increasing, especially in politics. The Indonesian government has initiated a policy to empower women and promote gender equality in politics, which is called affirmative action. This affirmative action is applied to legislative elections (state, provincial, and counties) where a political party is obligated to include minimum 30% of women membership in the party and also in its electoral nominations (Purwanti, 2015; Siregar, 2005). This policy is considered successful in increasing women's political participation in a legislative body through which the voices of –supposedly- subordinated minorities as in women groups can be heard and matters to the account (Dahlerup, 2007; Dahlerup and Freidenvall, 2005; Olken, 2010).

Driven by the success of previous affirmative actions, the notion of minimum quota for women's participation in the decision-making process has been expanded into other fields as part of a thorough democratization in Indonesia (Bebbington et al, 2004). One of the notable issues is the democratization of the village (Desa in Indonesian) that is initiated through the Village Act (the Law No. 6/2014). The village act stipulates an exhaustive scheme of transfer of governmental power into a village as a step in development and human rights (Antlöv, Wetterberg, and Dharmawan, 2016; Salim et al., 2017; Vel, Zakaria, and Bedner, 2017; Vel & Bedner, 2015). For the latter, the more urgent issues are indigenous rights and women rights, then the affirmative action of women's political participation within the village's decision-making process.

In regard to kelurahan – a municipal version of a village-, the promulgation of Village Act cannot be segregated from the Law No. 32/2004 on Regional Government and Government Regulation No. 72/2005 on Village Government. In the Village Act, village is defined as a union of law-abiding citizens which have an authority to regulate and manage the interests of their local society based on the existing tradition and culture which are recognized and respected in the governmental system of the Republic of Indonesia. However, kelurahan is different from a village.

Adopting the separation of power as implemented in the state government, kelurahan government also has a legislative body called LPMK or Lembaga Pemberdayaan Masyarakat Kelurahan – literally translated to Empowerment Body of People of Kelurahan. This assembly has an equal position and authority to the kelurahan government in managing kelurahan affairs, development, and community empowerment. Along with kelurahan government, LPMK can design and propose policy and legislation which then will be promulgated by the head of kelurahan government, a Lurah.

According to the Village Act, kelurahan is an upgraded version of a village where its government is administratively related to the municipal government. The workers within kelurahan government are considered bureaucrats with a responsibility to report to the municipal government. Regardless, the concept of community decision-making process is

similar to the village. LPMK is specifically promulgated in the Government Regulation No. 73/2005 on Kelurahan, which define it as a self-governing body of the community –the citizens of Kelurahan- which acts as the legislative body of Kelurahan government. Through this body, the community can convey, act, and vote as a part of governmental decision-making process in Kelurahan.

The Village Act brings a new spirit of democratization in kelurahan government. As democracy is signified by participation parity of all societal elements in every decision-making process as a representation of a community, women are granted an equal position to men in voicing their interests. Moreover, the social participation is promulgated in article 54 of Village Act in which every member of the community is part of the highest decision-making strategic body of kelurahan or LPMK.

The Village Act contains the spirit of gender equality within its democratization promulgation of article 58 (1) which obligates that the membership must consider the proportionality of region, women ratio, population and budget. This article indicates the obligation for an affirmative action of quota in which every division must have at least one woman member. This provision protects the interests of women in the formation of policies in the village, because all this time there has been discrimination where the roles and presence of women in BPD are ignored and often the policies produced in the end are not pro women or gender equality. However, the difference between village and Kelurahan brings a legal confusion where the Village Act simplifies the value of democracy to be implemented in the Kelurahan. The problem is that Kelurahan is a bureaucratic government, not a self-governing body like village. Therefore, such a legal problem can create a misunderstanding which then leads to a miscarriage of rights, especially towards women participation.

Regarding the political system of Kelurahan, the only regulation concerning kelurahan is the Government Regulation no. 73/2005 on Kelurahan. In the regulation, there is no provision regarding women's participation quota in LPMK's membership. Therefore, the political effort to pursue the enforcement of affirmative action in LPMK membership is by referring to the Village Act. In article 58 (1) of Village, affirmative action is promulgated by the phrase, "the amount of appointed members.... must be concerning region, women, population, and budget". Although it seems simple, the phrase is an important reminder that the interests of women must be taken into account.

