

**Gender Mainstreaming at the Parliament:  
A Study of the 2004-2009 House of Representatives (DPR)  
and House of Regional Representatives (DPD)**

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Jakarta, January 2010



**GENDER MAINSTREAMING AT THE PARLIAMENT: A STUDY OF THE 2004-2009 HOUSE OF REPRESENTATIVES AND HOUSE OF REGIONAL REPRESENTATIVES**

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**Foreword**  
**by G.K.R. Hemas,**  
**Head of the Advisory Council of the Women's**  
**Parliamentarian Caucus**  
**of the Republic of Indonesia**



Assalamu'alaikum, Wr. Wb.

Recently, gender equality has become a prominent issue in the development framework, not just in Indonesia, but globally. We all realize that the position of women has been socially marginalized. The patriarchal culture has been unfriendly towards women. Some social constructs relegated the role of women to domestic matters only. They had no right to participate in other areas. The fact is that such values are still deeply rooted in our society. The issue of women's representation became important when we saw in daily life how disproportional the involvement of women in the decision-making process is. At the same time, the population of women in Indonesia is statistically higher than the population of men.

The effort to increase women's representation through the use of policies recognizing their civil and political rights has led to the provision of justice to women. One of the indicators used by the Millennium Development Goals (MDGs) for gender equality is the total number of women represented in the parliament.

Women representation in the parliament should be pursued. Affirmative action has been encouraged in Indonesia since the 2004 election through

the Law on Political Party No. 31/ 2002, which regulated the representation of women in the leadership roles of political parties, and required that women constitute 30 percent of parliament as a whole. Although this effort has been conducted, the 2009 election did not show significant success as women representation only reached 18.04% (101 women out of 560 members) in the House of Representatives (DPR). Meanwhile, women representation in the House of Regional Representatives (DPD) reached 26.52% (35 Women out of 132 members).

During the last decade, there has been an improvement in the role and participation of women. On one hand, women do not have enough self-confidence to be involved in politics and the voters doubt their capabilities. On the other hand, there are many women who were not active in the political arena but were working diligently on the front lines solving public problems.

In our current opportunity to further expand the representation of women, we must not limit ourselves to only quantitative measures, but also seek to make a qualitative impact by preparing high quality female cadres. It is important for women to have a greater capacity and degree of political actualization, and, more importantly, to reach positions of strategic decision-making.

The inclusion of women in politics and in leadership positions should be pursued not only to render the political decision-making process more gender sensitive, but also to further develop the political system and the ethics that guide it. This will further enable women to participate as voters, party leaders, legislators and civil servants, tempering public policies to

Gender Mainstreaming at the Parliament:  
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and House of Regional Representatives (DPD)

become more gender sensitive as they address societal issues. Research in other countries indicate that where women play a significant role in the addressing of a population's basic needs, the populations generally enjoy higher levels of social welfare. This is especially true where the women are legislators, as opposed to political executives.

I would like to express my highest appreciation to the United Nations Development Programme for its support, through the Parliamentary Support Programme, of this book's development, and to Ms. Ani Soetjipto, an activist and observer on women's issues, for the publication of the book "*Gender Mainstreaming at the Parliament: A Study on DPR and DPD Period 2004-2009*". We hope this book will be a guide for all women members in both DPR and DPD for the period of 2009-2014.

*Wassalamu'alaikum, Wr. Wb.*

Jakarta, March 2010  
Head of the Advisory Council of the Women's  
Parliamentarian Caucus of the Republic of Indonesia



G.K.R. Hemas

## Preface

We would like to congratulate all newly-elected women members of the Indonesian House of Representatives (DPR RI) and House of Regional Representatives (DPD RI) 2009-2014. We wish them success in performing their duties during the coming years. We would also like to convey our appreciation to the Parliamentary Women Caucus (Kaukus Perempuan Parlemen - KPP-RI), the Secretariats of the DPR RI and DPD RI, and the Australian Agency for International Development (AusAID) for the continuous support in preparing this publication.

The main purpose of gender mainstreaming in parliament is to integrate a gender perspective in all laws and policies in order to develop the parliament into a truly representative, responsive, and accountable institution. A gender responsive parliament an aim promoted in democracies worldwide.

This publication specifically reviews progress regarding gender mainstreaming in the DPR RI and DPD RI throughout 2004-2009. It does so through analyzing the Indonesian parliamentary law and political party law, the house standing orders, political party statutes, and working procedures of both the DPR RI and DPD RI.

We hope this publication will assist both women and male embers of the current 2009-2014 period in understanding and addressing the existing

Gender Mainstreaming at the Parliament:  
A Study of the 2004-2009 House of Representatives (DPR)  
and House of Regional Representatives (DPD)

challenges to gender mainstreaming in the Indonesian parliament. Only a more gender-responsive parliament will produce legislation and budgets that positively address issues of importance to human development, including gender mainstreaming.

Warm regards,  
UNDP Parliamentary Support Programme



## Tables Of Contents

<b>Foreword</b> .....	iv
<b>Preface</b> .....	vii
<b>Table Of Contents</b> .....	ix
<b>List Of Tables</b> .....	xii
<b>List Of Charts</b> .....	xiii
<b>Glossary</b> .....	xiv
<b>Chapter I</b>	
<b>Introduction</b> .....	1
A. Background .....	3
B. Literature Review .....	11
C. Objective of the Study .....	18
D. Methodology .....	19
E. Chaptering .....	20
<b>Chapter II</b>	
<b>The Structure of the Indonesian House of Representatives and House of Regional Representatives: Regulations, Procedures, and their Problems</b> .....	25
A. A Regulatory Overview of the Indonesian House of Representatives	

and House of Regional Representatives .....	27
A.1. Regulations of the Indonesian House of Representatives .....	28
A.2. Regulations of the Indonesian House of Regional Representatives .....	34
B. Internal Procedures of the House of Representatives and House of Regional Representatives .....	38
B.1. Internal Procedures of the House of Representatives .....	41
B.1.1. Code of Ethics of the Indonesian House of Representatives .....	46
B.1.2. Assignment of Women Members to the Bodies of the Indonesian House of Representatives .....	50
B.2. Internal Procedures of the Indonesian House of Regional Representatives .....	54
B.2.1. Code of Ethics of the Indonesian House of Regional Representatives .....	58
B.2.2. Distribution of Women Members throughout the Bodies of the Indonesian House of Regional Representatives .....	60
C. Women Parliamentary Caucus .....	65
D. Structural Problems of the Parliament and Gender Mainstreaming .....	68

### **Chapter III**

<b>Gender Mainstreaming Analysis at the Indonesian Parliament .....</b>	<b>73</b>
A. Political Opportunity Structure in 2004-2009 .....	79
B. The Role of the Women Movement in Advocating Affirmative Action and Gender Mainstreaming .....	87
C. Models of Gender Mainstreaming at Parliaments: Comparisons with Other Countries .....	92
D. Finding the Right Gender Mainstreaming Model for Indonesia .....	94

**Chapter IV**

**Conclusion and Recommendations** .....103

A. Conclusion ..... 107

B. Recommendation ..... 111

**Bibliography** ..... 119

## List Of Tables

Table I.1.	Women's Representation at the Indonesian House of Representatives
Table I.2.	Distribution of Women Members at the Parliamentary Committees in a Number of Countries
Table I.3.	Women's Representation at the House of Representatives and the House of Regional Representatives
Table I.4.	Indonesia's HDI, GDI, and GEM Ranking in 2007-2009
Table I.5.	GDI Rank Comparison amongst Southeast Asian Countries
Table I.6.	Comparative Models of Sweden, the United States of America, and Argentina
Table II.1	The Rights of the House of Representatives based on Three Parliamentary Laws
Table II.2	Regulations regarding the Leadership of the House of Representatives based on the 1999 and 2003 Parliamentary Laws
Table II.3	Election of Chairs of the House of Representatives' Bodies based on Standing Orders No. 8/DPR RI/2005.2006 and the Roles of the Parliamentary Party Groups
Table II.4	Description of the Code of Ethics of the 2004-2005 House of Representatives
Table II.5	Women Members of the House of Representatives after the 2004 Elections

Table II.6	Distribution of Women Members at the Parliamentary Committees of the 2004-2009 House of Representatives
Table II.7	Election of Chairs of the House of Regional Representatives' Bodies based on Standing Orders No. 2/DPD/2004
Table II.8	Description of the Code of Ethics of the 2005 Indonesian House of Regional Representatives
Table II.9	Comparison between the Number of Women Candidates for the House of Regional Representatives and the Women Candidates for the House of Regional Representatives and those Elected in the 2004 Elections
Table II.10	Distribution of Women Members at Ad Hoc Committees of the 2004-2009 Indonesian House of Regional Representatives
Table III.1	Affirmative Provisions of Political Parties' Statutes
Table III.2	Comparative Models of Affirmative Actions in Various Areas

## List Of Charts

Chart II.1.	2002-2003 Political Law Package and Affirmative Action
Chart II.2.	Parliamentary Party Groups and Internal Procedures of the House of Representatives

## Glossary

### *Statutes of Political Parties:*

The statutes of political parties form the constitution of a political party that includes the basic rules for the formation of the political party and other internal regulations and procedures. Party statutes are the highest legal provisions of a political party.

### *House Bodies:*

House bodies are formed to help smoothen the work of representative bodies (the House of Representatives, DPR and the House of Regional Representatives, DPD) based on their respective duties and functions. These House bodies have different but interlinked working mechanisms, that is, to support the work of the institution overall. The House bodies of the House of Representatives consist of the Leadership, Steering Committee, Legislation Body, Standing Committees, Budget Committee, Household Affairs Committee, Ethics Council, Inter-Parliamentary Cooperation Body, and Special Committees. The House bodies of the House of Regional Representatives consist of the Leadership, Ad Hoc Committees (since 2009, Working Committees), Ethics Council, Steering Committee, Legislation Committee, Household Affairs Committee, and Inter-Parliamentary Cooperation Body, and Special Committees.

### *House of Regional Representatives (DPD):*

The House of Regional Representatives is part of the bicameral parliament constituting the People's Consultative Assembly, MPR. Members of the House of Regional Representatives are elected

through general elections to represent the provinces. Each province is represented by 4 (four) representatives, winning the most votes in their respective province, and they can not be nominated by political parties.

*House of Representatives (DPR):*

The House of Representatives is part of the bicameral parliament constituting the People's Consultative Assembly, MPR. The members of the House of Representatives represent an electoral district and are elected through general elections whose organization is regulated in the election law. A candidate for the House of Representatives must be nominated by a political party and must be a member of the nominating political party. A member of the House of Representatives is elected by the voters of the area which he/she will represent. The winning candidate of the House of Representative is the one who wins most votes, on condition that the political party he/she represents passes the 2.5% parliamentary threshold (since 2009).

*Parliamentary Party Groups:*

Parliamentary party groups are the grouping of the members of the House of Representatives according to their political parties. The party groups, among others, decides who of its members is appointed to which House body, and on the political party's view on a particular policy issue, and so on. These party groups are not independent of the interests of the political parties they represent, including the agenda of said political party at the parliament. This is why the view of

one parliamentary party group reflects the view of the political party it represents. Each parliamentary party group has its own rules and ethics code by which members must abide, and thus every member of the House of Representatives should act accordingly.

*Gender:*

This is a concept referring to women and men. This term is used to clarify the fact that in most cases the social differentiation between women and men, like their social position, has been socially constructed and assigned. Thus, the meaning of gender can vary according to the time, place, and context where the concept is used. Due to such social construction, gender has a different meaning than sex, which refers to biological differences..

*Gender-related Development Index (GDI):*

This indicator included various aspects to measure society's achievements based on HDI (Human Development Index), taking into account gender inequality during the process. It uses the same variables as those used for HDI, except that here they are broken down by sex. The GDI of a country will improve when the inequality of achievements between women and men are in a relative balance and decrease when inequality increases sharply.

*Gender Empowerment Measure (GEM):*

This is an indicator of various aspects highlighting gender inequality in three major areas, as follows:

- Participation in politics and participation in political decision



- making, measured by the percentage ratio between women members and men members at the parliament.
- Participation in the economy and economic decision making, measured by two indicators – percentage ratio between women and men at the legislative body, senior and manager level public officials, and professional and technical positions.
  - Control over economic resources, measured by the difference in income projection between women and men.

*Human Development Index (HDI):*

This is a summary of various aspects measuring average achievements of a country in three human development aspects: decent health, knowledge and education, and living standard. Health is measured based on the life expectancy; knowledge and education based on the literacy level among adults and children at elementary, junior high, and senior high schools ratio combined; and living standard based on GDP (*Gross Domestic Product*) per capita.

*Committees:*

Committees are the distribution of the members of the House of Representatives into working groups. Their roles include initial discussions of a draft or a draft bill, and supervision of related government (*executive*) functions, like on defense and security, domestic affairs, judiciary, health, education, and other sectors. Today, there are eleven standing committees at the House of Representatives.

*Ad Hoc Committees (since 2009 Working Committees):*

It is the distribution of the members of the House of Representatives into working groups. Among the roles of an Ad Hoc Committee are to set up, deliberate, and perfect bills initiated by the House of Regional Representatives (on matters such as regional autonomy, central and regional relations, natural and other economic resources management, and central-regional financial balance), prepare draft considerations for the Draft State Budget Law and draft laws on tax, religion, and education, the nomination of Supreme Audit Agency's members, and supervise the implementation of the law on regional governance, the formation, extension, and merger of a region, central-regional relations, natural and other economic resources management, implementation of the state budget, tax, education, and religion. While it is clearly suggested that committees for these sectors are provisional, in reality, these committees work for 5 successive years.

*Gender Mainstreaming (PUG):*

Gender mainstreaming or gender perspective mainstreaming is a process to evaluate the implication of the making of particular policies, laws, or working programmes for women and men citizens in all sectors and at all levels. Gender mainstreaming is a strategy to integrate the interests and experiences of both women and men to the design, implementation, oversight, and evaluation of the policies and programmes within the domains of politics, economy, and social arena, so that women and men can share equal benefits and inequality be put to an end. The primary objective of gender mainstreaming is to realize gender equality.

*Gender Responsiveness:*

Gender responsiveness is a planning process in which working programmes and policies are designed in such a way to deal with and overcome potential issues when the needs arising from the different socially constructed status between men and women are not properly met.

*Standing Orders:*

Standing Orders are the internal regulations setting forth the mechanism for the formation of the structures and procedures for the implementation of activities at the House of Representatives and the House of Regional Representatives. Standing Orders, among others, provide for the mechanism to elect the house leadership, chairs of the house bodies, organization of plenaries and meetings, the implementation of functions, tasks, and authorities of the house, and the rights and obligations of members, the formation, composition, tasks and authorities, and obligations of house bodies, decision making, legislative-executive relations, house protocol, and so on.

*Affirmative Action:*

Affirmative Action is a policy or programme made and adopted to fight discrimination of minority groups and women. It is achieved by putting into effect special regulations securing the creation of equal opportunities for those groups and other groups in society.

*Parliamentary Law No. 22/2003:*

This law mandates the formation of representative bodies at the national

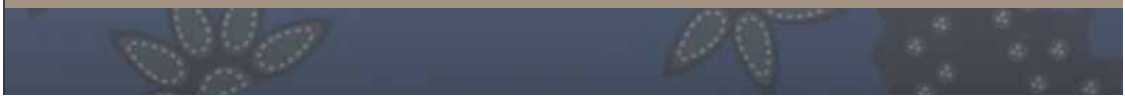
Gender Mainstreaming at the Parliament:  
A Study of the 2004-2009 House of Representatives (DPR)  
and House of Regional Representatives (DPD)

level (People's Consultative Assembly, House of Representatives, and House of Regional Representatives), at the provincial level (Provincial House of Representatives), and at the district/municipality level (District/Municipality House of Representatives), as well as the membership, duties, authorities, and functions of those bodies. In 2009, the amended Parliamentary Law No. 27/2009 was enacted.



