

Gender Equality in Politics (Study on The Indonesian Constitutional Court's Decisions on Judicial Review Related to Women's Political Participation)

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Abstract

Such conception of human rights is in line with international human rights law, in particular with adopting a comprehensive women's rights instrument, namely the Convention on the Elimination of All Forms Discrimination Against Women, hereinafter referred to as the CEDAW Convention, which of Indonesia ratified with Law No. 7 of 1984 on Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women. Women in Indonesia are still left behind in public life and politics. This raises the issue of gender equality, which means a condition of "inequality". The current trend in society is that women tend to participate at the national level, such as general elections or participation in the DPR or MPR. The issues raised in this paper are First, how is the development of gender equality and gender justice inside Indonesia's legislation? Second, how is the decision of the Indonesian Constitutional Court (MK) on judicial review in politics? This research is normative juridical with a statutory, analysis, and case approach. The legal materials used are secondary legal materials of statutory regulations, literature books, and scientific journals. Currently, there is yet no law that comprehensively regulates the protection of women's rights. Indonesia still relies on legal instruments regarding gender equality with various conventions such as the CEDAW, ICESCR and the ICCPR Convention. Women face discrimination, not only in the domestic sector but also in the public sector. Therefore, it is important to learn and develop the multifunctional dynamic character of women. This development has appeared in various Constitutional Court's decisions on judicial review of laws.

Keywords: gender equality; judicial reviews; general election.

Abstrak

Beberapa konsepsi hak asasi manusia sejalan dengan hukum hak asasi manusia internasional, khususnya dengan mengadopsi instrumen hak-hak perempuan yang komprehensif, yaitu Konvensi Penghapusan Segala Bentuk Diskriminasi Terhadap Perempuan, yang selanjutnya disebut Konvensi CEDAW, yang telah diratifikasi dengan Undang-Undang Nomor 7 Tahun 1984 tentang Pengesahan Konvensi Penghapusan Segala Bentuk Diskriminasi Terhadap Perempuan. Perempuan Indonesia masih tertinggal dalam kehidupan publik dan politik. Hal ini memunculkan isu kesetaraan gender, yang berarti kondisi "ketidaksetaraan". Kecenderungan masyarakat saat ini adalah perempuan cenderung berpartisipasi di tingkat nasional, seperti pemilihan umum atau partisipasi di DPR atau MPR. Isu yang diangkat dalam tulisan ini adalah Pertama, bagaimana perkembangan kesetaraan dan keadilan gender dalam peraturan perundang-undangan Indonesia? Kedua, bagaimana putusan Mahkamah Konstitusi (MK) Indonesia tentang judicial review dalam politik? Penelitian ini bersifat yuridis normatif dengan pendekatan undang-undang, analisis, dan kasus. Bahan hukum yang digunakan adalah bahan hukum sekunder peraturan perundang-undangan, buku kepastakaan, dan jurnal ilmiah. Saat ini, belum ada undang-undang yang mengatur secara komprehensif tentang perlindungan hak-hak perempuan. Indonesia masih mengandalkan instrumen hukum mengenai kesetaraan gender dengan berbagai konvensi seperti Konvensi CEDAW, ICESCR, dan ICCPR. Perempuan menghadapi diskriminasi, tidak hanya di sektor domestik tetapi juga di sektor publik. Oleh karena itu, penting untuk mempelajari dan mengembangkan karakter dinamis perempuan yang multifungsi. Perkembangan ini tampak dalam berbagai putusan Mahkamah Konstitusi.

Kata kunci: kesetaraan gender; peninjauan kembali; pemilihan umum.