Given the notable success of the Village Act in democratizing, developing and empowering villages including the women's politics within, the Indonesian Government has begun to implement such Act into another administrative counterpart of village, the Kelurahan. Kelurahan is the urban counterpart of a village, which constitutes the lowest-level administrative unit of the state. In Indonesia's administrative system, kelurahan only exists in municipalities and metropolitans, whereas village is – administratively - a rural community government. Given the difference, the Village Act imposes indiscriminately – mutatis mutandis- to both as to the establishment of Lembaga Pemberdayaan Masyarakat or Community Empowerment Institution. This article focuses on an institution within

kelurahan's government system that is designed by law as a community channel to convey their interests into kelurahan's policy-making process, namely Lembaga Pemberdayaan Masyarakat Kelurahan (LPMK) – or the Community Empowerment Institution of Kelurahan. As the Village Act brings the spirit of democratization and gender equality, such a legal maneuver of *mutatis mutandis* of village's Lembaga Pemberdayaan Masyarakat to the kelurahan will implicate its own challenges in terms of women's political participation, given the differences between village and kelurahan. This is the problem which this article investigates.

## Research Problems

This article focuses on an institution within kelurahan's government system that is designed by law as a community channel to convey their interests into kelurahan's policy-making process, namely Lembaga Pemberdayaan Masyarakat Kelurahan (LPMK) – or the Community Empowerment Institution of Kelurahan. As the Village Act brings the spirit of democratization and gender equality, such a legal maneuver of *mutatis mutandis* of village's Lembaga Pemberdayaan Masyarakat to the kelurahan will implicate its own challenges in terms of women's political participation, given the differences between village and kelurahan. This is the problem which this article investigates.

## Research Methods

This study is empirical legal research which combines legal data and quantitative data in order to identify the legal gap within the implementation of a legislation (Banakar and Travers, 2005; Hendrik Mezak, 2006; Hillyard et al., 2007; Van Hoecke, 2015; Nkansah and Chimbwanda, 2016). In this case, the legal gap is related to LPMK and women's roles. The legal data are gathered as literature data which consist of legislation and works of literature (Dobinson and Francis, 2007; Hoecke, 2011). Meanwhile, the quantitative data gathered show the problem in oppose to the legislation's implementation, which in this case deals with the empirical gap between the population and the social participation of women in kelurahan.

## Discussion

### **Brief Explanation of *Kelurahan* and LPMK**

According to the Government Regulation No. 17/2018, *kelurahan* is an urban small community by which population and territory are parts that constitute a sub-district within a municipality. Principally, *kelurahan* is an administrative counterpart of a village as the lowest administrative level in the Indonesian system, albeit some fundamental differences. Unlike the village government which is given substantial autonomy to self-govern and self-develop as a democratic society, *kelurahan* government is run by bureaucrats (government employees) that are appointed by the municipal government, thus, having less autonomy than a village. Although *kelurahan* is subordinated under the

municipal government, this position posits some advantages. A thorough and direct authority of the municipal government to the smallest administration, that is *kelurahan*, can lead to an evenly distributed development progress across the municipality.

The political system of *kelurahan* is also distinctively different from that of the village. According to the Village Act, a village has an exhaustive democratic governmental system in which the executive (village government) and legislative (Village Representative Council) institutions are established. For the latter, *kelurahan* establishes a different kind of political institution which may not posit a likewise mechanism that renders people's voices to the policy-making as influential as the village's legislative body. However, community participation still matters in *kelurahan* politics, albeit different form, position, and powers. Such an institution to render community's interests into *kelurahan's* policy-making is manifested into *Lembaga Pemberdayaan Masyarakat Kelurahan* or the Community Empowerment Institution of *Kelurahan* (LPMK).