Chapter I  
Introduction

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## Chapter I

### Introduction

#### A. Background

The amendment to the 1945 Constitution by the People's Consultative Assembly between 1999 and 2001 has resulted in substantial changes in the Indonesian state administration system. One of such changes is the adoption of the bicameral parliamentary system (on a limited basis) in the forms of the House of Representatives (DPR) and the House of Regional Representatives (DPD). The transformation was the result of the political reform demand directed towards empowering the legislative as a strategic institution voicing people's needs.

Significant changes occurred at the House of Representatives. *Firstly*, now all members of the House of Representatives effective from 2004 are elected through general elections, without appointments (reserved seats for the Armed Forces) like during the New Order regime. The amended constitution provides that all members of representative bodies be elected through a general elections and nominated by contesting political parties. This is a correction to

improve the quality of the political relationship between the people and their representatives.

*Secondly*, the legislation, budgeting, and oversight functions of the House of Representatives as defined in the 1945 Constitution are confirmed and re-emphasized. This is just another clarification of the authorities of the House of Representatives. Previously, Article 5 section (1) of the 1945 Constitution stated that the President has the power to make laws with the consent of the House of Representatives. In the amended constitution, legislation becomes the sole domain of the House of Representatives. Accordingly, an amendment was made to Article 20 section (1) of the 1945 Constitution which provides that the House of Representatives has the authority to make laws. The members of the House of Representatives are further empowered through Article 21 of the 1945 Constitution which reads, "Members of the House of Representatives have the right to propose draft laws."

The significant transformation in the roles and authorities of the House of Representatives as the legislative body bears two strategic objectives. The first one is to develop checks and balances among the state's institutions and the second one is to encourage the making of laws (especially laws and budgeting) that reflect the needs of the public.

The new political institution born by the amendment of the 1945 Constitution is the House of Regional Representatives (DPD) whose



members represent their provinces and are directly elected through general election. One may say that the DPD is the “makeover” of the former regional delegates of the People’s Consultative Assembly. But, they are different in that regional delegates were appointed by the president whereas the members of the House of Regional Representatives are elected through general elections in their respective provinces. The DPD may propose draft laws/bills on regional autonomy and join the discussion to give inputs on particular laws. Each province sends four members to the House of Regional Representatives who then serve for five years.

The desired consequence of empowering the legislative bodies is among others the passing of more fair and equal legislation and laws from which people can benefit. The legislative bodies functionally impaired during the long reign of the New Order (1977-1997) were unable to produce any laws which met the ideals above. The executive (the president) was more interested in retaining political power than finding solutions to the problems faced by the people. The result of this was a gap between the legislations made and the social, political, and economic reality that people were dealing with. Three decades of experience have raised the demand to empower the legislative, so that checks and balances could be developed.

Yet, it seems that after years of reform, the ideal function of the legislatures is still illusive. Changes have indeed been noted in the political recruitment and authority (more empowered institutions), but the internal control mechanisms and expected products are not

yet established. Like any other political institution, the parliament is the arena of contesting political interests, actors, platforms in one common structure and rule of the game to produce laws binding for all citizens. In every parliament, including the Indonesian parliament, there are rules of the game, norms, and structures defining the daily behavior of the members. Yet, the issue now is who makes such rules, norms, performance indicators, and so on, for the political process at the parliament?

Worldwide, most members of parliament are men. By average, women have been poorly represented, that is, by less than 30%. This indicates that the rules of the game, norms, and structures, working processes, and performance evaluations of the parliamentary members are still bound to the standards and criteria set up by policy makers who are mostly men. As more women begin to enter representative institutions, with ever increasing participation levels, it becomes clearer that all those rules of the game, norms, and structures, working processes, performance evaluations of the parliamentary members, and laws still fail to accommodate their interests not to say the least that they even tend to be biased and discriminative. This is not good, not only for the laws made by the parliament but also for the culture of democracy inside the parliament which should be highly upheld and the mandate of this highly important political institution.

The “masculine” character and “invisibility of women” are also evident at the Indonesian parliament, especially at the House of

Representatives with its long history, much longer than the House of Regional Representatives. As more women enter the House of Representatives (see Table I.1), the bias, discrimination, justice, and internal democracy issues at the parliament, either in terms of regulation, institutional rules of the game, or resulting laws are questioned and challenged.

Table I.1.

**Women's Representation at Indonesian House of Representatives**

Period	Women Members	Men Members
1950-1955 (Ad Interim House of Representatives)	9 (3,8%)	236 (96,2%)
1955-1960	17 (6,3 %)	272 (93,7%)
1956-1959 (Konstituante)	25 (5,1%)	488 (94,9%)
1971-1977	36 (7,8%)	460 (92,2)
1977-1982	29 (6,3%)	460 (93,7%)
1982-1987	39 (8,5%)	460 (91,5%)
1987-1992	65 (13%)	435 (87%)
1992-1997	62 (12,5%)	438 (87,5%)
1997-1999	54 (10,8%)	446 (89,2%)
1999-2004	46 (9%)	454 (91%)
2004-2009	65 (11,6%)	435 (87%)
2009-2014	101 (18 %)	459 (82%)

Source: Data up to 2004-2009 periods are collected from Election 2009 Women Candidate Legislatives' Guidebook, PUSKAPOL FISIP UI, 2009. Data for 2009-2014 are downloaded from [www.kpu.go.id](http://www.kpu.go.id)

The idea of gender mainstreaming has evolved into a political strategy, movement, and ideology aspired to overcome and respond to the issues. Gender mainstreaming is a concept developed

by women movements, adopted internationally, and has been advocated since 1995 (Beijing Declaration).

Gender mainstreaming can simply be defined as a strategy to integrate the principle of gender equality to the center of the whole decision and policy making mechanism and reform the decision making institution at national as well as local levels. This can be achieved through the formation of gender focal points and resource allocation by introducing the concept of gender-responsive budgeting. The idea is to give priorities and accommodate the perspectives of women as an integral part of the decision making structure.

The target is to realize gender justice and eradicate gender discrimination at all levels. In politics, gender mainstreaming aims at several targets, that is, (1) to eliminate gender gaps and improve representation; (2) to encourage decision making political institutions, including the parliament, to evolve to secure justice and equality for men and women members; (3) to encourage the making of laws sensitive to the difference between men and women; and (4) to encourage the adoption of unbiased and non-discriminative rules of the game.

In this study, gender mainstreaming is not defined as something no more than a rigid 'policy framework' and something that can simply be achieved through documentary analyses, gender based sorted data checklists, and analyses of the policy adopted by political

parties/parliamentary party groups or the House of Representatives and House of Regional Representatives using the perspective of gender. These models would not suffice without critical analyses of the current political contexts and women movement in Indonesia to respond to the challenges to transform women to agents of political transformation.

One of the subjects of criticism has been a false assumption regarding the implementation of gender mainstreaming that it takes only a series of gender responsive mechanisms and instruments to change gender neutral political institutions and bureaucracies to be gender sensitive. This is wrong, inaccurate, and subject to reconsideration. Another criticism against gender mainstreaming has been the reduction of the concept of gender into nothing more than 'empowering women' so that they can perform their functions in private and public spheres without any further attempt to make women in decision-making institutions agents of change. In other words, the ideological target of gender mainstreaming as the ideology of the women movement towards political transformation has been missed.

Patriarchal values are rooted very deep in the political institutions and it takes more than a series of gender analyses, instrumental integrations, guidelines, and checklists to make the parliament responsive to gender.

This false assumption has been proven through a series of gender mainstreaming implementation initiatives at a number of countries

with very limited success. Sonia Alfarez in her study on engendering politics in Latin America concludes that the integration of women to political institutions (the parliament or political parties) does not automatically result in gender responsive political institutions or policies or political transformations. More often than not, women's political agendas are outwitted by mainstream political issues and agendas deemed more important by political parties.

Another thing worth accounting for in the attempt to make the parliament responsive to gender is the political battle-zone ahead and whether the political opportunity structure is favorable for the political transformation of women at the parliament.<sup>1</sup>

That being so, any study on gender mainstreaming at the House of Regional Representatives and House of Representatives should refrain from limiting itself to analyzing regulatory documents, membership composition, and rules of the game of 2004-2009 through sorted data compilation. Instead, such study will require the analyses of the political context, dominant actors, and women movement in the Indonesian political arena deemed more agile in responding to the challenges of mainstreaming gender at the parliament and providing recommendations to build a more gender responsive parliament in the future.

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<sup>1</sup> See Vicky Randall and Georgiana Waylen, *Gender, Politics and the State*, Routledge: London, 1998.

## B. Literature Review

A gender sensitive parliament is an internationally supported strategic agenda. The main idea is mainstreaming gender in decision-making institutions whereas the primary target is to integrate the perspective of gender to all laws which will make the parliament accountable, responsive, representative, and equal.

International experiences reveal obstacles to the attempt to realize gender sensitive parliaments. A number of influential factors in actualizing the gender responsive parliaments have been identified as follows:

- Supports from the controlling political party or parties at the parliament;
- Working mechanisms of the parliamentary committees, including special committees on gender equality and women empowerment;
- The existence of a women parliamentary caucus at the parliament forming inter-political party networks of women and channel to civil society organisations;
- Rules of the game designed to put the parliament to function.

A research by IPU (Inter-Parliamentary Union) in 1988 and 1991 reveals that the limited number of women at parliament hampers their participation in all the parliamentary committees and thus there has grown a tendency to assign women to committees in charge of social affairs, health, family, and education.<sup>2</sup> Surprisingly, even in

<sup>2</sup> Inter-Parliamentary Union Report, *Institutional Change: Gender-sensitive Parliaments (chapter 5)*, 2008.

countries with a relatively high level of women’s representation like Sweden (48% women), women members are not evenly distributed throughout the committees. Women are more concentrated in committees on education and health than on the committee for defense, for example. This IPU research also shows that the absence of women members in the committees affects the making of pro-gender legislation in particular and quality and satisfaction with the resulting laws in general. Conclusively, numbers matter in influencing the legislation process at the parliament.

Table I.2  
**Distribution of Women Members at the Parliamentary Committees in a  
 Number of Countries**

Country	Distribution of Women at Parliamentary Committees
Sweden	Women’s representation level reaches 48% but not evenly distributed. Most women members are assigned to education and health committees, whereas men are assigned to economic and financial committees.
Ghana	Some committees, e.g. transportation and financial , have no women members at all.
Czech Republic	Women’s representation at the parliament reaches 15% but there are no women at the budget committee, most of them are assigned to the education and health committees.
Congo	Only 40 of 500 members are women (less than 10%), too few women to participate at all committees.
Nigeria	Very few women at defense, security, agricultural, environmental, and economic committees.
Austria	More women should be at the economic and budget committees and more men at health and equality committees.
Chile	Women are focused on family, education, and health committees.

Source: IPU Report, *Institutional Change: Gender-sensitive Parliaments*, 2008.

International experience shows there is no one-for-all approach to gender mainstreaming at the parliament to make it sensitive to



gender. This is because gender is a cross-cutting issue and it involves regulating political parties. Some model approaches have been attempted in a number of countries, as follows:

1. Highlight gender issues at every committee, not only at committees directly related to gender issues (education, health, and family).
2. Post qualified women to leading posts of strategic committees such as budget committees, while this may still be subject to the commitment of political party leaders.
3. Build capacity of women members at each committee to enable them to review and discuss every draft bill with a perspective of gender.
4. Obligate all committees to use gender analysis to screen every proposal or incoming bill.
5. Set up special committees on gender equality.
6. Encourage women caucus at the parliament to be a respected committee.

Now, with such comparative trends, another critical question appears. What does gender mainstreaming at the parliament actually mean? We note that the number of women members at the House of Representatives and House of Regional Representatives elected through post reform election processes (1999, 2004, and 2009) steadily increases. The following table provides an overview:

Table I.3.

**Women's Representation at the House of Representatives and the House of Regional Representatives**

Period	House of Representatives		House of Regional Representatives	
	Women	Men	Women	Men
1999-2004	46 (9%)	454 (91%)	No House of Regional Reps yet	
2004-2009	65 (11.6%)	435 (88.4%)	28 (21.2%)	104 (78.8%)
2009-2014	101 (18%)	459 (82%)	36 (27.7%)	96 (72.3%)

Based on the percentage of the result of the 2004 elections, Indonesia is at number 89 of 187 countries based on IPU data from 2006. In Southeast Asia, Indonesia is inferior to Timor Leste (25 %) and the Philippines (15 %).

Indonesia's positions on the Human Development Index (HDI), Gender Development Index (GDI), and Gender Empowerment Measurement (GEM) are as follows:

Table I.4.

**Indonesia's HDI, GDI, and GEM Ranking in 2007-2009**

Year	HDI Ranking	HDI Index	GDI Ranking	GDI Index	GEM Ranking	GEM Index
2007	111 of 182 countries	0,7434	93 of 155 countries	0,726	96 of 109 countries	0,408
2008	109 of 179 countries	0,726	85 of 157 countries	0,719	87 of 108 countries	0,441
2009	107 of 179 countries	0,682	91 of 144 countries	0,677	89 of 186 countries	58,9

Source: UNDP *Human Development Report 2009*.

**IPM/HDI:** Human Development Index measures school attainment, health (living expectation), and wage levels.

**IPG/GDP:** measures women and men gap in education, health, and economy.

**GEM:** measures gender gap in economy and politics (decision making).

Table I.5.  
**GDI Rank Comparison amongst Southeast Asian Countries**

Country	2001	2002	2003	2004	2007
Indonesia	92	91	91	90	93
Filipina	62	63	66	66	77
Thailand	58	60	61	61	71
Malaysia	55	54	53	52	58

In terms of Human Development Index, Indonesia belongs to the low middle rank (108 of 178 countries). In 2009, Indonesia suffered from a drop in the HDI rank to 112. In Southeast Asia, Indonesia remains inferior to countries like Vietnam, Thailand, Filipina, Malaysia, Brunei, and Singapore.

The data from the above two tables reveals two things. *First*, there exists a gender gap, shown by HDI which is higher than GDI. *Second*, a GEM index of 58.9 (participation in decision making processes) shows that women's representation at the parliament does not match to the women's ability or capacity to influence the policies on economic, health, and education sectors, evidenced by the sharp gender gap.

Hence, gender mainstreaming at the parliament should not be interpreted as a mere increase of women's representation there,

but more importantly it should be about how women's capacity and ability to initiate women-centered policy making process (ones speaking on women's behalf) can be upgraded and thus define the implementation of the attempt to engender democracy the ideals of the women movement for more substantive democracy.

Any study on gender mainstreaming at the parliament needs to be viewed and framed in terms of an attempt to engender democracy in Indonesia which is the ideal of the women movement after 1998 through repositioning the women and state relation, which was in opposition to each other to a critical engagement. Now, there is no more taboo for women to participate in political parties and at the parliament and the women movement has also been proactively struggling to engender political parties and the parliament through various mechanisms such as by advocating particular policies or even becoming an integral part of the political institution. Affirmative Action is an initial attempt pushed forward to add the number of women significantly at decision-making institutions including the parliament.