Introduction

In Indonesia, the gender gap in public life and politics is still an ongoing challenge due to the inadequate amount of women's involvement in every public and political activity. Indonesian women are still left behind whether it is in public life or politics, gender gap that appears in social sector indicators is a challenge at both local and national scales. The term gender equality is a term that is widely used by social activists, feminists, politicians, and even state officials. The term gender equality is often associated with "inequality" experienced by women. Thus, the term gender equality has been attributed to be the terms for discrimination against women, subordination, oppression, unfair treatment and the like. In other words, gender equality also means that there are equal conditions for men and women to have the opportunity and rights as human beings, to be able to play a role and participate in political, legal, economic, socio-cultural, education, and national defence and security activities, as well as equality in enjoying the results of that development. Gender equality also includes eliminating discrimination and structural injustice, against men and women (Wahyudi, 2018). As for the implementation of women in politics, there are still many obstacles, internally, for example, women's insecurity of their inability to handle political problems or external, such as political issues that are incompatible with women's ability to handle them. Consequently, it is still necessary to hold massive socialization on women's empowerment in politics.

The constitution ensures that everyone is free from discrimination. Article 28 I paragraph (2) emphasizes that everyone has the right to be free from discriminatory treatment on any basis and is entitled to protection against such discriminatory treatment. This means that all people, both, men and women, have the right to be free from discriminatory treatment, including politics. This conception of human rights is in line with international human rights law, which specifically adopts a comprehensive women's rights instrument, namely the Convention on the Elimination of All Forms Discrimination Against Women, hereinafter referred to as the CEDAW Convention, which the State of Indonesia ratified with Law No. 7 of 1984 on Ratification of the Convention on the Elimination of All Forms of Discrimination Against Women.

Although women have already been involved but to what extent is their involvement can benefit their day-to-day life, unfortunately it is still underappreciated in Indonesia. The trend in society is that more and more women help their husbands earn additional income, apart from helping fulfil family economic needs; women are also increasingly able to express themselves in the midst of the family and society. The family's economic condition certainly does affect the tendency of women to participate in the labour market.

One after another, the problems of gender equality in politics are starting to see the light of day. Making legal instruments is one of the answers to solve these problems. In addition, judicial review, a responsibility of the Constitutional Court (Mahkamah Konstitusi/MK), also helps contribute to the development of women's participation in politics in Indonesia.

Constitutional Court responsibility on judicial review is regulated in the 1945 Constitution of the Republic of Indonesia Article 24C paragraph (1) which emphasizes that the Constitutional Court has the authority to judge at the first and last levels, whose decisions are final to try laws against the Constitution; decide disputes over constitutional institutional authority; decides the dissolution of political parties, and decides on disputes over election results.

The existence of the Constitutional Court embodies one of the elements of the *Rule of Law* doctrine, to wit the existence of a constitutional court. The authority to try laws against the constitution is most exercised by the Constitutional Court. The Constitutional Court's decision is first and final Therefore legal efforts such as appeals or cassations (found High Courts or Supreme Court) cannot be made. In addition, the Constitutional Court's final decision also means that it is legally binding immediately after it is pronounced in court (Mahfud, 2001).

Constitutional Court's decision in reviewing laws has contributed a lot to the development of law in Indonesia, especially regarding gender equality in politics, especially women's political participation. For instance, the MD3 Law judicial review establishes the concept of affirmative action, and the General Election Law judicial review increases the number of women's representation in the Legislature. This research tries to see in general the construction of gender equality in the laws and regulations in Indonesia. As well as outlining the Constitutional Court decisions related to gender equality in politics.

Research Problems

Based on the background above, the problem that would be answered in this study consist of two things. *First*, how is the development of equality and gender in the laws and regulations in Indonesia? and *second*, how is the decision of the Constitutional Court (MK) in judicial review in the politics?

Research Methods

This research is juridical-normative legal research, research that focuses on studying the application of rules or norms in positive law (Ibrahim, 2006). Juridical-Normative legal research uses the conception of *positivist legis*. This concept views that law is identical to written norms made and promulgated by the formal institution or official. This conception views law as a normative system that is independent, closed, and detached from the real-life of society (Soemitro, 1988.)