LPMK is a form of societal body which is initiated by the community and facilitated by the government through deliberative consensus, which is then promulgated through municipal or regent government regulations. Simply put, the LPMK is a communication forum facilitated by the government for the people of *kelurahan* in order to protect, preserve, and fulfill their political rights regarding decision-making process in the *kelurahan*. LPMK is intended for community empowerment in which the programs are designed, executed, managed, and reviewed by local citizens. This is important in order to provide self-autonomy and independency in economy, ecology, politics and social. Through LPMK, the local community in *kelurahan* is able to empower themselves and work hand-in-hand with the bureaucrats in utilizing their strategic potentials for long-term welfare. The LPMK was firstly stipulated in the regulation of the Indonesian Minister of Home Affairs No. 5/2007 and No. 18/2018 thereafter. The regulation of the Indonesian Minister of Home Affairs No. 18/2018 is actually co-titled "on Village Community Institution and Village *Adat* Institution". The former resembles the same institution as the LPMK, as stipulated in the previous ministerial regulation No. 5/2007. However, this regulation does not mention any matter related to the *kelurahan* except Article 14 where the formulation of Village Community Institution applies as *mutatis mutandis*. According to which, the LPMK is a self-established community institution through which people of *kelurahan* can participate, as the partner of *Kelurahan* government, in the processes of planning, implementation, supervision, and improvement of development progress and social services. The membership of LPMK is determined by democratic process, whether it is by voting or deliberative consensus. However, it must be noted that LPMK's position within *Kelurahan's* government system is different from the Village Representative Council which is a legislative counterpart to the village government.

LPMK is a communication forum formed by the people of *kelurahan* which takes a role as a governing partner to the *kelurahan* government concerning community development. In article 2 of the regulation, LPMK is defined as a form of societal body initiated by the community and facilitated by the government through deliberative consensus,

which is then promulgated through municipal or regent government regulation. Moreover, LPMK has certain functions promulgated at the Ministerial Regulation, such as:

- 1) Communication canal of community aspirations
- 2) Quality improvement and performance acceleration of government service to society
- 3) Designing, implementing, benefitting, developing, preserving and managing action plans of developmental benefits through social participation
- 4) Initiating social participation and mutual assistance
- 5) Developing and balancing the use of natural and unnatural resources
- 6) Initiating creative culture to prevent criminal delinquencies and drug abuse among juveniles
- 7) Empowering and protecting people's political rights
- 8) Advancing communication and information facilities that bridge the community and the government

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According to the recent regulation of the Minister of Home Affairs No. 18/2018, LPMK's role within the *kelurahan* government is stipulated as 'partnership' in a manner that is auxiliary to the local government. Such an auxiliary role is expressed in this list of LPMK's substantial tasks, which are:

- a) Helping the social service and accommodation tasks of the government towards citizens;
- b) Preserving social harmony;
- c) Planning and implementing designs, plans, or blueprints regarding development by thriving the community's self-help capacities;
- d) Mobilizing the community in a way which encourages cooperativeness (*gotong-royong*) and full participation of citizens; and
- e) Mediating the communication between the local government and the community

Moreover, LPMK has institutional functions, such as:

- a) Accommodating and channeling people's opinions and aspirations into the development process (policy-making, execution, supervision, etc.);
- b) Cultivating the sense of social unity and harmony to strengthen the nation;
- c) Improving and accelerating the quality of social services;
- d) Planning, implementing, improving, and preserving the development outcomes in a participatory manner;

- e) Developing, initiating, and participating in the encouragement, self-help, and cooperative efforts of *kelurahan* society;
- f) Exploring and developing the potential benefits of natural resources based on the awareness of environment sustainability.

Given the roles and functions above, LPMK is not a stand-alone institution similar to a representative body or a legislative body as in the village government system. Rather, LPMK is a specific community-driven institutional aide to the local government to mobilize, mediate, and influence *kelurahan*'s citizens to take part in the development process. LPMK cannot design and propose policy or regulation, but it can suggest, help, advise and advertise the government to do so to the society by proposing events or programs. As a 'partner' to the local government, LPMK has exhaustive multi-roles in regard to public relation towards governmental affairs, such as public opinion conveyor, community mediator, planning advisor, social service, social mobilization, and surveyor. Although LPMK is not a representative body, the roles allow LPMK to articulate people's interests into the policy-making process, despite the lack of assertive and balancing powers to the government's authority. However, it does not mean that LPMK is the government's subordinate. Instead, as a partner, LPMK becomes an institution for the citizens to influence the policy-making process to be well-aligned to their needs and interests. Therefore, LPMK still has a substantial bargaining position to the local government.