Thus, improved representation of women is just an initial step which must be followed up with another initiative, that is, gender mainstreaming which should be integrated to every decision-making process at political institutions. The socialisation and implementation of gender mainstreaming will hopefully help the achievement of the women movement's agenda which consists of the fulfillment of women's practical needs and strategic gender needs.

The comparative study on gender mainstreaming at the parliament produces different types and characteristics in relation to the substantial issues of this study, namely, representation and whether or not gender relation transformation occurs. No parliament in the world will be able to meet those elements at once if high representation level of women, and gender relation transformation are the references.

The literature review conducted produces three common models: the model of Sweden and other Scandinavian countries, the United States of America model with its presidential liberal system, and the Latin American model, undergoing transitional periods to democracy, adopting liberal economic system with representative democracy characteristics and with yet unimpressive HDI-GDI-GEM. In brief, the details are presented in the following matrices.

Tabel 1.6:

#### Comparative Models of Sweden, the United States of America, and Argentina

Indicator	Sweden	United States of America	Argentina
Ideology	Welfare State	Liberal	Liberal
Political System	<ul style="list-style-type: none"> <li>• Constitutional Monarchy with Parliament</li> <li>• Multi party (7 major parties, and a number of minor parties)</li> </ul>	<ul style="list-style-type: none"> <li>• Presidential democracy</li> <li>• Two parties (Republicans and Democrats)</li> </ul>	<ul style="list-style-type: none"> <li>• Military dictatorships in democratic transition</li> <li>• Presidential democracy</li> </ul>
Population	9 millions ( 2006)	304 millions	12 millions

Gender Mainstreaming at the Parliament:  
 A Study of the 2004-2009 House of Representatives (DPR)  
 and House of Regional Representatives (DPD)

Women's representation at the parliament	48 %	16.8% at House of Representatives 15.3% at Senate	41.6% at House of Representatives 37.5% at Senate
Policy	Gender neutral policy Affirmative policy at political party level	Feminist idea on equal rights No political affirmation	Affirmative policy for women (quota)
Women Movements	Weak, political equality through political parties	Strong	Influential, strong grass-root responses to human rights abuse and economic gap
Advantage Factors	The system favors women but does not change their traditional roles	Economic opportunities for women, public policies which are responsive to women's practical needs and strategic gender needs	Insignificant advantage, lost gender characteristics, limited focus on women's traditional roles, poverty issues, no transformative characters shown by women movements

### C. Objective of the Study

1. The study on gender mainstreaming at the parliament not only focuses on the organizational/institutional analysis of the parliament but also on gender mainstreaming as a social movement to engender democracy in Indonesia.
2. The institutional analysis of the parliament will reveal if the presence of women at the parliament (House of Representatives

and House of Regional Representatives) will succeed in encouraging the transformation towards more substantive policies to address practical and gender strategic issues. In other words, what are the resulting outputs and advantages over 2004-2009?

3. Analyze the rules of the game, regulations, political contexts, political battle-zones, and political opportunity structure in 2004-2009 which women at the parliament can exploit and perceive as challenges to the attempt to realize a transformative policy at the parliament.
4. Analyze the roles and support of the women movement in the political arena to gender mainstreaming at the parliament (House of Representatives and House of Regional Representatives) over 2004-2009.
5. Recommendations

#### **D. Methodology**

This study uses a qualitative method with in-depth interviews with a number of political actors at the House of Representatives and House of Regional Representatives. This study was conducted over a one-month period with various activities as follows:

1. Compiling data on women members of the 2004-2009 House of Representatives and House of Regional Representatives.
2. Analyzing data on the staning orders and procedures of the 2004-2009 House of Representatives and House of Regional Representatives.
3. Analyzing data on various relevant national laws.

Gender Mainstreaming at the Parliament:  
A Study of the 2004-2009 House of Representatives (DPR)  
and House of Regional Representatives (DPD)

4. In-depth interviews with key respondents like the leaders of the parliamentary party groups at the House of Representatives and influential leaders at the House of Representatives and House of Regional Representatives.
5. Literature study to develop gender mainstreaming indicators.
6. Focus Group Discussions.

## **E. Chaptering**

### **Chapter I: Introduction**

Consists of the problem statement, literature review, objective, and methodology used.

### **Chapter II: The Structure of the Indonesian House of Representatives and House of Regional Representatives:**

Regulations, Procedures, and their Problems Consists of an analyses of documents, house bodies, and procedures of the 2004-2009 House of Representatives and House of Regional Representatives.

### **Chapter III: Gender Mainstreaming Analysis at the Indonesian Parliament**

This chapter consists of the comparison and comparative study using three models and success indicators. This chapter also contains analyses on the politics, political battle-zone, and political opportunity structure available in Indonesia in



2004-2009 to push forward transformation and the role of the women movement in responding to the situation.

**Chapter IV: Conclusion and Recommendations**

Gender Mainstreaming at the Parliament:  
A Study of the 2004-2009 House of Representatives (DPR)  
and House of Regional Representatives (DPD)



Chapter II  
The Structure of the Indonesian House of  
Representatives and House of Regional  
Representatives: Regulations, and their Problems



## Chapter II

### **The Structure of the Indonesian House of Representatives and House of Regional Representatives: Regulations, and their Problems**

At least, there are three reasons why the legislative must be reformed following the end of the New Order. First, the reform is needed to improve the quality of political representation. The election and political party system over the three decades of the New Order has marginalized the people from any political process, sealed their access to the decision-making process at the parliament, and at the same time castrated the role of political parties. Consequently, political institutions, especially the parliament and political parties, were subject to the domination of the executive whose primary goal was to protect the interests of the New Order regime.

Second, it is needed to improve the performance of the parliament in tackling its functions to produce quality laws. The House of Representatives performs legislative, budgeting, and oversight functions. Yet, there is a risk that these functions may become a mere cosmetics if the political actors lose their commitment to maximize them. The procedures for the legislation and budgeting functions may seem compliant to the rules of the game, but in reality, politically, they accommodate the interests of the executive through the laws produced. Thus, the laws and budget that the House of

Representatives has passed for dozens of years (especially during the reign of the New Order) prejudiced the interests of the people on the one hand and preserved the political power of the president.

Third, it is necessary to improve the checks and balances among state institutions, especially the president (executive) and the House of Representatives (legislative). Before the amendment of the 1945 Constitution, power was centered at the president. The president as the head of the state would play an overriding role in appointing ambassadors, the Bank Indonesia governor, and the armed forces chief without consulting with the House of Representatives. There was almost no control and the president could easily abuse power. Not surprisingly, during the non-democratic era, the House of Representatives was labeled a "rubber stamp".

Those are the three reasons why the Indonesian parliament needs empowerment. In addition to the historic consequences – the reform cleared the road to betterment -, parliamentary empowerment is an integral part of the attempt to realize substantive democracy.

This chapter will discuss the regulations of the Indonesian parliament during the reform era by focusing on 2004-2009. The performance will only include the regulatory and internal procedural aspects. The discussion of those aspects will then be correlated to the relation between male members and women members in the political process at the parliament.

## **A. A Regulatory Overview of the Indonesian House of Representatives and House of Regional Representatives**

The concept of political representation refers to the relation between two parties, the representatives and the represented. In the representation process, the representative is given a number of rights and authorities by the constitution and other prevailing laws. In political science, there are two viewpoints to see the relation between the representative and the represented. The first and older one, sees the representative as the “messenger” of the represented, that is, the representative performs his/her representing duty after consulting with the party he/she represents (constituents). The representative cannot make any decision without consulting with the represented. The representative has no autonomy and acts only upon the wish of the represented.

The second perspective sees the representative as the “mandate bearer” under which the represented gives the representative greater authorities to make decisions on his/her behalf and is accountable for them in the form of policies which meet the interests of the represented. In this case, the representative is given a greater autonomy and deemed capable and competent in performing his/her jobs.

The second viewpoint is deemed more relevant as the philosophical basis for a political representation relation. By procedures, an election is commonly used to select desired representatives who

upon being elected will perform their representation duties based on the provisions of prevailing laws.

### **A.1. Regulations of the Indonesian House of Representatives**

This has been the philosophical context adopted by the Indonesian House of Representatives since the early days of independence. There are regulations setting forth how political representation duties must be implemented and performed by people's representatives. During the New Order era, there were a number of parliamentary laws (People's Consultative Assembly, House of Representatives, and Regional House of Representatives). They are Law No. 16/1969, No. 5/1975, and No. 2/1985. Following the end of the New Order, Law No.4/1999 was passed and amended with Law No. 22/2003. Now, after the 2009 elections, Law No. 27/2009 on the People's Consultative Assembly, House of Representatives, House of Regional Representatives, and Regional Houses of Representatives has been adopted.

Of the provisions in the Parliamentary Law, there are two important provisions worth noting related to the performance of the House of Representatives. They are the provisions on the rights and house leadership. The provision on the rights regulate the political space for a member of the House of Representatives to perform his/her functions, whereas the provision on the house leadership regulate the opportunity for cooptation by parliamentary party groups over their members and the overall performance of the House of Representatives.



The issue of the rights of the House of Representatives and its members may be one which indicates the political context in the legislative regulation.

Table II.1  
**The Rights of the House of Representatives (DPR) based on Three Parliamentary Laws**

Law No. 16/1969	Law No. 4/1999	Law No. 22/2003
<b>DPR Rights:</b> 1. The right of each member to ask questions 2. Demand clarifications (interpellation) 3. Conduct investigations 4. Make amendments 5. Express opinions 6. Propose or recommend someone if required by laws/regulations	<b>DPR Rights:</b> 1. Summon the president for clarification 2. Conduct investigations 3. Amend draft bills 4. Express opinions 5. Propose draft bills 6. Propose or recommend someone if required by laws/regulations 7. Decide over DPR budgets	<b>DPR Rights :</b> 1. Interpellation (demand government clarifications) 2. Questionnaire (conduct investigations over government's policies) 3. Express opinions (on government's policies or extraordinary situations)
	<b>Members Rights:</b> 1. Ask questions 2. Formality 3. Finance/Administration	<b>Members Rights:</b> 1. Propose draft bills 2. Ask questions 3. Propose and express opinions 4. Elect and be elected 5. Self-defense 6. Immunity 7. Formality 8. Finance/Administration

The comparison of the above three parliamentary laws reveals the national political situation and context influencing the regulation of the legislature. The parliamentary law of the New Order regime shows that the House of Representatives was not perceived as a

strong institution. While the parliamentary law of 1969, for example, sets forth the questioning rights for a member of the House of Representatives, it did not assign clear rights in the legislation function. This is because the contemporary political context attempted to maintain political stability which among others was done by marginalizing the roles of the legislative.

The urge towards empowering the House of Representatives is reflected in the regulation of the post New Order House of Representatives. The rights of the House and its members are provided for in more detail, including the right to propose draft bills. The Parliamentary Law of 2003 even opens the space for every member of the House to be active, aspiring, and responsive in performing their respective functions, especially the legislating function.

The provisions on the leadership of the House of Representatives in the Parliamentary Laws of 1999 and 2003 indicate different levels of political co-optation and the opportunity for each member of the House of Representatives to win a leadership post.

Table II.2  
**Regulations regarding the Leadership of the House of Representatives' Bodies based on the 1993 and 2003 Parliamentary Laws**

Point	Law No. 4/1999	Law No. 22/2003
<b>Leadership of the DPR</b>	<ul style="list-style-type: none"> <li>- Collective</li> <li>- Comprising one speaker and at most 4 (four) deputies</li> <li>- Representing parliamentary party groups ordered based on the number of their members</li> </ul>	<ul style="list-style-type: none"> <li>- Comprising a speaker and three deputies</li> <li>- Elected amongst and between House members at House plenary</li> </ul>
<b>Impact on DPR empowerment</b>	<ul style="list-style-type: none"> <li>- Provide no opportunity for members to compete for leadership posts.</li> <li>- Highly possible cooptation by House leadership over members because leaders are elected based on the number of parliamentary party group members.</li> <li>- The effect of New Order regulations where the Leadership of the House represents parliamentary party groups.</li> </ul>	<ul style="list-style-type: none"> <li>- Equal opportunity for each member to compete for the leadership.</li> <li>- Possible combination between members of major and minor parliamentary party groups to head the house, based on the number of seats won.</li> <li>- Open opportunity for women members to be included in the leadership package irrespective that may depend on the supports from their parliamentary party groups.</li> <li>- Represent capacity aspects better.</li> </ul>

Based on the above table, the Parliamentary Law No. 22/2003 encourages the election of the house leadership based on the individual capacity. Because house chairs are elected by the house members themselves through a selection process, every member

shares equal opportunity to run for a leadership post. Ideally, this selection mechanism will improve the opportunity for the formation of a combination of the chairs of the house which consists of the members of both big and small parliamentary party groups and at the same time open the opportunity for women members to join the competition.

Yet, the political reality ignores the principles proposed by the lawmakers. Parliamentary party groups retain their decisive roles in the selection process and in suggesting the composition of the house leadership. During 2004-2009, no parliamentary party group included women candidates in their list of house chairs and the combination of the major and minor parliamentary party groups in the leadership of the House of Representatives is not effective to improve the image and performance of the House of Representatives.

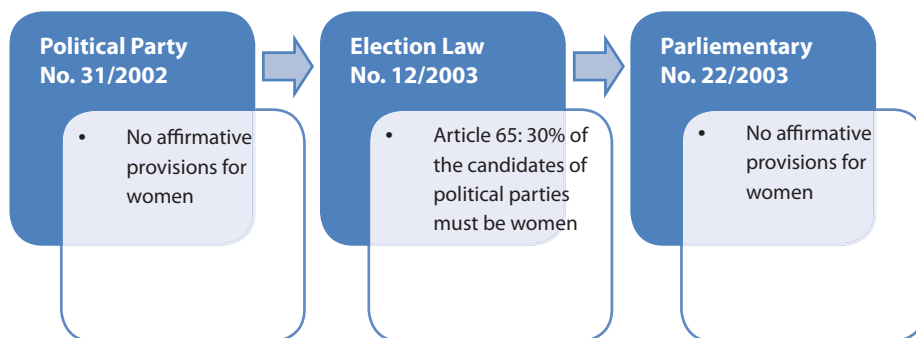
Generally speaking, the parliamentary laws during of the reform era, in this case, Law No. 4/1999 and Law No. 22/2003, are gender neutral. They contain no discriminative provisions with regards to religions, ethnicity, race, and sex and perceive all members as equal before the procedures and processes at the parliament. Parliamentary laws of 1999 and 2003 in fact have no explicit provisions to accommodate the affirmative action in favour of women's representation.

This is because women's representation in politics to improve the quality of democracy has not been accepted as a common cause. The New Order regime which adopted a closed election system

where voters only voted for political parties resulted in a very limited representation of women at the House of Representatives (10% on average). In fact, had the closed proportional election been combined with affirmative action at political party levels, women would have witnessed their representation improve. This is not the case in Indonesian politics.

The parliamentary law of 2003 and other political laws were the result of the national political constellation which was still wallowing in the euphoria following the decline of the New Order. The pro-democracy social movement still focused its attention on the attempt to correct and improve the system and organisation of election to the extent of reforming them. Throughout 2002-2003, that is, amidst the discussion about the political bills on elections, political parties, and the parliamentary law, the women movement took a more rational choice by focusing its attention on advocating for the election law. It, however, only succeeded in having the affirmative action accommodated in the election law as detailed in the following chart.

Chart II.1.  
**2002-2003 Political Law Package and Affirmative Action**



The chart shows that the intensive advocacy by the women movement on the election bill has led to the accommodation of affirmative action in the law. The discourse about the quota for women is still unacceptable to the public especially to political party elites and decision makers. It takes more intensive advocacy attempts by the women and pro-democracy movement to encourage the process in the parliamentary forum.