This research's approach methodology is legislative, analysis, and case approach. The author will examine the products of laws and regulations related to gender equality, and subsequently, analyse the meaning of the law to determine the terms used in the legislation related to gender equality conceptually. The case approach in question is to look for judicial decisions in Indonesia, which is the Constitutional Court in this research.

This research mainly uses secondary data, which consists of primary legal materials, secondary legal materials, and tertiary legal materials. The methodology of presenting data in this study comes in form of narrative text, by presenting legal materials that have been processed in a narrative description.

Discussion

Development of Gender Equality and Justice in the laws and regulations in Indonesia

Gender is an academic concept that is very useful to formulate and implement equal and fair relationships between men and women (Sodik, 2012). Until now, there has yet a law that comprehensively regulates the protection of women's rights from discrimination against women, and human rights violations; and implementation of women's human rights, including access, opportunity, process, control, and enjoyment of the benefits, to attain the life of a democratic society, recognize, respect, promote, protect and fulfill women's rights without discrimination.

Indonesian legal instruments that underline the embodiment of equality and justice for women in the nation's life have existed through several ratified conventions. There are also several forms of legislation, which can be described as follows:

1. 1945 Constitution of the Republic of Indonesia

The concept related to women's rights lies in the 1945 Constitution Article 28D (3), which states that every citizen has the right of equal opportunities to participate in the government body. Along with, Article 28H (2) states that every person has the right to receive conveniences and special treatment to obtain equal opportunities to achieve equality and justice. These two points in the Constitution emphasize two concepts, : equality and justice (Kusumawardhana & Abbas, 2018). Normatively, the provisions in the 1945 Constitution of the Republic of Indonesia are not discriminatory because the phrases used in the constitution are "everyone" and "all citizens". It demonstrates that the every individual citizen's constitutional rights are undiscriminating, albeit different in race, religion, political belief, or gender and this shows that these rights are recognized and ensured for every citizen for men and women.

2. Act No. 7 of 1984 on the ratification of the Convention on the Elimination of All Forms of Discrimination Against Women

Indonesia has ratified the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) since 22 years ago, Law Number 7 of 1984. In the course of implementing CEDAW, the Indonesian government realizes the severe nature of discrimination against women in all fields of development. This discrimination threatens the goal of gender justice and equality in Indonesia. CEDAW (Maryam, 2012) explicitly gives obligations to the state to improve policies, laws, and any measure necessary to improve the condition of women.

3. Law Number 68 of 1958 on the Approval of the Convention on the Political Rights of Women

Through this Law, Indonesia ratified the Convention on the Political Rights of Women in 1952, which stipulates that women have the right to vote, have the right to run for office and be elected in general elections, and have the right to hold public office, all come with the same requirement as men. This means that long before Indonesia ratified CEDAW, Indonesia had already ratified the Convention on Political Rights for Women first.

4. Law Number 39 of 1999 on Human Rights

Indonesia's human rights law is regulated in-depth in Law no. 39 of 1999 on "Human Rights". The law is a legal umbrella for the formation of national legislation, one of its legal considerations states that: "Indonesian as a member of the United Nations has moral and legal responsibility to uphold and implement Universal Declaration on Human Rights established by United Nations., along with other international instruments on human rights that have been accepted by the Republic of Indonesia" (Komariah, 2006). The state's commitment to provide special protection to women and children who are vulnerable to discriminatory treatment and human rights violation is regulated in Part Ninth on Women's Rights, articles 45 to 51 of Law No.39 of 1999, Article 45 states that: Women's rights mentioned in Human Rights Law are part of human rights

5. Law Number 11 of 2005 on Ratification of the International Covenant on Economic, Social and Cultural Rights, in Annex:

The International Convention on Economic Social and Culture Rights (ICESCR) is the primary source for protecting economic, social, and cultural rights, which consisting of 31 articles arranged in six parts. The essence of this convention lies in Part III (articles 6-15), which describes protected rights, viz.: the right to work, the right to decent working conditions (article 7), the right to join and form labour unions (article 8). , the right to social security (article 9), the right of protection for the family (article 10), the right to an adequate standard of living, including the right to food, clothing, and shelter (article 11), the right to health (article 12), the right to education (article 13), and the right to culture (article 15) (Triyana and Aminoto, 2009).