As LPMK is neither a representative nor a legislative body, the membership form is similar to organizational board management. The organization structure of LPMK consists of 12 members with positions of a chairman, a deputy chair, a secretary, a treasury, and 8 chiefs from such divisions as: religion, education, health, sport and art, development, sanitation, economy, and security. Each division is obliged to perform their duties and functions in regard to their specialization from which the end results will be reported and consulted to the municipal government. The board members of LPMK are chosen through two methods: a deliberative consensus by the citizens or an election facilitated by the local government. The candidates for the board positions are delegated by a community group, a smaller social unit within a *kelurahan* or village, for two candidates each. LPMK's board members have a 3-year tenure with a possibility to be re-elected twice consecutively.

### **Affirmative Action in the Village Act and its Legal Implication to *Kelurahan***

Participation is an important element within democracy because it assumes that people know what best for themselves (Lues 2014; McEwan 2003; Sen 1999; Springett and Foster, 2005). Therefore, any political decision made and implemented by the government regarding and impacting the lives of citizens must be under the consideration of public opinion. Political participation refers to personal effort of a law-abiding citizen which influences the selections or actions that are going to be taken by government officials (McEwan, 2003; Olken, 2010). Political participation is divided into two: passive and active participation (Urbinati and Warren, 2008). The former means an indirect cooperativeness



of citizens to the government systems, whether it is law or politics, such as abiding the law and obliging the government's regulations (Cohen, 1996). The latter means the direct involvement of citizens in the political decision-making process through an open kind of deliberation or consultation of the government to the people (Olken, 2010; Karpowitz & Mansbridge, 2005).

In Indonesia, regulations concerning women's participation in a political institution were initially promulgated in Law No. 31/2002 on Political Party and Law No. 12/2003 on National Legislative Election. These two legislations regulate the affirmative action on the proportion of women's representation within political parties through 30 percent quota. The quota system is believed to be effective in empowering the condition of women, which is said to be underdeveloped (Bjarnegård and Zetterberg, 2014; Celis, 2013; Clayton, 2015; Dahlerup, 2007; Dahlerup and Freidenvall, 2005). This is because the gender quota can provide equal opportunities and increase competition among political positions (Celis et al. 2008; Dahlerup 2007; Krook 2010). It has been shown by the gender quota in India (Pande 2003), Bangladesh (Rai, 2006: 222-245; Baviskar, 2002: 168-174; Norris, 2001), Latin America (Barnes and Córdova 2016), and Nigeria (Abubakar and Ahmad, 2014) where the quota is achieved in state institutions, legislative body, and other state departments' board members.

However, the implementation of affirmative action beyond the legislative election is intricately disorganized within the legislation. In the Village Act (Law No. 6/2014), affirmative action for women's political participation only deals with Village Representative Council as article 58 (1) states, "*the amount of members of Village Representative Council is determined in odd numbers, at least five and at most nine, by considering territory, women, population, and village's financial capability.*". With regard to LPMK, the Village Act does not stipulate any clause regarding affirmative action. Instead, Salatiga Government has enacted a specific legislation regarding LPMK that is Mayor Decree of Salatiga No. 12/2004. Article (7) of the decree stipulates that "*Every board member of LPMK is chosen of a candidate nominated by each community group which has been deliberated with each neighborhood group by concerning justice and gender equality.*" Thus, the regulation suggests that women participation is important to be included within the board membership of LPMK. However, the currently proposed local bill regarding LPMK does not include that consideration. Apparently, this proposed local bill can threaten women's position within the LPMK.

### **Findings in Salatiga's LPMKs**

Administratively, Salatiga Municipality is divided into 4 sub-districts (*Argomulyo, Tingkir, Sidomukti, and Sidorejo*) and 23 *kelurahan*. *Argomulyo* has 6 *kelurahan*, *Tingkir* has 7 *kelurahan*, *Sidomukti* has 4 *kelurahan*, and *Sidorejo* has 6 *kelurahan*. According to the annual statistical report of Salatiga Government, the municipality has an area of about 56,781 square kilometers in 2018. Moreover, the population is about 186,420 people, composed of 91,198 men and 95,222 women. With regard to participation in LPMKs of

Salatiga, the statistic result is dynamic within the period of 2015-2017. Based on the statistical report of Salatiga, the dynamic is shown in the following table:

**Table 1.** Number of LPMK members in each sub-district of Salatiga Municipality between 2015 and 2018.

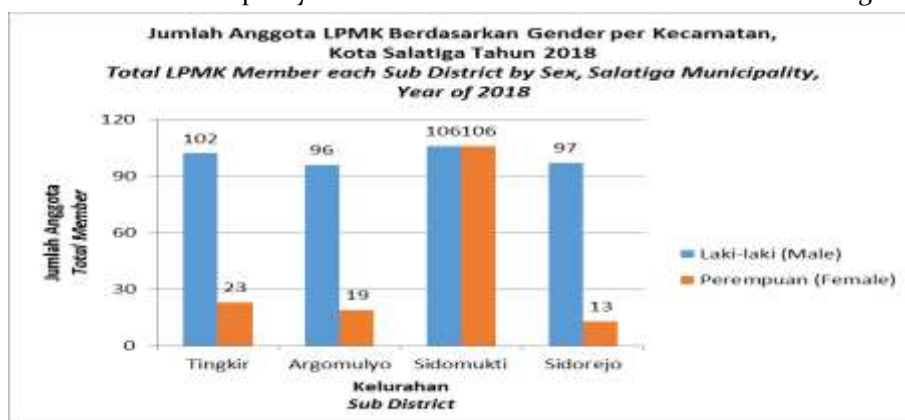


Source: The Statistical Institution of Salatiga Municipality.

The table indicates that two subdistricts, Sidomukti and Tingkir, show an impressive increase in membership. Meanwhile, Argomulyo has a stable amount of membership for four years, whereas Sidorejo shows a decrease. Regardless, there is an average increase of LPMK's membership, thus public participation. This indicates that the public has started realizing the importance of LPMK as an institutional means to influence and take bargain on the policy-making process within the government.

Yet, contradictorily, if we compare this to the survey based on gender, the result is astonishingly imbalance, except for *kecamatan* Sidomukti.

**Table 2.** Gender disparity of the sum amount of LPMK members in Salatiga Municipality.



Source: Statistical Institution of Salatiga Municipality

The quantitative data show a drastic gender imbalance of LPMK's membership, except for Sidomukti. Sidomukti sub-district shows an impressive balance of membership in accordance with gender proportion. This indicates that Sidomukti sub-district has positively progressed in terms of women's political participation. Salatiga municipality has shown a progression in terms of women's membership in its LPMKs. However, such distinct gender disparities between sub-districts have a correlation with the demographical context of Salatiga. The Salatiga's center of economy and the government is located at *Sidomukti* which is the capital sub-district of Salatiga, making Sidomukti the most developed sub-district in Salatiga. According to the interview with Salatiga's Head Bureau of Statistics, most of the population revolve around Sidomukti as the center while other sub-districts are demographically more rural. Apparently, this factor contributes to the high percentage of women's participation in Sidomukti up to equal proportion. This is due to the initial intention of the government of making Sidomukti as the experimentation site for democratizing *kelurahan* administration by promoting citizens' participation in LPMK. Women's participation in Sidomukti's LPMK appears to be quite high as they are already active in local women organizations such as PKK (Family Welfare Program) and *dharma Wanita*. However, other sub-districts show a very imbalanced proportion of women's participation in LPMK.

At the beginning of the research, the Salatiga government and its house of representatives have been deliberating and negotiating on the promulgation of the new bill regarding LPMK, which will then replace the Mayor Decree No. 12/2004. This is because the superior legislations which the Decree refers to are already obsolete (the Law No. 32/2004 on Regional Government, the Government Regulation No. 73/2005 on *Kelurahan*, and Ministerial Regulation of Home Affairs No. 5/2007), replaced by newer legislation (the Law No. 6/2014 on Village, the Government Regulation No. 17/2018 on Sub-district, and the Ministerial Regulation of Home Affairs No 18/2018 on Village Empowerment Institutions). However, the Decree is still enforceable insofar as the lawmakers have not promulgated a new regulation which is now being proposed to the legislative.

The new Salatiga's bill on LPMK has contradictions and complications in its formulation. The first and foremost problem is the omission of "gender equality" clause in regard to LPMK's membership. Meanwhile, the second one is the different concept of empowerment institution (LPMK) between village and *kelurahan*, both of which are very distinctive administratively.