## **A.2. Regulations of the Indonesian House of Regional Representatives**

Indonesian House of Regional Representatives is a legislative institution which did not exist until 2004 following the third amendment of the 1945 Constitution. One of the heated debates over the amendment of the 1945 Constitution was concerned with the fact whether the House of Regional Representatives (DPD) would be defined as a strong or weak legislative institution. The point was whether the DPD would be assigned legislation and budgeting authorities similar to those assigned to the House of Representatives (DPR), or whether the DPD would be cast as a sort of working partner for DPR in aspiring regional interests without legislation authority.

The debate on the institutional form of this regional representative body was quite fierce, especially when it got to amending the 1945 Constitution. There were two developing views: give equal authority in legislation to that given to the DPR, or give only limited authority in proposing bills to those concerning only regional matters. At last,

we know that the DPD is a province-based representation body with the authority to propose draft bills on regional matters. While the 1945 Constitution does not assign any express role as a “strong” legislative body to the DPD, its presence clearly indicates strong inclinations to regional development within the framework of a unitary state.

The DPD adds new colours to the politics of Indonesia. Its members are elected directly in each province. Each province elects four persons as its representatives and these representatives are assigned to voice the aspirations of the province they represent. The DPD also provides new space for local informal leaders to enter the decision-making process at national level. This is a strategic and at the same time risky mobility. New space is created for new elites of local origins to appear at the national level, even if nothing more than cosmetics, at least for now.

Following the 2004 elections, the DPD has attempted to make a political breakthrough when it expressed the desire to push for the fifth amendment to the 1946 Constitution aiming at gaining more authority. The DPD’s aspiration to gain more authority has been sensible with regards that both DPD and DPR members are elected directly by the people. To be a DPD candidate, an individual is required to show support as the requirement and to get verified by the general election commission. His/her election district consists of a whole province. If the province in which he/she runs for a DPD membership consists of tens of districts/municipalities, for example,

Java Island, the chances for him/her to win will shrink drastically. In comparison, a candidate for the House of Representatives, can rely on his/her political party to gain the support from his/her constituents. This is why the DPD thinks it sensible to propose the fifth amendment to the 1945 Constitution concerning DPD empowerment.

The DPD also reacts to a number of national political issues to justify its existence. For example, it reacts to some government policies, like on regional extensions, local natural resources management, and similar issues. The DPD also organises conventions and invites the president to the plenary to listen to his budgeted address and national address during the annual independence day. As a new political institution, the DPD attempts to create the foundation as the indicators of success. Yet, as the DPD focuses more on adding authority, the role it plays remains largely unknown to the public.

Law No. 22/2003 mandates that the DPD shall be assigned two primary functions (Article 41), that is, proposing and joining the discussion and giving considerations on and supervising the implementation of particular laws. In this context, particular laws mean the 2003 parliamentary law, especially its provisions on regional autonomy, central and regional relations, the formation, expansion, and merger of regions, natural and economic resources, and central-regional fiscal balance.

In fact, Parliamentary Law No. 22/2003 is an attempt to interpret the provisions regarding the House of Regional Representatives in



the 1945 Constitution. The “soft” authority of the House of Regional Representatives puts it in a grey area. The most evident example of this is reflected in the legislation function. The DPD may propose particular bills, but the discussion of those bills becomes the sole domain of the House of Representatives and the government. The DPD may join the discussion of the bills, give input, and express opinions, except participate in voting. Here, it seems that the DPD is no different than a ‘non-government organisation’ which can express opinions but has no decision-making right. The consequence of this is that the performance of the DPD depends largely on the individual capacity of its members to build networks with the DPR members and the government. Hence, it is almost impossible to measure the success institutionally because success tends to be an individual achievement.

Regulatory, both the House of Representatives (DPR) and the House of Regional Representatives (DPD) are subject to the same Parliamentary Law No. 22/2003. Hence, the same thing happens at the DPD. There is no affirmative provision at the DPD. In terms of membership, the DPD is different from the DPR. The members of the DPR are grouped into parliamentary party groups, whereas DPD members are autonomous and not subject to groupings. DPD members are grouped by their province but this grouping is not binding and rigid. Basically, all DPD members are autonomous in that they can run for the chairmanship of a house body without having to consult with their province in advance. For the sake of equality, however, and to avoid domination of certain provinces

over the chairmanship of its bodies, the leadership portion of the bodies is equally distributed according to the number of provinces.

The DPD regulations are sterile of gender issues. One of the causes for this may be because DPD members are elected by majority vote. Accordingly, affirmative action in favor of women candidates is not adopted, except by encouraging a better political atmosphere and space for women to improve their political participation. This impact on the regulation regarding the distribution of DPD members to the house bodies which is not gender-based but province-based instead.

## **B. Internal Procedures of the House of Representatives and House of Regional Representatives**

The internal mechanisms of the House of Representatives and the House of Regional Representatives are laid down in the Standing Orders mutually agreed by all the members at the plenary. These orders aim at keeping the proper functions of the House of Representatives and House of Regional Representatives, regulating interaction among the members of the House of Representatives, between the House of Representatives and external sides, and the decision-making procedures at meetings. The procedure of how the members of the House of Representatives exercise their rights is also detailed in the Standing Orders.

Standing Orders play the central role in defining day-to-day activities of the legislators as people's representatives. The parliamentary

law on the House of Representatives and the House of Regional Representatives only outlines what the legislatures are to do whereas the specific operations are detailed in the Standing Orders. In certain cases, however, Standing Orders prevent the house from performing its designated functions because rights are defined in detail and politically impossible to exercise.

This study reveals that the Standing Orders of the House of Representatives (No. 8/DPR RI/I/2005.2006) and the House of Regional Representatives (No. 4/DPD/2004) are gender neutral, in that by procedure they offer equal opportunities, to all members without discrimination, but biased by the political reality due to the gender gap in the political power relation. An example for this is the procedure to nominate the leadership of the 2004-2009 House of Representatives and the House of Regional Representatives as detailed in the following table.

House of Representatives	House of Regional Representatives
<p><b>Election of House Leadership by Parliamentary Law No. 22/ 2003 Article 21 section (1):</b> The House of Representatives' leaderships shall consist of one speaker and three deputies elected from among and by the members at the House plenary. Article 21 section (7): The election procedure of the House of Representatives' leaderships is set forth in the Standing Orders.</p>	<p><b>Election of Leadership by Parliamentary Law No. 22/ 2003 Article 37 section (1):</b> The House of Regional Representatives' leaderships shall consist of one speaker and maximum two deputies elected from among and by the members at the House plenary. <b>Article 37 section (6):</b> The election procedure of the House of Regional Representatives' leaderships is set forth in the Standing Orders.</p>
<p><b>Election of House Leadership by Standing Orders No. 8/DPR RI/I/2005.2006</b> <b>Article 23:</b> Candidates for speaker and deputies are proposed to the interim speaker in writing by parliamentary party groups in a package comprising 1 candidate for speaker and 3 candidates for deputies from other parliamentary party groups to be designated candidate package at the summit.</p>	<p><b>Election of House Leadership by Standing Orders No. 4/DPD/2004</b> <b>Article 23 section (1):</b> The leadership of the House of Regional Representatives shall be elected individually. <b>Article 23 section (2):</b> The election of the House of Regional Representatives' leadership shall precede the election of the House of Regional Representatives' deputies. <b>Article 23 section (3):</b> Candidate for the leadership of the House of Regional Representatives shall be freely and confidentially recommended by members at the plenary.</p>
<p><i>Why are the Standing Orders insensitive to gender?</i></p>	
<ul style="list-style-type: none"> <li>• There is no affirmative action in the selection of House of Regional Representatives' leadership in the 2003 Parliamentary Law.</li> <li>• The articles of the parliamentary law could be interpreted that every member has the right to be elected and to vote, without discrimination.</li> <li>• But the election procedure by the Standing Orders obligates parliamentary party groups to come up with a leadership proposal in writing. Accordingly, members cannot act independently, beyond the policy of the parliamentary party group to run for the post independently.</li> <li>• Standing Orders prejudices the right of members to get elected directly.</li> <li>• The role of parliamentary party groups puts women in a difficult situation because of the gender gap in the power relation among chairs of parliamentary party groups.</li> </ul>	<ul style="list-style-type: none"> <li>• There is no affirmative action in the selection of the House of Regional Representatives' leadership in the Parliamentary Law of 2003. Tata cara pemilihan dalam Tatib memberikan peran yang sama pada setiap anggota untuk mengajukan calonnya.</li> <li>• The Standing Orders do not infringe on the provisions of the Parliamentary Law in that every member has the right to recommend his/her candidate.</li> <li>• In reality, however, men are considered superior to women in terms of seniority, experiences, lobbying skills, networks, and access to power. Hence, the opportunity to run for candidacy and get elected is greater for male candidates.</li> <li>• Perspective and the quality of individual candidates are the key factors in a free election.</li> </ul>

## **B.1. Internal Procedures of the House of Representatives**

The heart of the internal procedures of the House of Representatives is the parliamentary party groups. Parliamentary party groups are the groupings of House of Representatives' members by political parties. They are not considered bodies of the house. The Standing Orders of the House of Representatives No. 8/DPR RI/I/2005.2006 (Articles 14-16) mandate a parliamentary party group to be established by members of a political party winning the elections, independent, and assigned the duty of coordinating activities of its members in performing the legislative tasks and authorities. Being independent in the above provision means that a parliamentary party group plays a dominant role and there is no institutional mechanism in place at the House of Representatives to interfere with its authority.

Important strategic points regarding the presence of parliamentary party groups at the House of Representatives are among others:

1. Direct access to the central management of a political party;
2. A vehicle through which political parties struggle to realise their agenda, vision, and mission in public and budgeting policies;
3. A part of the image creation for a political party in responding to many current public issues and concerns;
4. It plays important roles in the nomination of the leadership of the House of Representatives and its bodies;
5. It sets forth the distribution of members to the house bodies and political processes (legislation, budgeting, and

- oversight) at the House of Representatives;
6. It monitors and evaluates the performance of its members to check compliance with the guidelines from the central management of the political party;
  7. It imposes penalties (for example, through recall) on any members violating the code of ethics, prevailing laws, or political party's policy, or committing something which affects the credibility and image of the political party.

Politically, parliamentary party groups play a very central role in the activities and dynamics of the House of Representatives – institutionally as well as individually and contribute significantly to the functions and performances of the House of Representatives including the laws it produces. However, parliamentary party groups prejudice the roles and independence of their members in performing their representation task, while to a certain extent they may help to improve them and thus create a positive image of their political party. However, again, it all depends on the political position taken by the leaders of the political party concerned.

The central role of parliamentary party groups play in the election of the leadership of the House of Representatives and its bodies is reflected in the following table:

Table II.3

**Election of Chairs of the House of Representatives' Bodies based on Standing Orders No. 8/DPR RI/2005.2006 and the Roles of Parliamentary Party Groups**

No	Body	Election of the Chair	Role of the Party Group
1	<b>Leadership/Chair</b>	<ul style="list-style-type: none"> <li>- Elected from among and by members.</li> <li>- Candidates for the leadership and deputies are proposed to the interim leadership in writing by parliamentary party groups in a package comprising of 1 candidate for the speaker and 3 candidates as deputies from other parliamentary party groups.</li> <li>- Every member votes for one leadership package.</li> <li>- The candidate package winning the most votes is nominated the winning one.</li> </ul>	Parliamentary party groups propose leadership packages in writing. Members cannot run for candidacy himself/herself without the consent from his/her party group.
2	<b>Deliberation Body</b>	<ul style="list-style-type: none"> <li>- The speaker of the House of Representatives is also the chair of the Deliberation Body.</li> </ul>	The leadership of the Deliberation Bodys represents the parliamentary party groups proportionally to the composition of the house leadership.
3	<b>Committees</b>	<ul style="list-style-type: none"> <li>- Elected from among and by the committee members through negotiation and in proportion to the members of each parliamentary party group.</li> </ul>	The party groups have internal mechanisms in assigning their members to committees

Gender Mainstreaming at the Parliament:  
 A Study of the 2004-2009 House of Representatives (DPR)  
 and House of Regional Representatives (DPD)

4	Legislation Body	- Elected from among and by the Legislation Body members through negotiation and in proportion to the members of each parliamentary party group.	The party groups have internal mechanisms in assigning their members
5	Budget Committee	- Elected from among and by the Budget Committee members through negotiation and in proportion to the members of each parliamentary party group.	The party groups have internal mechanisms in assigning their members
6	Household Affairs Body	- Elected from among and by the Household Affairs Body members through negotiation and in proportion to the members of each parliamentary party group.	The party groups have internal mechanisms in assigning their members
7	Inter Parliamentary Cooperation Body	- Elected from among and by the Inter Parliamentary Cooperation Body members through negotiation and in proportion to the members of each parliamentary party group.	The party groups have internal mechanisms in assigning their members
8	Ethics Council	- Elected from among and by the Ethics Council members through negotiation.	The party groups have internal mechanisms in assigning their members
9	Special Committees	- Elected from among and by the Special Committees' members through negotiation and in proportion to the members of each parliamentary party group.	The party groups have internal mechanisms in assigning their members



The table indicates the central role a parliamentary party group plays in sending its members to the house bodies and their appointments as the chairs of those bodies. The Standing Orders provide that the chairs of the bodies are proportional to the size of each political party. Thus, a political party with many members will enjoy the greatest opportunity to lead a house body. While by procedure the chairs of a body are elected through a negotiation process, in practice, they are actually appointed by their political parties.

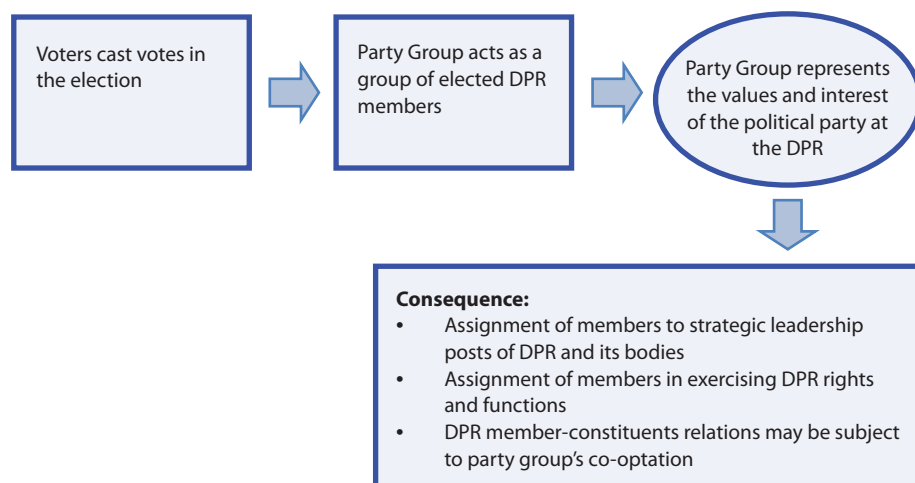
Concerning the exercise of the rights of the members of the House of Representatives, the Standing Orders set forth the procedures through which the rights for interpellation, enquiry, and expressing of opinions can be exercised. Parliamentary Law No. 22/2003, however, only details the types of rights a member of the house has but it does not provide the procedures for their implementation in detail. This is accommodated in the Standing Orders. The 2005 Standing Orders help members to implement their rights.

Members Quota required to Exercise Rights		
Interpellation	Enquiry	Expressing Opinion
Interpellation must be proposed by at least 13 members.	Enquiry must be proposed by at least 10 members.	Opinion must be proposed by at least 13 members.