Construction of gender in this convention contained in the annex to Article 3, which states, States Parties at this covenant promised to ensure the rights are equal between men and women in the enjoyment of all economic, social, and cultural rights specified in this covenant.

6. Law No. 12 of 2005 on the Ratification of the International Covenant on Civil and Political Rights (Covenant International About Civil Rights and Politics), in annex:

The International Covenant on Civil and Political Rights, commonly abbreviated as ICCPR, aims to strengthen the principles of human rights in the public life and politics listed in the UDHR to become legally binding provisions. Their elaboration includes other related points. The covenant consists of a preamble and Articles covering six CHAPTERS and 53 Articles (Adminicjr, 2012).

Construction of gender in this convention is contained in the annex of Article 3, which states, States parties to this Covenant promise to ensure the equal rights of men and women to enjoy all civil and political rights regulated in this Covenant.

7. Presidential Instruction Number 9 of 2000 on Gender Mainstreaming in National Development

Instruksi Presidential Instruction No. 9/2000 on Gender Mainstreaming aims to reduce the gap between Indonesian women and men for access and benefit from development, and increase participation in and control over the developmental process. This Presidential Instruction has created momentum for the advancement of women and the promotion of gender equality, which has recently been expanded to include gender-inclusive planning and budgeting (Ministry of Women's Empowerment and Child Protection, 2011).

In 2000, the President of the Republic of Indonesia, Abdurahman Wahid, issued Presidential Instruction No. 9 of 2000 on Gender Mainstreaming in Development (Inpres PUG). Hoping that national development will integrate a gender perspective in every process, from the planning, preparation, implementation, to evaluation and utilization of the results.

To strengthen the legal umbrella for Gender Mainstreaming, in 2006, the Ministry of Women's Empowerment and Child Protection (KPPPA) drafted a Draft of Government Regulation (RPP) on Gender Mainstreaming. Gender equality is an equal condition between women and men in rights (law) and conditions (quality of life). Gender justice reflects a situation where women and men have the same rights, authority, and status before the law, have equal and fair opportunities and opportunities to enjoy the results of development. This can be achieved by implementing development policies and strategies based on equality and justice (Ministry of Women's Empowerment and Child Protection, 2012).

Constitutional Court decisions in judicial review in the political field

The judicial review conducted by the Constitutional Court will indirectly change the politics of law and regulation in Indonesia. The following are some of the decisions of the Constitutional Court in reviewing laws related to women's political participation:

1. Constitutional Court Decisions number 22/PUU-VI/2008 and Number 24/PU-VI/2008 on Cases for Judicial Review of Law Number 10 of 2008 on Elections for Members of the DPR, DPD, and DPRD.

On Tuesday, 23 December 2008, the Constitutional Court read out its decision on Case Number 22/PUU-VI/2008 and Number 24/PUU-VI/2008 on Case for Judicial Review of Law Number 10 the Year 2008 on Election for Members of DPR, DPD, and DPRD. The decision of the Constitutional Court (MK) partially granted the petition to repeal Article 214, which stated as follows;

"... State that Article 214 letters a, b, c, d, and e of Law Number 10 of 2008 on General Elections for Members of the People's Representative Council, Regional Representative

Council, and Regional People's Representative Council (Republic of Indonesia State Journal of 2008 Number 51, Republic of Indonesia Supplementary State Journal Number 4836) contradict the 1945 Constitution of the Republic of Indonesia".