This is because the concepts of village and *kelurahan* are different. Village is considered a self-governing community whose autonomy is given by the Village act while still respecting the bureaucracy system of the state government. On the other hand, *kelurahan* is the smallest governmental entity of the municipality. Therefore, the Village Act differentiates village and *kelurahan* whereby the former can upgrade its status into the latter. However, this transformation could lead to several disadvantages, including the matter of gender equality.

As previously mentioned, the social participation within a village representative body must consider the proportionality of gender participation between men and women as this is promulgated by the Village Act. However, the legal validity of *kelurahan* is promulgated through Government Regulation No. 73/2005 and Ministerial Regulation of Interior No. 5/2007, both of which do not mention any considerations regarding women, gender equality, or affirmative action.

This legal problem probably can cause confusion to no little impact as regulations on politics are usually procedural. This gives an opportunity for women's movement to thrive outside the legal realm as long as they are politically adequate. In Salatiga, the presence of women as community figures is quite prominent as their social popularity is gained through activities in predominantly women organizations like *Pembinaan Pemberdayaan Keluarga* or PKK, a state-sponsored organization concerning family empowerment by housewives. However, it is important to be acknowledged that sexism and patriarchy culture are quite prominent in Salatiga society. Nevertheless, as *kelurahan* has been given a quite influential autonomy power, the political movement through bottom-up method is possible in which the community –women- can influence the decision-making process in the *kelurahan*. Moreover, LPMK is a participatory body in which the members are the population of that *kelurahan* regardless of gender. The organizational structure only maintains bureaucratic matters in regard to the *kelurahan* government and above. Therefore, LPMK is a perfect facility to convey bottom-up politics by women to pursue their interests. Regardless, even the impact is evidently real, to say the least.

### **The Socio-Legal Problems of the New Bill on LPMK and its Impact on Women Participation**

The Mayor Decree of Salatiga No. 12/2004 is a breakthrough policy due to its inclusion of gender equality within the forming of LPMK. Because of the decree, the Division of Social Empowerment of Salatiga government started campaigning and encouraging urban communities to establish their own LPMK as an institutional means for people to participate in the consensus (policy-making process). The inclusion of "gender equality" into LPMK's foundation has affected the growing interest of women citizens to be involved in the LPMK, although this only occurred in certain areas. After all, considering that gender equality and women movement are still new, such a regulation has improved the social development in Salatiga. However, this development does not significantly impact on the mainstreaming of gender awareness within *kelurahan's* politics. After all, none of the woman members of LPMK becomes a leader in LPMK throughout Salatiga, not to mention that the new bill omits the gender equality clause.

The most complex problem lies in the new bill of LPMK in which the higher legislations forced the establishment of LPMK regardless of the differences between village and *kelurahan*. This is shown further in the regulation of the Minister of Home Affairs No. 18/2018 which stipulates the establishment of empowerment institution of the village (the

equivalent institution of LPMK) to be ruled as *mutatis mutandis* (applies identically) to the context of *kelurahan*. However, this policy move is controversial as it is contradictory. Such *mutatis mutandis* rule would render the roles of LPMK to be incompatible in *kelurahan* if its formulation, purposes, functions, and authorities to be set similar to a village without considering the difference between *kelurahan* and village. The main role of LPMK is to be the government's partner in mobilizing and conveying people's opinions regarding proposed issues. However, it is predicted that LPMK would be more effective in playing its roles and functions in village society rather than *kelurahan*. This is due to the different social backgrounds of village society and *kelurahan*.

The division of urban and rural community also contributes to the differences between *kelurahan* and village. Salatiga is a municipality undergoing a rapid development, transforming the region into a developing urban city. According to the Government Regulation No. 17/2018, *kelurahan* can only be established in municipalities and cities. This is because the social context of the urban community demands a simpler, faster, and service-oriented bureaucracy for their affairs. This affects the public reception upon the municipal government to be consumeristic towards public services where public participation is only reasoned under satisfaction rating (Jameaba, 2013). This consumeristic culture does not imply any expectation which the Village Act stipulated as to public participation in a direct democracy.