It seems that the Standing Orders accommodate the House of Representatives in exercising its rights based on the member quota required. The enquiry right, for example, only requires 10 members and there is no provision demanding that all those initiators be from

different parliamentary party groups. In terms of regulation, this mechanism helps the House of Representatives exercise its rights. In practice, however, cross-party support is needed. This kind of support will decide whether the house will receive a green light or red light to proceed with those rights. Thus, in this context, while the Standing Orders regulates their implementation, to actually exercise them, they have to be brought to the plenary for approval.

Chart II.2.  
**Parliamentary Party Groups and Internal Procedures of the House of Representatives**



### **B.1.1. Code of Ethics of the Indonesian House of Representatives**

Another internal mechanism of the House of Representatives is the code of ethics which consists of the norms or rules regulating the behavior and the language of the house members. The Code of Ethics is aimed at maintaining the credibility of the house members

in performing their functions. The 2004-2009 Indonesian House of Representatives adopted a Code of Ethics in the forms of Resolution No. 16/DPR RI/I/2004-2005. This Code of Ethics of the House of Representatives is binding for every member while performing his/her functions within, as well as outside of the house to preserve the pride, honour, image, and credibility of the institution.

Table II.4  
**Description of the Code of Ethics of the 2004-2005  
House of Representatives**

Chapter	Chapter Title	Provision on
I	General Provision	<ul style="list-style-type: none"> <li>• Definition of terminologies in the Code of Ethics.</li> <li>• Formulation of the objectives of the Code of Ethics.</li> </ul>
II	Personality and Responsibility	<ul style="list-style-type: none"> <li>• Personality of House of Representatives member: Believe in God, Pancasila, abide by the 1945 Constitution, have integrity, and uphold democracy and human rights.</li> <li>• Responsibility of the House of Representatives Member: Voice and defend people's aspirations fairly regardless of ethnicity, religions, race, class, and gender.</li> </ul>
III	Presentation of Statement	<ul style="list-style-type: none"> <li>• Give statement as a member.</li> <li>• A member absent from the meeting should not disclose the results of the meeting to the public.</li> </ul>
IV	Provision on Meeting	<ul style="list-style-type: none"> <li>• Physical absence for three consecutive times without the consent from the chair of the parliamentary party group constitutes a violation of the Code of Ethics.</li> <li>• Members should dress up neatly, politely, and decently.</li> </ul>

Gender Mainstreaming at the Parliament:  
A Study of the 2004-2009 House of Representatives (DPR)  
and House of Regional Representatives (DPD)

V	Business Trips	<ul style="list-style-type: none"> <li>• Members should not use business trip facilities for other things unrelated to their functions as a member of the House of Representatives.</li> <li>• Members should not bring family members unless the law allows it and at their own expenses.</li> </ul>
VI	Wealth, Gratification, and Gift	<ul style="list-style-type: none"> <li>• Members must report their wealth honestly.</li> <li>• Members should not take any gratification/ gift from other parties.</li> </ul>
VII	Conflicts of Interest	<ul style="list-style-type: none"> <li>• Authority should not be used to influence any court proceeding for personal or other parties' interests.</li> <li>• Double jobs are prohibited by the provisions of the law.</li> </ul>
VIII	Confidentiality	<ul style="list-style-type: none"> <li>• Anything defined as confidential including the results of any meeting must be kept confidential.</li> </ul>
IX	Relation with Working Partners and Extra-Parliamentary Institutions	<ul style="list-style-type: none"> <li>• While participating in any extra-parliamentary activity, a member of the House of Representatives must prioritise his/her jobs as a House of Representatives' member.</li> <li>• Do not engage in any relation with working partners with the intent to demand a gratification.</li> </ul>
X	Penalty and Rehabilitation	<ul style="list-style-type: none"> <li>• The provisions of the Standing Orders apply.</li> </ul>
XI	Concluding Provision	<ul style="list-style-type: none"> <li>• Code of Ethics may be amended only by the request from 13 members or the Legislation Body.</li> </ul>

Substantively, the Code of Ethics of the House of Representatives contains a number of norms/ethics regulated for and subject to compliance by the members of the House of Representatives, aimed at creating an ideal image that a member of the House of Representatives is reliable and a role model for his/her constituents, as follows:

- Excellent personality (believe in God);
- Democratic (uphold democracy and human rights);
- Professional (consistently attempt to improve his/her quality and performance);
- Aspiring (voice and defend people's aspirations);
- Indiscriminative (act fairly regardless of ethnicity, religion, race, class, and gender);
- Responsible (be sensitive to the sufferings of the people);
- Not corrupt (take no gratification/gift, avoid manipulating authority for personal/class interest, or take double jobs)

A closer look at the Code of Ethics reveals some issues regarding its implementation effectiveness. The first will be concerning the indicators by which a member's compliance with the Code of Ethics is measured or evaluated. The second one concerns the internal institution at the House of Representatives which has the authority over its enforcement. Here, the relevant body of the House of Representatives is the Ethics Council, yet the effectiveness of Ethics Council in enforcing the Code of Ethics will largely depend on the availability of material evidence, support from parliamentary party group leaders, the public, and the political reality that the House of Representatives is a political institution.

In addition, the Code of Ethics has no perspective on gender and is gender neutral. It offers no solution to potential sexual harassment (misconduct) committed by a member to the extent that it has no provisions on the issue. As a code of conduct, there is no objectivity

in this Code of Ethics such that it becomes nothing than a lip service that is almost impossible to implement.

### **B.1.2. Assignment of Women Members to the Bodies of the Indonesian House of Representatives**

Parliamentary party groups play a central role in the assignment of their members to the house bodies, both as chairpersons and as members. While the Standing Orders provide that the chair of a house body be elected from among and by members in practice parliamentary party groups exert huge influence on the final result. Decision on the nomination of chairpersons is made through a deliberation process considering the proportion of the members of parliamentary party groups. Thus, chairpersons are not elected in an open process because parliamentary party groups have been allocated leadership posts of the bodies. And, as previously explained, the Standing Orders include no provision on affirmative action on the post distribution at the house bodies. This is related to the absence of affirmative action in the Parliamentary Law of 2003.

Under this kind of structure and procedure, it is almost impossible for women members to be nominated as chairs and deputy chairs of the house bodies. Now that the common practice is that the chairperson of a parliamentary party group is appointed by the central management of the political party, it is very unlikely that a women member is elected a parliamentary party group leader. Political experience, lobbying and argumentation skills, and their

position in the structure of a political party are among the problems women members face in their attempt to win the position as the chairperson of a parliamentary party group. Over 2004-2009, Ms. Ida Fauziyah was the only women member appointed to a parliamentary party group chair post (National Awakening Party, PKB) where she served for about two years.

Table II.5  
**Women Members of the House of Representatives  
after the 2004 Elections**

Political Party	Number of Women Members	Percentage of Total Members of the House of Representatives (%)	Percentage of Total Women Members of the House of Representatives (%)
<b>Golkar</b>	19	3,4	29,2
<b>PDIP</b>	12	2,1	18,4
<b>PPP</b>	3	0,5	4,6
<b>PAN</b>	7	1,2	10,7
<b>Demokrat</b>	8	1,4	12,3
<b>PKB</b>	7	1,2	10,7
<b>PKS</b>	2	0,3	3,2
<b>PBR</b>	2	0,3	3,0
<b>PDS</b>	2	0,3	3,0
<b>JUMLAH</b>	63	11.6	100

During 2004-2009, only two women members of the House of Representatives had the opportunity to lead house bodies, at Standing Committee IX and the Household Affairs Body. Over the same period, 65 women (11.6%) were elected to the House of Representatives, compared to the number of men (89%). Standing Committees are the important bodies of the House of Representatives

because they deal directly with legislation, budgeting, and oversight and are engaged in working partnerships with the executive. The composition of women members at the committees during the 2004-2009 House of Representatives was as follows:

Table II.6  
**Distribution of Women Members at the Parliamentary Committees of the 2004-2009 House of Representatives**

Standing Committee	Number of Women Members
I Defense, intelligence, foreign affairs, communication, and information	2
II Home affairs, regional autonomy, state apparatuses, land affairs, General Election Commission	7
III Law, regulation, Human Rights, security	7
IV Agriculture, estate, forestry, marine, fishery, and food	3
V Transportation, telecommunication, public works, people housing	2
VI Trade, industry, investment, cooperatives and small and medium enterprises, government-owned enterprises, and national standardisation	5
VII Energy, mineral resources, research and technology, and environment	2
VIII Religion, social affairs, and women empowerment	13
IX Manpower and transmigration, demography, and health	12
X Education, youth, sport, tourism, art, and culture	9
XI Finance, national banking planning, banking, and non-bank financial institutions	6 orang

The data indicates that generally women members were assigned by their parliamentary party groups to committees in charge of social affairs, health, religion, and education. In this case, Standing Committee VIII (13 women members) and Stanging Committee



IX(12 women members). Very few women members were assigned to committees in charge of defense, intelligence, law, transportation, finance, and similar affairs. Hence, it is still extremely difficult to change the perspective and working method of the parliament towards a more gender responsive one in all aspects of the legislation, budgeting, and oversight.

Every parliamentary party group has its own internal mechanism regarding sending its members to the house bodies and assignments of the House of Representatives. In brief, the working procedures are as follows:<sup>3</sup>

- The chair of a parliamentary party group checks if any of his/her members wants to be assigned to a desired committee. He/she can do it by distributing questionnaires.
- Afterwards, the party group chair will map the expertise of his/her members based on their education, occupation/activity, and professional experience. Certain party groups go as far as hiring consultant services to conduct psychological tests to assess their members' talents and abilities.
- The next step will be interviews with every member to confirm the test results.
- Final decisions will be made by the party group chair, after having consulted with the central management of his/her political party.

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<sup>3</sup> These data are extracted from some interviews with a number of parliamentary party group leaders of the 2009-2014 House of Representatives between 2-4 November 2009.

Based on the procedures, it seems that a parliamentary party group will be objective in assigning its members, based on the expertise and desire of the candidates. Yet, this is not always the case due to inevitable political factors. There may be, for example, a special assignment from the central management for one particular member to enter one particular committee. In the end, not all the wishes of the members can be fulfilled partially due to the mismatch between what the political party needs, what the members want, and how many members the political party has in the party group. Accordingly, a member of the House of Representatives is forced to be a “generalist”; a fast learner backed up by expert staff to help him/her perform his/her functions well.

Another issue limiting women’s participation in the leadership of house bodies are political party’s internal regulations (Statutes) which have not yet opened the access for women to strategic posts at the legislative body. Almost all political parties represented in the House of Representatives have no affirmative provisions in their articles of party statutes. In fact, gender mainstreaming at the parliament has not produced considerable impact on the participation of women at the House of Representatives.

## **B.2. Internal Procedures of the Indonesian House of Regional Representatives**

The Standing Orders of the House of Regional Representatives No. 2/DPD/2004 is a set of rules setting forth the day-to-day conduct of the House of Regional Representatives’ members while performing

their functions. These Standing Orders, among others, contain the provisions on house bodies, election procedures of their chairs, position, function, and authority, and decision-making mechanism.

The bodies of the Indonesian House of Regional Representatives are:

1. Leadership of the House of Regional Representatives
2. Ad-Hoc Committees (PAH)
3. Ethics Council
4. Deliberation Committee
5. Bill Drafting Committee
6. Household Affairs Committee
7. Inter Parliamentary Cooperation Body

It seems that the bodies of the House of Regional Representatives are designed to match those of the House of Representatives. In fact, in terms of membership, the House of Regional Representatives is different from the House of Representatives, that is, the former being free of political party's interests. The Deliberation Body, for example, whose function is among others to set up the schedule and agenda of the meetings at the House of Representatives has its counterpart at the House of Regional Representatives called Deliberation Committee.

Now, what does a house body do when it cannot make decisions due to prevalent differences among its members? What if the decision is of sensitive or urgent nature? Controversies or different views can be overcome at the House of Representatives because its

members are assigned to parliamentary party groups. Accordingly, controversies or different views will occur among parliamentary party groups. The absence of political parties at the House of Regional Representatives may result in more controversies to the extent that it is almost impossible to find a common ground. This is a special challenge for the internal management of the House of Regional Representatives.

Another challenge is that there is no clarification as to whether the authority to offer inputs to the draft state budget is solely vested on Ad-Hoc Committee (PAH) IV, or whether a plenary meeting may amend the decision of the this committee. In this case, the number of bodies of the House of Regional Representatives needs reconsideration. House bodies must be set up with regard to the actual needs of the House of Regional Representatives to perform its functions and achieve its ideals. Therefore, the bodies should not be mere imitations of those of the House of Representatives.

The leadership of the House of Regional Representatives is considered a house body and acts as a collective one. The leadership composition represents the regions of the Republic of Indonesia (there must be representatives from Western Indonesia, Central Indonesia, and Eastern Indonesia). Provinces will be the only indicators in the selection of the house leadership. There is no affirmative provision in the nomination of the leadership of the House of Regional Representatives.

Table II.7  
**Election of Chairs of the House of Regional Representatives' Bodies based on  
Standing Orders No. 2/DPD/2004**

No	Bodies	Leadership Selection Mechanism
1	Leadership of the House of Regional Representatives	Must win 50% of votes to be elected. Leadership candidate must represent the 3 regions (Western, Central, and Eastern Indonesia). Leadership candidates must originate from a different region than the two deputies.
2	Ad-Hoc Committees	Represent each province. Each province has representative(s). All members must be members of Ad-Hoc Committees except House of Regional Representatives' leadership and People's Consultative Assembly's leadership representing the House of Regional Representatives. The Ad-Hoc Committee leadership is collective and consists of 1 speaker and 2 deputies.
3	Ethics Council	Represent each province. Leadership consists of 1 chair and 2 deputies. Elected by Ethics Council members.
4	Deliberation Committee	Represent each province. Leadership consists of 1 chair and 2 deputies, elected by the Deliberation Committee members.
5	Bill Drafting Committee	Represent each province. Leadership consists of 1 chair and 2 deputies.
6	Household Affairs Committee	Represent each province. Leadership consists of 1 chair and 2 deputies elected by members.
7	Inter Parliamentary Cooperation Body	Represent each province. Leadership consists of 1 chair and 2 deputies elected by members.
8	Special Committees	Provisional, as appropriate, proposed by Ad-Hoc Committees, Deliberation Committee, and/or members.

### **B.2.1. Code of Ethics of the Indonesian House of Regional Representatives**

Like the House of Representatives, the House of Regional Representatives adopts a Code of Ethics based on Resolution No. 1/DPD/2005. This Code of Ethics provides for the norms subject to every member's compliance in performing his/her tasks to preserve the pride, honor, image, and credibility of the House of Regional Representatives.