Furthermore, the Court argues: "The provisions of Article 214 letters a, b, c, d, and e of Law 10/2008 that state the elected candidates are those who get more than 30% (thirty percent) of the BPP, or occupy smaller serial number, in case no one gets 30% (thirty percent) from the BPP, or the one who occupies the smaller serial number if the person who gets 30% (thirty percent) from the BPP is more than the proportional number of seats obtained by a political party participating in the General Election is unconstitutional. It is unconstitutional because it contradicts the substantive meaning of people's sovereignty with the principle of justice according to Article 28D paragraph (1) of the 1945 Constitution. This constitutes a violation of the people's sovereignty if the people's will reflected upon their choices is not heeded in the determination of legislative members is a form of clear violation to people's sovereignty and justice. If there are only two candidates with very different votes in number, the candidate with more votes has to be defeated, just because the one with fewer has a smaller serial number.

The decision of the Constitutional Court to establish the use of "most votes" principle in vote acquisition of legislative candidates has rendered all women's political efforts to promote a 30% quota of women's political rights in vain. The Constitutional Court does not understand the historical context of the affirmative action proposal at all, even though democracy in the world is moving towards the protection of disadvantaged community groups due to a discriminatory history of civilization. Therefore, challenge in politics of women now is against the constitutionalistic attitude of the state which merely sees the issue of "affirmative action" as an ordinary legal claim. The Constitutional Court is unable to see the historical context of the struggle for gender justice (Gerung, 2009).

The impact on the women's representation system as in Article 214 of Law Number 10 of 2008 is a juridical basis that can be used to arrange the placement of candidates as agreed by every political party participating in the elections. Naturally, in listing, the placement of female candidates uses the zipper system or zigzag method. Placement of female candidates is arranged 1 out of 3 names, starting from the smallest serial number to the big or lower serial number. However, with a decision from the Constitutional Court, has made the zipper or zigzag system, as an effort to empower women in politics through affirmative action, ineffective. Because using the zipper system, the chances of female candidates being elected as legislative members are slim. Through Article 214 of Law Number 10 of 2008, because the positions of female candidates are placed on relatively the same numbers as male candidates, increase the chance of getting elected. However, with a purely proportional system after the decision of the Constitutional Court, women candidates have to give extra effort, the same as other candidates, naturally because such an electoral system is for each candidate to get as much vote as possible from their constituents. Consequently, with the cancellation of Article 214 of

Law Number 10 of 2008, the elected candidates are no longer based on the 30% BPP rather based on the most votes (Thalib, 2014).

Although Constitution, laws, and regulations ensure women's equality of political rights, along with Law Number 10 of 2008 that requires 30% representation of women in the list of candidates for legislative candidates, unfortunately, it still has not achieved much, and it goes without saying because of this Constitutional Court's decision. In every election, the proportion of women's political representation improves, even though it is inseparable from its ebb and flow. In the 1955-1960 period, it was recorded that the number of female parliamentarians was 6.3%, and in the 1956-1959 constituent, it was recorded at 5.1%. In the 1971-1977 period, women in the DPR were 7.8%, the 1977-1982 period was 6.3%, the 1982-1987 period was 8.5%, the 1987-1992 period was 13%, the 1992-1997 period was 12.5%, the period 1997-1999 was 10.8%, the 1999-2004 period was 9%, and the 2004-2009 period was 11.1% (Komariyah, 2008). The results of the 2004 elections saw an increase in the number of women in parliament compared to the previous elections. However, the rate of increase is not significant, which is only 3%. Meanwhile, in the 2009-2014 period, women's representation has reached 18.05%, which means there is an increase of 7% compared to the 2004 election. In the 2009-2014 period, women's representation in parliament was 101 out of 560 members of the DPR. This is the largest percentage in the history of Indonesian politics, even though it has yet to reach 30% female representation (2009 General Election Commission Data). As seen in Law Number 12 of 2003 on the General Election of Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council. This law, that regulates the implementation of the 2004 General Election, for the first time, introduced the 30% quota policy for women's representation in the composition of the list of candidates for legislative members. This provision continues its predecessor in which Article 13 paragraph (3) of Law Number 31 of 2002 on Political Parties introduced the need for gender justice in party management (Puskapol UI, 2011).