This is due to the underlying idea that the Village Act is based on the socio-cultural context of the village that is a tight-knit community with deeply embedded indigenous values that underlie their social and cultural system (Vel & Bedner, 2015). Thus, the autonomy given to village government is important to preserve village's indigenous culture. A village is a self-governing community whose autonomy is given by the Village act while still respecting the bureaucracy system of the state government. Meanwhile, *kelurahan* is a constitutive unit of a municipality (Harsanto et al., 2017). *Kelurahan* is an urban version of a village with less independence. Unlike village, *kelurahan* is governmentally bureaucratic and its civil employees are appointed or recruited directly from the municipal government, including the leader position, *lurah*. As the municipal administrative system is strictly hierarchical, *kelurahan* does not have autonomy as much as the village. Due to this hierarchy, there is no legislative body within the *kelurahan*. Instead, Law No. 32/2004 and No. 23/2014 on Regional Government compensate this vacancy by establishing LPMK despite its role as the community mediator, conveying and advocating people's voices in the policy-making process within the governments.

As previously mentioned, the social participation within a village representative body must consider the proportionality of gender participation between men and women as this is promulgated by the Village Act. However, the consideration with regard to women's participation is more vague and ambiguous in the Mayor Decree of Salatiga No. 12/2004, stipulated as "gender equality". Moreover, the Salatiga government does not have tangible designs of a social campaign or social mobilization that encourages women's participation in LPMK. The high percentage of women participation in Sidomukti's LPMK

is due to internal factors of the community rather than a result of the government's initiative. This phenomenon does not necessarily occur in other sub-districts. Notwithstanding that the proposed LPMK bill in Salatiga's House of Representative omits a clause regarding "gender equality", it shows that neither the government nor the legislative has concerned about women's participation in LPMK. Although the bill normatively refers to the Village Act, such a clause of affirmative action is only stipulated as to Village Representative Council. As LPMK is different from Village Representative Council in terms of structural organization, purposes, and roles to the government, it seems that the lawmakers did not consider that the differences would have a fundamental impact on women's participation in LPMK. This formulation flaw in the new Salatiga bill on LPMK is impactful in a way which renders the role of women's participation within LPMK to be less influential than that within legislative bodies, such as Village Representative Council. Regardless of whether or not there are woman members within LPMK, it seems that the notion of achieving gender equality in the form of representation is not achievable. Women representation is not included within LPMK's concern of issues.

Aside from the inconsistency in the legislation realm, this legal problem probably shows another opportunity to advocate gender equality from a different dimension. As community-based groups partnering with the government, LPMKs' roles and functions are still social and political works. Without implying any political agenda that is usually present in representative politics, the presence of women within LPMK could be influential as a social figure rather than a political activist. Although the politics of *kelurahan* seems shallow and subordinate to the higher municipality, LPMK is actually more useful in the society in this way. As a means of social mobilization towards development, LPMK works more directly or hands-on towards community empowerment. In terms of women's political participation, the "politics" exists beyond the formal sphere of "representation" and permeates into engaging the social life (Schwindt-Bayer, 2009; Mansbridge, 2003; Sanbonmatsu, 2003; Pitkin 1969). This action is quite prominent as woman members of LPMK usually work together with prevailing women local organizations such as *Pembinaan Pemberdayaan Keluarga* or PKK, a state-sponsored organization concerning family empowerment by housewives. Therefore, the roles of women members of LPMK would actually be influential in the social sphere of the urban community rather than the formal political sphere of "representation". Perhaps, the Village Act has a consequential role in finding the true role of LPMK which, ironically, does not have anything to do with representative politics at all as if one in the village, the Village Representative Council.