The content of the Code of Ethics of the House of Regional Representatives is relatively similar to that of the House of Representatives which lays down the provisions on the personality and responsibility of each member of the House of Regional Representatives, aimed at giving a good image of the ideal, professional, and accountable House of Regional Representatives, both institutionally and individually. Following are the provisions of the Code of Ethics of the House of Regional Representatives:

Table II.8  
**Description of the Code of Ethics of the 2005 Indonesian House of Regional Representatives**

Chapter	Chapter Title	Provision
I	General Provisions	<ul style="list-style-type: none"><li>• Definition of terminologies in the Code of Ethics</li><li>• Formulation of Code of Ethics objectives</li><li>• Code of Ethics principles</li></ul>
II	Personality, Ethics, and Responsibility	<ul style="list-style-type: none"><li>• Member's personality</li><li>• Ethical requirement</li><li>• Member's responsibility</li></ul>
III	Declaration of Statement	<ul style="list-style-type: none"><li>• Statement in a meeting, consultancy, or conference</li></ul>

The Structure of the Indonesian House of Representatives and House  
of Regional Representatives:  
Regulations, Procedures, and their Problems

IV	Provision on Meetings	<ul style="list-style-type: none"> <li>To be physically absent for 3 consecutive times, a member must submit written notice</li> </ul>
V	Regional Activity, Regional Visit, and Business Trip	<ul style="list-style-type: none"> <li>Members who fail to be involved in a regional activity without written notice will be deemed in violation of the Code of Ethics</li> </ul>
VI	Wealth, Gratification, and Gift	<ul style="list-style-type: none"> <li>Members must report their wealth honestly</li> <li>Members should not take gratification/gifts</li> </ul>
VII	Conflict of Interest and Job	<ul style="list-style-type: none"> <li>No double jobs</li> <li>Avoid every conflict of interests</li> </ul>
VIII	Dress Code, Member Badge, and Identification Card	<ul style="list-style-type: none"> <li>Dress politely and decently</li> <li>Put on a badge and ID card while on duty</li> </ul>
IX	Institutional Confidentiality	<ul style="list-style-type: none"> <li>Keep institutional secrets confidential</li> </ul>
X	Relation with Working Partners and Extra-Parliamentary Institutions	<ul style="list-style-type: none"> <li>Act professionally in the relation with working partners</li> </ul>
XI	Penalty and Rehabilitation	<ul style="list-style-type: none"> <li>Types of penalty of Code of Ethics violation</li> <li>Rehabilitation if investigation proves otherwise</li> </ul>
XII	Code of Ethics Enforcement Mechanism	<ul style="list-style-type: none"> <li>Assigned to Ethics Council based on the Standing Orders</li> </ul>
XIII	Concluding Provision	<ul style="list-style-type: none"> <li>Amendment may be proposed by at least 32 members</li> </ul>

Substantively, the Code of Ethics of the House of Regional Representatives provides for the norms valid for each member. The objective is to create the ideal image of a member of the House of Regional Representatives as being professional in every aspect. They are:

- Excellent personality (believe in God)
- Democratic (uphold democracy and human rights)

Gender Mainstreaming at the Parliament:  
A Study of the 2004-2009 House of Representatives (DPR)  
and House of Regional Representatives (DPD)

- Polite and respect the values of decency
- Have good emotional control when speaking and behaving
- Not corrupt (take gratification/gifts)

The enforcement of the provisions of the Code of Ethics becomes the sole domain of the Ethics Council as provided for in the Standing Orders. Similar issues, as those found in the Code of Ethics of the House of Representatives, are found in this Code of Ethics in that it has no provisions on sexual harassments committed by or involving members of the House of Regional Representatives. In fact, there is a provision that every member of the House of Regional Representatives must uphold the values of decency but this is nothing more than a normative measure. Violations against the Code of Ethics still revolve around the attendance at meetings or hearing and receiving gratification/gifts from other parties. The inappropriate use of gender-biased words and sexual harassments are not yet covered.

### **B.2.2. Distribution of Women Members throughout the Bodies of the Indonesian House of Regional Representatives**

The House of Regional Representatives after the 2009 elections offers more promising representation to women than the House of Representatives. The fact that a candidate for the House of Regional Representatives is more independent and winning the election depends on the capacity and individual network of a candidate, gives women a “more convenient” area for campaigning. While the



fight for a house seat may be tougher because of larger electoral districts, the absence of interventions from political parties and “fair” competition provide women with more maneuvering spaces in the election.

Data from the 2006 elections shows that the number of women candidates for the House of Regional Representatives and their electability was relatively high. Women candidates constituted 10% of the total candidates for the House of Regional Representatives (490 candidates), with 25 of them being elected. Unlike at the House of Representatives, the distribution of women members to the house bodies of the House of Regional Representatives is less political. At the House of Representatives, parliamentary party groups play a central role, but this is not the case at the House of Regional Representatives. The members of the House of Regional Representatives have greater freedom to choose the bodies on which they want to sit, required to consider only the balanced representation of each province.

The 2005 Standing Orders suggest that members are assigned with regards to the equal representation of each province, making provinces an indicator for the assignment of members. This equal representation of provinces, however, is not binding and decisions are on assignments are more collegial. This means that the four regional representatives from a province discuss their respective “working system” and agree on filling the posts, including the chairs, of the house bodies. Hence, the distribution of members to the

bodies is based on the “choice” of the members without institutional intervention. This is clear in the assignment of women members of the House of Regional Representatives to the Ad-Hoc Committees (similar to standing committees at the House of Representatives) that are in charge of preparing and discussing bills.

Table II.9  
**Comparison between the Number of Women Candidates for the House of Regional Representatives and those Elected in 2004 Elections**

No	Province	Total candidates for the House of Regional Representatives	Number of Women Candidates for the House of Regional Representatives	Number of Women elected to the House of Regional Representatives
1	Nangroe Aceh Darussalam	27	2	1
2	North Sumatra	49	5	0
3	West Sumatra	23	3	0
4	Riau	29	3	3
5	Jambi	16	1	1
6	South Sumatra	30	2	1
7	Bengkulu	18	1	1
8	Lampung	34	5	1
9	Bangka Belitung	21	1	1
10	Kepulauan Riau	13	2	1
11	DKI Jakarta	38	7	1
12	West Java	40	2	0
13	Central Java	55	3	1
14	DI Yogyakarta	33	7	1
15	East Java	44	4	0
16	Banten	47	5	1

The Structure of the Indonesian House of Representatives and House  
of Regional Representatives:  
Regulations, Procedures, and their Problems

17	Bali	38	2	1
18	West Nusa Tenggara	35	4	0
19	East Nusa Tenggara	19	1	0
20	West Kalimantan	33	3	2
21	Central Kalimantan	26	2	0
22	South Kalimantan	27	2	0
23	East Kalimantan	29	3	2
24	North Sulawesi	41	7	2
25	Central Sulawesi	25	1	1
26	South Sulawesi	44	5	0
27	Southeast Sulawesi	31	2	0
28	Gorontalo	21	0	0
29	Moluccas	23	2	1
30	North Moluccas	12	1	1
31	West Papua	8	1	1
32	Papua	11	1	0
	JUMLAH	940	90 (10%)	25

Table II.10  
**Distribution of Women Members at Ad Hoc Committees of the 2004-2009  
Indonesian House of Regional Representatives**

Ad Hoc Committee	Number of Women Members
Ad-Hoc Committee I: Regional autonomy, central-regional relation, formation, extension, and merge of regions	8
Ad-Hoc Committee II: Natural resources and other resources management	6
3 <sup>rd</sup> Ad-Hoc Committee III: Education and religion	7
Ad-Hoc Committee IV: Draft state budget (RAPBN), central-regional financial balance, considerations to state financial audits and selection of Supreme Audit members, and tax	7

Table II.10 shows that women are quite evenly distributed throughout the Ad-Hoc Committees and that there is such thing as “special ad-hoc committee on women issues” like that at the House of Representatives. Does this indicate that the House of Regional Representatives is more sensitive to gender than the House of Representatives? There are a number of factors worth noting to answer that question:

- Fewer Ad-Hoc Committees, only four (compared with eleven standing committees at the House of Representatives).
- The authority of the House of Regional Representatives is limited to regional autonomy and central-regional balance, which automatically limits its tasks and working partners (compared to the vast authority enjoyed by the House of Representatives).
- Politically, a member of the House of Regional Representatives enjoys greater autonomy because there is no internal institution deciding the assignment to house bodies, or even evaluating and judging the performance of the members (compared to the House of Representatives where parliamentary party groups play dominant roles).

Based on the abovementioned factors, it can be said that within a political institution with relatively low political pressure – in terms of authority, scope of duties, and outputs – a gender-based power relation issue does not exist. The point is that women and male members share equal access to the political process. This fact, however, does not warrant that gender mainstreaming has been successful at the House of Regional Representatives. This is evident

from the fact that the Standing Orders have no affirmative provisions regarding the nomination of the chairs of house bodies.

### **C. Women Parliamentary Caucus**

Women Parliamentary Caucus at the Parliament was established in 2000 by members of the 1999-2004 House of Representatives. The initiators of the caucus wanted it to be a forum for women members of the parliament with a mission to equalise the access and control between men and women at the legislative body. Initially, the caucus consisted of 44 members. Over 2004-2009, the caucus membership grew consisting of 68 members of the House of Representatives and 27 members of the House of Regional Representatives.<sup>4</sup>

At the beginning, the caucus was committed to incorporating women's issues and interests to become integral parts of the legislative tasks. The caucus wanted to empower women members of the parliament for the implementation of the legislation, budgeting, and oversight functions. In addition, the caucus also wanted to strengthen the network with civil society organisations in the hope to get feedback and input on women's issues and interests, necessary for the deliberation of bills at the House of Representatives.

The caucus has been involved in many activities to improve the representation and participation of women in politics, for example, by organising national seminars and workshops for women members of parliament, by getting involved in co-operation in activities

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<sup>4</sup> 2004-2009 Indonesian House of Representatives Five-Year Report: *Serving the Mandate and Aspirations of the People*, Secretariat of the Indonesian House of Representatives, 2009.

or events organised by international parliamentary co-operation groups, and with working groups at the House of Representatives, pushing forward the agenda of women's interests and other issues.

One of the most prominent roles played by the caucus is evident in the birth of one of the important provisions to improve women's representation in the legislature during the 2004 elections. Article 65 of the 2004 Elections Law for the House of Representatives, the House of Regional Representatives, and the Regional Houses of Representatives encouraged political parties to meet the 30% quota for women in their candidate lists. This is one of the achievements of many sides, including the caucus which contributed significantly to the successful adoption of this article.<sup>5</sup>

Besides political representation, the caucus gives serious attention to the protection of women and children resulted in the formation of the Women Parliamentary Caucus for Human Rights. This human rights caucus has contributed countless recommendations to policy making discussions including the deliberation of the Election Law and Citizenship Law. It seems in this context that the caucus may transform itself into a sectoral issue based forum.

However, along the way, the caucus, especially at the House of Representatives, finds itself against the strong interests of the political parties or parliamentary party groups of its members. At times when the caucus had reached agreements, it lost to parliamentary party groups. In this situation, the caucus would see

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<sup>5</sup> Ani Soetjipto, et.al, *Work for People: Legislative Members' Guidebook*, Center of Political Studies UI and The Asia Foundation, 2009.

its programme failing by the contradictory attitude or decisions of the parliamentary party groups.

Apart from that, over 2004-2009, significant differences in the backgrounds of the members of the House of Representatives and those of the House of Regional Representatives resulted in different perceptions of certain issues and priorities. If this situation continues, it will be harder for the caucus to find a common ground to achieve its goals.

Similarly, differences among women members of the House of Representatives have created problems. One example is the proposal to revise the 2009 Election Law. This Election Law mandates that winning candidates will be decided based on the percentage of Voters Denominator (BPP) or order number. It was proposed to revise this provision so that winning candidates would be decided based on the majority votes system. During this discussion, some of the caucus members objected to the revision while others favored the proposal.

There are other issues, such as the failure to maximise networking with civil society organisations. Networking is crucial to receive substantive input and support for the attempt to realise a common agenda. Moreover, there is almost no serious commitment to assign women members to more strategic bodies at the House of Representatives, for example, to the Legislation Body, Budget Committee, or Standing Committee I. Hence, many women issues

are still left out from the parliamentary discussions of bills and the budget, foreign policies, and others.

So many programmes remain unrealised due to lack of good coordination within the caucus. The problems are mostly technical, like limited funding, limited experts to help in scheduling, coordination with other parties, and strengthening a substantive understanding of various women's issues. Among the technical suggestions for the caucus is the need for a permanent secretariat to provide organisational support to the women members of the parliament in performing their functions.

#### **D. Structural Problems of the Parliament and Gender Mainstreaming**

Based on the description of its structure and procedures, it is safe to say that the 2004-2009 parliament is not yet responsive to gender mainstreaming, especially by encouraging the maximisation of the legislation functions to the extent of affecting new laws.

There are a number of factors contributing to such condition at the House of Representatives. Some are political and others are technical.

The political factors are:

1. The strong domination of the parliamentary party groups which are an extension of the central management of the political parties which define the day to day behaviour of its members.



2. Lack of the perspective on gender within political parties which is evident from the absence of affirmative provisions in the party statutes to improve the odds of a woman candidate to get elected and from the lack of gender equality and justice based cadre education.
3. Political competition at the House of Representatives makes it almost impossible to adopt affirmative action for strategic posts at the house, especially through laws (the 2003 Parliamentary Law does not adopt affirmative action at the parliament).
4. Power relations at the parliament are subject to the interests of the parliamentary party groups, especially large groups that are engaged in compromises to protect their interests in the legislation and oversight process. In budgeting, the executive is stronger.
5. There has been a lack of understanding on gender perspective among members of the house of both men and women members, so that there is no sensitivity to particular issues (not enough well-sorted data available). This is evident in the Standing Orders, Code of Ethics, and provisions by the Secretariat General, as if they were gender neutral while blind to potential gender discriminations by members in their day-to-day activities.
6. There has been a problem in the recruitment process of political parties in that the process neglects individual capacity in encouraging certain agendas at

the parliament and there has not been any adequate training for the cadres, which creates the need for learning time while already working at the parliament.