The quota system of at least 30% of representatives of Indonesian women in decision making is expected to bring changes to a. the quality of legislation with a women's perspective and gender equality; b. changes in perspective in viewing and resolving various political problems by prioritizing peace and non-violent methods; c. changes in policies and laws that incorporate the needs of women as part of the national agenda; and D. empower women to be involved in various issues that have not received much attention in Indonesia, which are gender-sensitive (Rosidawati, 2013).

2. Constitutional Court's Decision Number 20/PUU-XI/2013 on the Determination of Women Legislative Candidates in Central Java Province in Law number 8 of 2012 on General Election of Members of the People's Council, Regional Representative Council and Regional People's Representative Council

The Law on General Election of Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council are one

of the political products negotiated by the legislators. Law Number 8 of 2012 on the General Election of Members of the People's Representative Council, Regional Representative Council and Regional People's Representative Council, was passed and promulgated on May 11, 2012. Non-governmental organizations (NGOs) Center for the Empowerment of Women in Politics and their colleagues submitted a request for constitutional review of Law Number 8 of 2012 on the General Election of Members of the People's Representative Council, Regional Representative Council, and Regional Representative Council (Purwanti, Ani. 2017).

The NGO Center for the Empowerment of Women in Politics and their colleagues argue that Law Number 8 of 2012 on the General Election of Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council is still discriminatory against women's representation in the People's Representative Council, Regional Representative Council, and the Regional Representative Council. Regional People's Representatives. In principle, Law Number 8 of 2012 on the General Election of Members of the People's Representative Council, Regional Representative Council, and Regional People's Representative Council is the embodiment of the people's representation in the DPR, DPRD, and DPD. It is important for representation of women in the DPR, DPD, DPRD, and other public institutions so that women as citizens who have the same rights as men in the constitution can use their human rights to participate effectively in the decision-making process and the formulation of public policies (Thalib, 2014.).

3. Constitutional Court' Decision Number 82/PUU-XII/2014 on Women's Representation in Law Number 17 the year 2014 on MPR, DPR, DPD dan DPRD

The essence of the Constitutional Court's Decision Number 82/PUU XII/2014 is in Article 97 paragraph (2), Article 104 paragraph (2), Article 109 paragraph (2), Article 115 paragraph (2), Article 121 paragraph (2) , Article 152 paragraph (2), and Article 158 paragraph (2) of Law 17 of 2014 with the addition of the phrase prioritizing women's representation according to the balance of the number of members of each faction in each provision of the article re-applies. It means that this can ensure the representation of women in the leadership of the DPR apparatus to obtain equal opportunities and benefits to achieve equality and justice.

4. Constitutional Court's Decision No. 88/PUU-XIV/2016 regarding Review of Law Number 13 yea 2012 on the Privileges of the Special Region of Yogyakarta

Yogyakarta Special Region is a region that has special autonomy. This special autonomy gives authority to make their policies in accordance with the values that live in its society, especially the customary norms of the Kraton Yogyakarta that become a distinctive feature for the Special Region of Yogyakarta. However, even though the Special Region of Yogyakarta has its special autonomy, it is still subjects to the law of the Republic of Indonesia and the country's foundation. In the policy that regulates the filling of the positions of Governor and Deputy Governor, it may appear

unconstitutional and deviates from the basis of the state. This is because there is an element of gender discrimination in the policy (Pratama, Purwanti, Wijaningsih, 2017). The decision of the Constitutional Court Number 88/PUU-XIV/2016, which adjudicates the case of reviewing Law Number 13 of 2012, has ruled that Article 18 paragraph (1) letter m is declared to have no legal force. On August 28, 2017, the Constitutional Court officially conveyed the absolute decision related to UUK DIY Number 13 of 2012 Article 18 paragraph 1 which contains the requirements to become Governor, one of which is to report related to the history of the wife, subsequently repealed. Primarily because a person is restricted from being a governor just because their gender is a form of social discrimination against women, this is contrary to the form and character of democracy in Indonesia.