There are also hindrances which happened in the implementation of affirmative action in LPMK. First, budget issue is a factor that also greatly determines organizational performance in terms of policy implementation. Budget is similar to blood flow in the human body. Without the budget for implementing tasks and functions organization will not be able to run optimally. Budget becomes an important issue that caused the sub-district's performance to be not optimal. The results of the interviews revealed that the

kelurahan felt that the budget it received was far from adequate both in terms of quantity and suitability. Although the kelurahan has received a budget allocation which increases every year, in terms of conformity with the needs, several activities carried out in the Kelurahan are not in accordance with the needs of the community. The program budget and activities allocated to all kelurahans tend to be similar. This phenomenon shows that the village does not have the freedom to determine the programs and activities that are in accordance with the needs of each kelurahan. This caused many sub-districts to be not optimal in solving real problems in the society. During this time, the musrembang process is only formally conducted because the proposed activities are often not accommodated by the government districts. The *second* is the lack of appeal of the functions of LPMK and Kelurahan due to the more profitable and more project-filled "village system". This prompts the Kelurahan's government to legally change into "village" as in the Law No. 6/2014 on village. Village Organization if it changes to Villages feel they have a greater opportunity to get funding sources for increasing the welfare of the people. With the status of "Village" they feel more free to be able to attract funds for villages both from the province and from the center. With the issuance of Law No. 6 of 2014, villages get funding from the central government, which becomes the main driving factor for the institution to change its function to become a village institution. With the status as a village, they have the autonomy to manage their resources for improving the welfare of the people. Politically, they have the authority to manage development in the region independently from the planning stage until the implementation phase. *Third*, decentralization policy does not anticipate the occurrence of imbalanced authority between villages and kelurahan even though the two institutions came into contact directly with community members at the lowest level. Indeed, Law No. 23 of 2014 accommodated changes in kelurahan into villages, but the process of institutional change takes a very long time, including rearranging asset ownership and employment status. Ideally, decentralization also has implications for strengthening the capacity of local institutions (Boasiako, 2010). In this case, the capacity of kelurahan is also ideally strengthened due to prosecution to organize public services and development. The public in the village area certainly will suffer losses if the capacity of the kelurahan government is unable to meet the needs of the society. The paradox is reflected in the strengthening of village government capacity on the one hand. On the other hand, there has been a shrinking capacity of the kelurahan government. This condition is an important implication of the implementation of Law No. 23 of 2014 concerning Regional Government. This issue will certainly create a gap in public services between villages and sub-districts. On one side, the village today has an autonomous status. On the other hand, the kelurahan has turned into an institution which is not autonomous. In terms of economic and social aspects, kelurahan still reflects rural areas, which will not bring benefits because the development dynamics in the region does not have a direct impact on the local economy. Development activities are very dependent on the allocation determined by the sub-district.

## Conclusion

This paper shows that there are two main problems in relation to the issue. First, there is an inconsistency within the legislation concerning LPMK, leading to the omission of gender equality clause within the new Salatiga's bill on LPMK. The inconsistency is shown by a move taken by the central government to adopt the concept of village's deliberative democracy into the kelurahan without acknowledging the fundamental differences between both units as to urban and rural societal backgrounds. The collectivist culture of a village encourages a direct participation and representation within the village's decision-making, which would not make its democracy system work well with the culture of kelurahan society. Kelurahan is an administrative unit that exists exclusively in an urban municipality or city where the consumerist culture encouraged by the bureaucratic system of municipal government affects the society to be much more individualistic, fragmented, and service-centered. This affects the role of LPMK as a "government partner" that would be rendered differently on the field which upholds bureaucratic system rather than a direct democratic politics. Second, there is a persisting gender proportional imbalance in Salatiga's LPMKs, except in Sidomukti sub-district. Other than Sidomukti sub-district, the rate of woman's participation in LPMKs is lower than 20% of the total membership. This could be contributed by many factors such as lack of accountability, stagnancy or even regression of activities in LPMK, patronizing interference from the upper level or kelurahan government, and the overall diminishing interests from the society.

## Suggestion

The Village Act, indeed, brings a promising spirit of democratization to a much more engaging politics within small administrative units like kelurahan and village. However, the differences between the two must be taken into consideration and thereby, there must be a proper action in adopting such democracy within community empowerment institutions of the village into LPMK. Regardless, the action of Salatiga government to omit gender equality from the consideration of LPMK's membership in their new bill on LPMK is a regression toward democratization itself. Although, there are other empowerment institutions focusing on women empowerment such as PKK (regarding family) and dharma wanita (an organization for civil employee's wives), these organizations are remnants of patriarchy system which are patronizing and condescending women to thrive forward, especially when women are to be included in development actions. Therefore, it can be concluded that the Village Act does not have an impactful influence which encourages women's participation in the LPMKs of Salatiga.

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