The technical factors are:

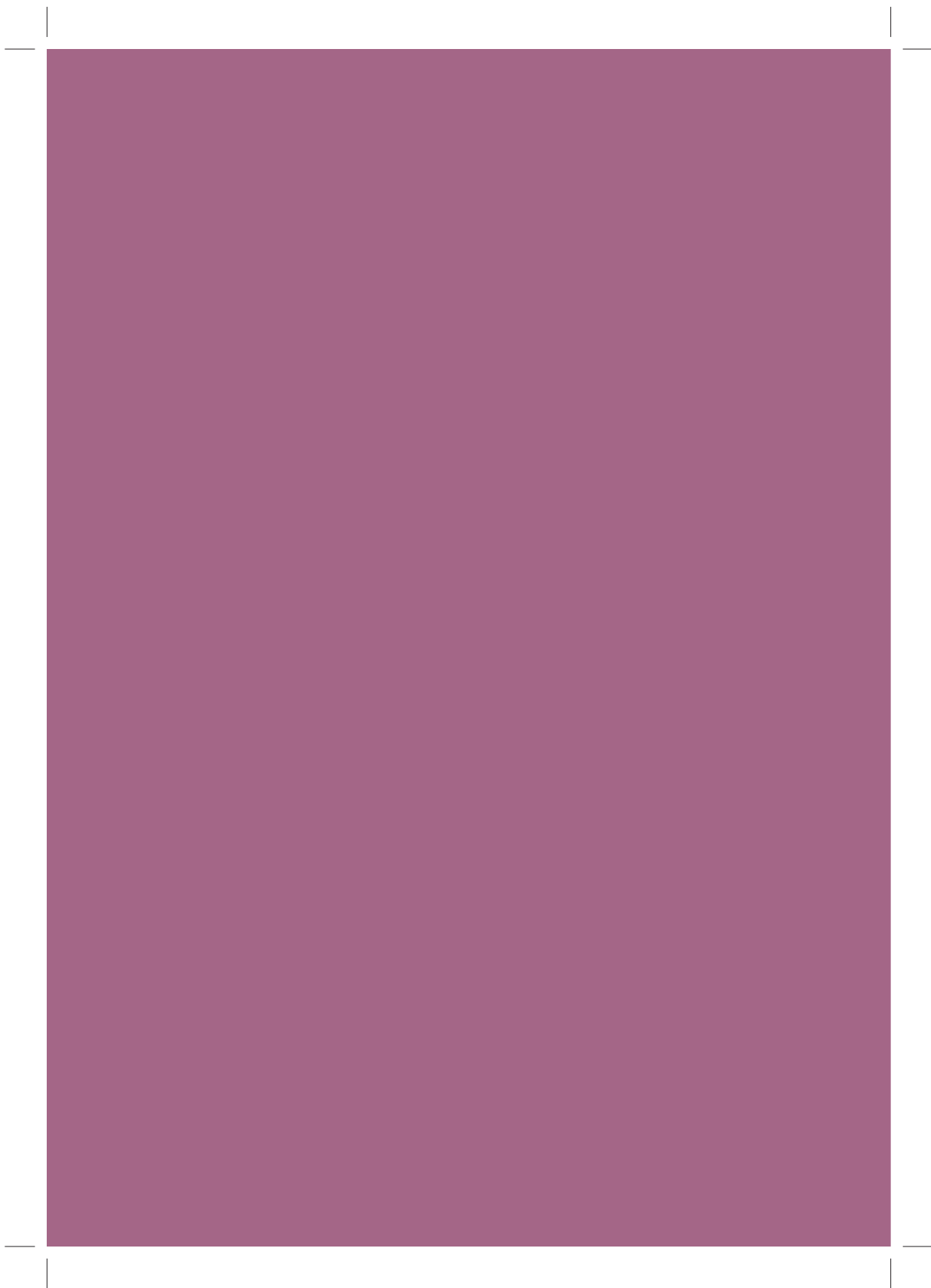
1. Detailed, rigid Standing Orders, but lax in their implementation.
2. Not enough support from expert staff to help the house members perform their function well.
3. No public facilities to help women breastfeed (breastfeeding room) are available at the House of Representatives despite the fact that there are mothers participating in the parliamentary activities.
4. Code of Ethics is gender neutral and normative, and almost impossible to implement. There is no serious oversight and enforcement of the Code of Ethics.

A similar situation exists at the House of Regional Representatives. The main problem is the Parliamentary Law which has no provision on affirmative action. The more collegial nature of the membership of the House of Regional Representatives and the reliance on personal capacity improves the opportunity for women members to run for the chairs of a house body. Yet, being new to politics, women have problems practicing their political skills at the House of Regional Representatives.



Chapter III  
Gender Mainstreaming Analysis  
at The Indonesian Parliament

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## Chapter III

### Gender Mainstreaming Analysis at The Indonesian Parliament

Field observations in Chapter II of the regulations (Parliamentary Law), procedures (Standing Orders of the House of Representatives/ House of Regional Representatives), and internal regulations of parliamentary party groups at the 2004-2009 House of Representatives, reveals a number of important findings.

The post-reform Parliamentary Law has encouraged the House of Representatives to demand greater authority in bill making and greater rights of its members including the right to self-defense, impunity, providing recommendations, express opinions, and conduct investigations.

The provision on the House of Regional Representatives in the Parliamentary Law No. 22/2003 indicates that the House of Regional Representatives is only given a semi-legislative authority and that its authority is restricted to regional issues. The House of Regional Representatives only plays a consultative role: it has vetoing right against any bill drafted by the House of Representatives (the House of Regional Representatives can give recommendations but cannot join the second round discussion of a bill).

While the Parliamentary Law No. 22/2003 gives all house members equal opportunity to compete for the leadership positions, the implementation of such opportunity depends much on whether or not there is support from the parliamentary party groups (for the leadership of the House of Representatives) and on individual capacity, seniority, networks, and access (for the leadership of the House of Regional Representatives).

The procedures of the House of Representatives and the House of Regional Representatives are laid down in the Standing Orders mutually agreed by all members at the plenary session. Standing Orders contain internal regulations of the House of Representatives and the House of Regional Representatives detailing matters pertinent to the performance of the members' duties, formally as well as practically. To improve institutional capacity, Standing Orders are designed to help the house members perform their tasks effectively, efficiently, optimally, and professionally. In other words, Standing Orders set forth daily routines of the house members and people's representatives.

House members can use the Standing Orders to obtain better working facilities, both physical in the form of budgets, human resources, and office supplies and non-physical in the form of open, easily accessible, and updated information. In implementation, however, the Standing Orders, whose primary genuine intent is to help house members perform their tasks and functions effectively and professionally, often loses its effectiveness against the internal mechanism of the parliamentary party groups. Often, the members of the house prefer to refer to the internal mechanism of their party group rather than to the Standing Orders.

Besides the Standing Orders, the Code of Ethics of the House of Representatives and the House of Regional Representatives are the other regulations binding for the house members. In performing their functions as members of the house, they must abide by these Codes of Ethics designed at preserving their dignity, honor, image, and credibility. Codes of Ethics are also designed to help the house members exercise their authorities, duties, obligations, and responsibilities to the state, society, and their constituents. Codes of Ethics define the behavior and language of the house members, what to do and say and what not to do and say. The Codes of Ethics of the House of Representatives and House of Regional Representatives, however, have no provisions on gender discrimination issues to which women members may be subjected, like sexual harassment, gender-based violence, or sex-based marginalization.

At the House of Regional Representatives, the provisions of the Standing Orders are not yet completely fulfilled. The oversight mechanism still revolves around procedural issues only (absence/presence in a meeting) and hence it is still impossible to evaluate the performance of the House of Regional Representatives' members substantively.

Parliamentary party groups play decisive roles in the assignment of their members to the bodies of the House of Representatives, either as chairs or as members. Under this kind of structure, it will be almost impossible for women members to successfully run for a chairperson post at the bodies of the House of Representatives, while most of the time appointments are directly made by the central management of the political party. Limited lobbying skills, experience, argumentation skills, and their position in the

structure of the political party are the biggest issues women face in their struggle for a strategic post.

Unlike at the House of Representatives, the chance of leading a house body of the House of Regional Representatives largely depends on the individual capacity and personal networking of the candidate. The absence of political party's intervention creates a favourable condition for women to win the chairperson post of a house body. The bodies of the House of Regional Representatives are less political than those of the House of Representatives and thus women members of the House of Regional Representatives are given greater space to actualize their wish, also thanks to the more collegial nature of the work there.

Ms. Ratu Hemas (a member of 2004-2009 House of Regional Representatives) argues that networking and personal contacts between women members of the House of Regional Representatives and women members of the House of Representatives are vital in building cooperation to encourage the passing and monitoring of legislation especially on women issues/interests. The problem is no established system has been built and the strong intervention by the political parties at the House of Representatives makes personal contact lose much of its effectiveness.

The role of the Women Parliamentary Caucus, whose initial design was to serve as a gender focal point, did not work out effectively. In 2004-2009, the Women Parliamentary Caucus consisted of women members of the House of Representatives and women members of the House of Regional Representatives. Over 2004-2009, there was only one joint activity among



members from both houses. Subsequently, the women caucus at the House of Representatives was occupied with its own activities and so was the women caucus at the House of Regional Representatives.

Besides the Women Parliamentary Caucus (KPP-RI), there was the Women Parliamentary Caucus for Human Rights. Among its members were Ms. Nursyahbani Katjasungkana, Ms. Eva Sundari, Ms. Nursanita Nasution, Ms. Latifah Iskandar, Ms. Maria Ulfah Anshor, Ms. Ida Fauziah, and Ms. Badriah Fayumi, among others. The Women Parliamentary Caucus for Human Rights was an ad-hoc organisation and worked on particular issues. It voiced a number of issues throughout 2004-2009. It protested the Vice President Jusuf Kalla's statement on Arab tourists, celebrated Labour's Day, protested violence against women migrant workers (a couple of times), pushed gender issue in the State Budget, advocated for the citizenship law, protested the pornography law, advocated for the demographic administration law, rejected the expiration of women migrant workers' passports, and so on. The House of Regional Representatives also recognises a number of caucuses, such as the Anti-corruption Caucus, Young Generation Caucus (if elected at 40 years of age), Kalimantan Caucus, and many others engaging women members on various issues through ad-hoc organisations.

Among the hurdles the Women Parliamentary Caucus faces in the attempt to optimise its role is, in addition to the fat structure of the organisation, the leadership model in which chairs are appointed based on the number of votes won by the parties in the election (sometimes irrelevant to the chairs' competence and capability), and that a chairperson role is subject to rotation once every six months. This model creates a problem for the caucus in advocating priority agendas and in quickly responding to the current

political situation from the perspective of gender (hunger, Indonesian migrant workers, violence against women, and so on).

The lack of the women perspective among women members of the house often transforms the Women Parliamentary Caucus (especially at the House of Representatives) into a mere amplifier of the interests of political parties. The media has had a good look at this phenomenon especially when the Women Parliamentary Caucus advocated for the majority vote system in a press conference broadcasted live. On a different occasion, many women members of particular political parties at the House of Representatives criticised the majority voting electoral system and reacted strongly against the decision of the Constitutional Court annulling Article 214 of Law No. 10/2008. The point here is that the Women Parliamentary Caucus which was initially designed as a cross-ideology institution for women members from different political parties and various interests to support the needs of the people, has failed to succeed with its mandate in 2004-2009.

It will be interesting to analyse the factors that directly as well as indirectly contributed to this situation. Introduction (Chapter I) shows that the following factors play a role:

1. Whether or not political opportunities (political space) exist to mainstream gender at the 2004-2009 parliament;
2. The role of the women movement and civil society organisations in pushing forward and advocating gender mainstreaming at the parliament.

This chapter will explore those issues and at the same time analyse which

gender mainstreaming models may fit the future parliament of Indonesia (House of Representatives and House of Regional Representatives).

### **A. Political Opportunity Structure in 2004-2009**

To see whether or not political opportunities (political space) exist to mainstream gender at the 2004-2009 Parliament requires an analysis of the context like the political system, party system, and the relation between the state and civil society within the democracy in Indonesia. Following the 1998 reform, Indonesia managed to design a political structure which clearly defines the distribution of power between the executive, legislative, and judicative. This transformation will hopefully help actualise and realise a more democratic governance system in Indonesia.

Some problems, however, remain unsolved even after the constitution has been amended and the political institution structure has been improved over 1999-2002. Among the most disturbing issues is the issue on the House of Regional Representatives.

The limited authority of the House of Regional Representatives, the almost limitless authority of the House of Representatives, a multi-party in a bicameral parliamentary system, on the one side, against the executive which lacks the majority support at the parliament, on the other, make agreements in the negotiation of a public policy at the parliament not an easy job. The independent legislative body of 2004-2009 seems like a double-edged sword. Ideally, this independence should be used to fight for the interests of the

people, but, in reality, it is used it for short-term gains and personal interests.

Unfortunately, the relative independence that the House of Representatives assesses against the executive over 2004-2009 was never used to voice the aspirations of the people, or to effectively oversee the performance of the executive. Instead, political parties raucously fought for short-term benefits and personal or group economic interests. 2004-2009 was marked by “economically motivated political transactions” characterised by prevalent practices of corruption, incompetency, moral hazard, and other misconducts of the members of the House of Representatives from many political parties.

When the executive is weak, the House of Regional Representatives could play a strategic role as an ally for the president to garner political support against the House of Representatives. Members of the House of Regional Representatives could benefit from this mutual cooperation to push forward particular policies and gain support for the regions they represent.

The context of the national politics and parliament serves as the background for the participation of women members in the 2004-2009 House of Representatives and House of Regional Representatives. In addition, the discussion on women at the parliament must be put in the context of Indonesia’s dynamic political party system since the reform era.

The women members of the 2004-2009 House of Representatives, which constituted only 11.6% of the total number of members, have been subject to the hegemony of the statutes of the parliamentary party groups and found themselves unable to speak independently beyond the group's "grand policy" designed by the central management of the political party. The women members of the House of Regional Representatives while seemingly more independent, self-determining, and free of the hegemony of political parties, discovered that their effectiveness at the parliament largely depends on the individual capacity and networks they have at the House of Representatives and decision makers and institutions in Jakarta. Regardless of the fact that they may have won most votes in their electoral district, without adequate social and political capital, they will not be able to play their roles effectively and leave a mark on the political process at the parliament.

Hence, the discussion on political parties will be just as important because there will be no gender mainstreaming at the parliament without first mainstreaming gender at the level of political parties. In other words, the success of the attempt to mainstream gender at the parliament will depend on the same success with political parties.

The political context of Indonesia over 2004-2009 tells us that the affirmative provision has long existed and been pushed forward through the Election Law (Article 65 section (1) of Law No. 12/2003). However, no intervention can be made over the law from which the

issue on improving the representation level of women and gender mainstreaming starts and at which it ends (Law No. 31/2002).

The affirmative provisions of the election law are mere recommendations and the political parties have no provisions on the issue so that there is no connection between the beginning and the end of the issue in the various political laws in place at the time. The affirmative action was not taken seriously because it lacked binding sanctions against violations. This article, however, provides just enough an entry point for the women movement to advocate the importance of women representation at political institutions like political parties and the parliament.

Over 2004-2009, political parties held on to their arguments contained in their statutes, most of which have no provisions on gender affirmative actions, or gender mainstreaming. The provisions of the political party law are never considered a reference for how a political party should function. Political parties, in other words, remain perceived as private rather than public assets. They are only subject to their respective party statutes.

Table III.1  
**Affirmative Provisions of Political Parties' Statutes**

Political Party	Affirmative Provisions in Party Statute	Description
<b>Partai Golkar</b>	No	Rejected at the Golkar National Conference in Bali. Rejected again at Golkar National Conference in Riau 2009
<b>PDI Perjuangan</b>	No affirmative provision in the party statute except the daily instruction from the President of PDI-P to the district management 1:5 → Article 9 of Party Statute: "Prepare party's cadres for political and public posts through democratic mechanism with regards to gender equality and justice"	Central Management Instruction No. 86/IN/DPP/XII/2000: "The regency management must consist of women cadres with women and men ratio of at least minimal 1:5 (one to five)". PDIP Central Management Instruction No. 236/IN/DPP/VIII/2005: 1. The provincial and regency management must at least have 2 (two) women members. 2. Women members will be stationed based on the individual capacity of the candidate in the available departments within the provincial and regency management structure.
<b>PKB</b>	2005-2010 Statute, Article 21 section (4): Tanfids Board management must meet the 30% quota for women in the membership	Affirmative provision in PKB's statute resulted at the National Conference in Semarang in 2005

Gender Mainstreaming at the Parliament:  
A Study of the 2004-2009 House of Representatives (DPR)  
and House of Regional Representatives (DPD)

<b>PAN</b>	<p>Article 23 section (1) of Party Statute: "PAN will assign members to legislative posts objectively, transparently and through the party's Plenary Meeting, with regards to the representation of women."</p> <p>Article 23 section (3):  "The recruitment process of cadres for every leadership level must account for women's representation, ideally at 30%."</p>	
<b>PKS</b>	No	
<b>PPP</b>	<p>Yes since 2007  Article 13</p> <p>(1) Dailay Caretaker of the Central Management consists of the party's executives at national level which consist of a President, Vice President, a Secretary General, Deputy Secretary Generals, a Treasurer, and 3 (three) Deputy Treasurers.</p> <p>(2) Daily Caretaker of the Central Management must consist of maximum 37 members 7 among whom shall be women.</p> <p>(3) Every leader and every Deputy Secretary General will coordinate among other things as follows:</p> <ol style="list-style-type: none"> <li>a. Organization, Membership, and Caderization;</li> <li>b. Politics, Governance and Regional Autonomy;</li> <li>c. Religion and Teaching;</li> <li>d. Education and Culture;</li> <li>e. Legal, Human Rights, and Law;</li> <li>f. Small and Medium Enterprises and Cooperatives;</li> <li>g. Industry and Commerce;</li> <li>h. Agriculture, Forestry, Mining, and Marine;</li> <li>i. Health and Social Welfare;</li> <li>j. Manpower;</li> <li>k. Women Empowerment;</li> <li>l. Youth, Student, and Sport;</li> <li>m. Defense, Security, and Foreign Affairs;</li> <li>n. Data, Information, and Communication;</li> <li>o. Telecommunication and Environment</li> </ol>	<p>This affirmative proposal has been advocated since PPP conference in 2002 but failed. It was not until the PPP party conference in 2007 that the affirmative provision was successfully incorporated to the articles on leadership.</p>



	<p>Article 21</p> <p>(1) Daily Caretaker of the Provincial Management consists of a President, Vice Presidents, a Secretary, Deputy Secretaries, a Treasurer, and 2 (two) Deputy Treasurers.</p> <p>(2) No change</p> <p>(3) Daily Caretaker of the Provincial Management consists of at most 23 members at least 5 of whom must be women.</p> <p>(4) Unchanged</p> <p>(5) For DKI Jakarta Province only, the Presidents of the Regency Managements will be deputy presidents of the Daily Caretaker of the Provincial Management on a ex officio basis</p>	
<b>Demokrat</b>	No	

The table shows that most political parties winning most seats and sending a number of women members to the 2004-2009 House of Representatives have no affirmative provisions in their party statutes. Even if they had such affirmative provisions, the concept of gender mainstreaming at the political party would not be reflected and interpretable in any of their procedures.