5. Indonesian Constitutional Court's 30/PUU-XIV/2018 on the prohibition of political party officials from becoming members of the Regional Representative Council of the Republic of Indonesia is an opportunity for women to take part as members of the Regional Representative Council

The Constitutional Court (MK) issued a decision that prohibited political party officials from becoming the Regional Representative Council (DPD) through the Constitutional Court's Decision Number 30/PUU-XIV/2018. The Constitutional Court Decision Number 30/PUU-XIV/2018 is a decision based on the request for judicial review of Article 182 letters I of Law Number 7 of 2017 on General Elections against the 1945 Constitution of the Republic of Indonesia.

The Decision of the Constitutional Court Number 30 / PUU-XIV / 2018 is a solution to create empower gender equality in Indonesia in terms of women's participation in the legislative body. In addition, it encourages more women to have the desire to advance in parliament as members of the independent regional legislature and to convey their aspirations as intellectuals (Artina, 2020).

The Constitutional Court's decision may affect the increase in women's representation in the Members of the Indonesian Regional Representative Council (DPD RI). We can see this in the results of the 2019 general election of female candidates elected in the 2019 election has exceeded 31 percent. The province with the most women as candidates in South Sumatra. Provinces without elected female candidates: Aceh, Riau Islands, Bangka Belitung, Bali, South Kalimantan, West Sulawesi, Central Sulawesi and West Papua. Aceh and Bali are provinces without female candidates being elected since 2009. In general, there has been an increase in women's representation in both the DPR and DPD RI. The number of women's representation increases in the DPD due to several factors: first, the electability and popularity of female candidates themselves in society. Second, there is the mobilization of kinship or clientelism. Third, female candidates who have competed in the legislative elections (national and local) and regional elections subsequently improve their electability (Artina, 2020).

Conclusion

1. The development of gender equality and justice in the laws and regulations in Indonesia shows that Indonesian women have a strong legal basis for their rights to be involved in politics and formal political institutions the same as men. The problem that exists is in the level of implementation, there are still many limitations and obstacles, both due to cultural values that exist in society, low levels of education, and women's empowerment in political education is still suboptimal. In addition, women who are going to enter politics must prepare themselves to be able to compete with men. Consequently, women must be active in the management of political parties and equip themselves by improving their capacities, competencies and as political citizens while remaining in the corridor of pristine female identity. It takes political will from various related parties, including binding legal regulations and the General Election Commission (KPU) that is responsible for issuing regulations to accommodate the spirit of affirmative action. Naturally, the political policies of each internal political party is not an exception.
2. The Constitutional Court's Decision in a judicial review in politics indirectly supports gender equality with regard to the increase in women's political participation in Indonesia and fight for the political rights of women. This can be seen in the decisions of the Constitutional Court's Decision number 22/PUU-VI/2008 and Number 24/PUU-VI/2008, Constitutional Court Decision Number 20/PUU-XI/2013, Constitutional Court's Decision number 82/PUU-XII/2014, Constitutional Court's Decision No. 88/PUU-XIV/2016 and Constitutional Court's Decision No 30/PUU-XIV/2018.

Suggestion

This research recommends that political party officials raise qualified women legislative candidates and prepare their cadres seriously, so that female candidates have sufficient capability to be elected. In addition, this study prompted the government to issue the Draft Government Regulation (RPP) on Gender Mainstreaming to strengthen the legal framework on Gender Mainstreaming immediately.

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