Most political parties still lack the understanding of affirmative action and gender mainstreaming concepts. These concepts are generally taken for granted as women's own issues. Most political parties take women representation and agenda as something irrelevant and unrelated to their interests (there is no such thing as gender mainstreaming at political parties). Gender and women issues are assigned to the department in charge of women issues.

Parties still have difficulties defining the strategic meanings of the presence of women in a political party and the benefits of gender mainstreaming.

The affirmative concept as an initial step towards improving women's participation in politics has been defined only in terms of quantity and sex, without any attempt to improve women's capacity. The issue on gender, hence, becomes a marginal issue and never gets to the mainstream programmes/platforms or the vision or mission of any political party.

There is no internal mechanism in the parliamentary party group on gender issues. Most parliamentary party groups refer to the statutes of their parties under the general perception that parliamentary party groups are subordinated to the parties. The party groups' procedures tend to contain provisions on how the members should behave to raise the positive image of the party at the house. Most of the provisions concern procedural matters (presence, contributions to the party, activities at the house and relations with constituents, and performance of tasks assigned). Of course, there are provisions on sanctions (from warnings to rotation). The party group procedures disregard the difference between men and women members. Performance is evaluated on a merit-based system, without special treatment of women members. Everything is measured and based on the competence and experience in the political party's system.

"There is no difference between women and men," says the leader of

a parliamentary party group. The same group leader fails to see the difference between men and women in making policies. Mr. Hazrul Azwar (F-PPP DPR) shares his experience as a member of the 2004-2009 House of Representatives: *"Nah, there's no difference. I used to chair the bill special committee whose women members are tough as nail. Ms. Latifah Iskandar from PAN, for example, is no different from the other men members in expressing ideas and opinions. They're good. I was in the children protection law, trafficking law, hajj law, disaster law, and others with them. They're good, good as they can get."*

Another comment from a member of 2009-2014 House of Representatives on how a parliamentary party group leader assesses the capacity of his/her members: *"True, you have to match your desire with your ability. The party group leader knows it all. We cannot just assign a women member to a leadership post without knowing first what she is capable of. And yes, the law provides for women representation indeed, we know that, but we have a problem with human resources."*

## **B. The Roles of the Women Movement in Advocating Affirmative Action and Gender Mainstreaming**

The discussion on women at the parliament in this context is part of the problem faced by women in politics and decision-making battle grounds. In discussing women in politics, attention should not only be focused on the analysis on women in formal politics, but also on the political definitions by them from the perspective of women, informally and personally.

Hence, in discussing women in politics, should not just simply concentrate on women in formal political arenas, like the executive or legislative. The feminist point of view will also include women beyond formal politics, such as those involved in civil society organisations, women organisations, and non governmental organisations. Accordingly, the discussion on women at the parliament should go hand in hand with the discussion on the women movement in politics in general in Indonesia.

After the reform era, the women movement like other civil society organisations took another stance against formal political institutions and the state. During the New Order, the women movement was *vis-a-vis* against and quite distant from both the government and formal political institutions. After the reform era, however, critical engagement became a new strategy. The women movement in politics such as women mass organisations, women non-government organisations, and the women movement leaders hope that the democratisation process in Indonesia will provide greater opportunities and chances for them to voice the aspirations and interests of women, to have their demands accounted for and met in public decision-making process.

Following the fall of the New Order, the women movement began its struggle from within and without political institutions, through representative democracy or direct democratic mechanisms and aimed at satisfying the human rights and women's more practical and strategic rights and interests. The women movement actively

pushed forward and advocated the urgency of improving the participation and representation of women at decision-making institutions at national and local levels and the importance of gender mainstreaming at decision-making institutions to produce gender responsive public policies.

The success of this campaign was evident in 2003 with the adoption of affirmative provisions in the election law, the stepping stone towards improved representation of women at the parliament. The affirmative provisions of Election Law No. 12/2003 are the fruits of the campaign advocated by the women movement and civil society organisations to political parties and the parliament.

From the perspective of the women movement, gender mainstreaming at decision making arenas and engendering democracy attempts in Indonesia must be achieved through different strategies. To this end, the women movement would have to work on all arenas at national, local, regional, and international levels and on various strategic and practical gender issues.

There has been a division of tasks among women groups. Some groups, like KPI (Coalition of Indonesian Women), Aspuk (Women Association for Micro Enterprises), SP (Women Solidarity), target grass roots. Others work on special and women empowerment issues such as women's economic empowerment, violence against women, micro credits, and local politics. Others again, choose mass organisations as the forms of their institution, like Fatayat, Muslimat,

Aisyiah, and Al Hidayah who supply women candidates whom political parties may recruit as their cadres and agents of change in the party.

The women movement also pushed forward and advocated the establishment of gender focal points as the forum through which women can move forward and mainstream gender at various decision-making institutions. In the political arena, the Women Parliamentary Caucus and women caucuses at political parties are created throughout Indonesia. These caucuses will hopefully become the motor or locomotive in mainstreaming gender at political parties and the parliament.

A critical evaluation over what the women movement has advocated in politics based on the observation of the 2004-2009 parliament (House of Representatives and House of Regional Representatives) shows:

1. The still disappointing results of the attempt to mainstream gender at the parliament by the Women Parliamentary Caucus (KPP RI) and women caucuses at political parties, partially due to the lack of understanding on gender perspective, institutional weakness, competence issue, poor programming, poor management, and poor coordination with the women movement outside of the parliament and at political parties.
2. Lack of data and expert staff to support women members of the House of Representatives and House of Regional Representatives is just another problem that inhibits gender mainstreaming at the

parliament. Reliable data and expert staff are highly vital to help boost the performance of the members and these resources are just hard to find. Among human resource issues are that there are more administrative staff than needed, lack of understanding from those staff of what to do, and thus there is no guarantee that they can deliver the best service to their employers, a collusive and nepotistic recruitment system, and the lack of personal staff, political advisers, who can supply latest information and issue to those members.

3. The intervention of the women movement to improve the representation level of women at the House of Representatives and House of Regional Representatives has unexpectedly resulted in a paradoxical situation. A study of the background of women members of the 2004-2009 House of Representatives and House of Regional Representatives indicates that most of them have never been involved in any social movement, women movement, or had an understanding of what are gender perspective and ideology on which the women movement bases its political participation. In other words, the women movement has not managed to interfere with the political process by pushing forward and admitting more women members with activist background and good knowledge of the ideology and background of the movement. The situation indicates that there has been no transformation at the parliament and in politics.

### C. Models of Gender Mainstreaming at Parliaments: Comparisons with Other Countries

The table below presents a comparison of the attempts to mainstream gender at parliaments and in the political arena, which always begins with the adoption of affirmative action by increasing women’s representation at decision-making institutions in the hope that more gender responsive policies will result and with output analysis over resulting policies from the perspective of gender.

Table III.2

**Comparative Models of Affirmative Actions in Various Areas**

Aspect	The United States of America	Sweden	Latin America: Argentina, Mexico, Costa Rica, Peru	Indonesia	Africa: South Africa, Uganda, Rwanda
<b>Affirmative action</b>	There’s no affirmative action in politics. Affirmative action only applies to educational institutions and job positions.	Yes at political party level.	Yes, in various ways, through laws, political parties, election rules, of various forms, e.g. reserved seats and nominations.	Yes in election and political party laws and statutes of political parties, soft quota no severe sanctions	Most African countries adopt reserved seat system at political parties (South Africa) and some target elected candidates
<b>Political System</b>	Presidential	Parliamentary Monarchy	Presidential, multiple parties	Presidential, multiple parties	Vary: presidential, multiple parties, and parliamentary
<b>Population</b>	300 million	9 million	30-100 million	200 million	5 – 100 million



Gender Mainstreaming Analysis  
at the Indonesian Parliament

<b>Economy</b>	Developed	Developed and welfare	Developing	Developing	Under-developed
<b>Women Movement</b>	Strong	No/weak	Yes, strong	Moderate	Moderate
<b>Ideology</b>	Liberal	Welfare state	Vary: Liberal, neo-socialist	Liberal	Vary: Liberal, neo-socialist
<b>Women's representation at parliament</b>	16.8% at the House of Representatives 15.3% at the Senate	48 %	Above 30% Argentina 41.6% at the House and 37.5% at the Senate, Peru 38%, Mexico 28.5%	18 % at the House of Representatives, 26.5% at the House of Regional Representatives (2009)	Rwanda, 56.3%. South Africa 44.5%, Uganda 30.7%
<b>Affirmative history</b>	Anti race, skin color, religion, and sex based discrimination civil rights law.	Rooted in the equality ideology, equal justice regardless of sex.	Anti authoritarian power and military dictatorship.	Reform was ignited by the fall of the authoritarian regime.	Anti apartheid and anti colonialism struggle.
<b>Outcome</b>	<ul style="list-style-type: none"> <li>- Transformation in gender relation.</li> <li>- More gender responsive policy products.</li> </ul>	<ul style="list-style-type: none"> <li>- No transformation in gender relation.</li> <li>- More people's welfare laws result.</li> </ul>	<ul style="list-style-type: none"> <li>- No transformation in gender relation.</li> <li>- Resulting laws target practical gender issues such as violence against women and poverty.</li> <li>- Increase in number but fail to push gender mainstreaming.</li> </ul>	<ul style="list-style-type: none"> <li>- No transformation in gender relation.</li> <li>- Still lack of laws.</li> <li>- Number of women is still far from ideal.</li> </ul>	<ul style="list-style-type: none"> <li>- No transformation in gender relation.</li> <li>- No policy products result</li> <li>- Excess: HIV-Aids, violence against women, human rights abuse, and poverty.</li> </ul>

## **D. Finding the Right Gender Mainstreaming Model for Indonesia**

Based on the comparison in the above table and the contextual analysis of the affirmative action, it seems that challenges are everywhere. In terms of quantity, the affirmative action adopted by Indonesia yet fails to elevate women's representation level to the critical 30%-mark unlike many other countries which have adopted this policy.

The Standing Orders and Code of Ethics of the parliament are actually the procedures and system developed to improve performance to supplement the Strategic Plan of the House of Representatives and House of Regional Representatives. However, more often than not, the Strategic Plan neglects the gender mainstreaming agenda at the parliament. As the standard for defining the orientation of the policy in the next five years, the Strategic Plan could play an important role in making the parliament a gender responsive political institution. Now, part of the task of a house members will be internalising a gender mainstreaming agenda to the process and in the legislation, budgeting, and oversight work. This way, more gender responsive regulatory and budgeting products can be made, involving women in the process.

At the same time, a gender responsive Strategic Plan will be useful for the Secretariat General as the support unit for the house in providing various gender responsive facilities and infrastructure. This can be implemented by incorporating provisions on the quota

for women to the recruitment process of its expert staff and common staff. As for facilities and infrastructure, the implementation can be in the form of providing daycare services, children's playgrounds, and a no smoking policy at the parliament.

An analysis of the legislation passed based on gender practical and strategic needs reveals that the trafficking law and citizenship law as two examples for gender responsive laws, only answer the long-term strategic gender needs, but fail to address practical or immediate problems of Indonesian women such as poverty, clean water, maternal death, malnutrition, and so on. The anti domestic violence law passed by the 1999-2004 House of Representatives is indeed an answer to one practical gender issue. Yet this is not enough and it cannot be used as a standard practice.

The women members of parliament have not yet managed to be agents of political transformation, or realise the gender mainstreaming dream. There are many causes for this failure: besides competence, the track records, background of their election and the no-contest affirmative model adopted, where only quantity and sex matter, are the other factors of why gender mainstreaming is still illusive. To make matter worse, the women movement has yet to show any significant impact.

Democracy and political openness came later to Indonesia than in many Latin American countries which have experienced the same situation since as early as the 1990s. It can be seen how

women movements in Latin America managed to recuperate greater political spaces and opportunities during the transitional period to democracy. Almost all the successes and achievements of women movements were made past the crisis and when the momentum died down it would be more difficult to push forward transformation and interfere with policies. In Indonesia, the women movement only managed to force the soft “affirmative model” in the shape of the election law when the door to political room was wide open in 1998-2002, but failed to influence the constitution or to reform the political party system. The main cause was the fact that the women movement in Indonesia is not as strong as the movements in Latin America or Africa. The women movement was shut down and silenced by the authoritarian regime for a very long time. Historically, there was no tradition of a civil society movement and to gain political experience was impossible for a long time in Indonesia throughout the era of Guided Democracy to until the eve of the New Order.

This study shows that women at the parliament, especially at the House of Representatives, have been subject to the hegemony of their parliamentary party groups, the extension of the political parties. Women members of the House of Representatives almost have neither autonomy nor independence to perform their respective functions, as mandated by their constituents. The political party and election model of Indonesia needs improvement and reform.

The political party reform necessitates fundamental changes to the existing internal mechanisms including the recruitment system, the management of a political party, selection of candidates, and internal decision-making procedures. The centralised model in which political party elites play dominant roles in the decision making process needs to be changed into a more participative model where the members of the political party and the party affiliates can proactively get involved. People and voters have been left out and political parties have been wallowing in their own statutes. The lack of access to become part and participate in the party's has made the political party numb against the election process: how will they win the most votes? Political parties are also quite dumbfounded against their constituents' aspirations when their candidates manage to get elected as legislative members due to the lack of two-way communication.

Election system reform will also be a prerequisite for the success of gender mainstreaming at the parliament. The election system in Indonesia tends to move from the proportional towards a mixed system leading to a *majoritarian system*, so it seems. The 2004 election used the mixed system called *single non transferable vote* (SNTV) to elect the members of the House of Regional Representatives, and an open list proportional system to elect the members of the House of Representatives through the application of Voters' Denominator (BPP). The incoherent election system adopted to accommodate different interests and opposition from small- and medium-sized political parties produced an election process which was quite messy in implementation to the extent that it failed to produce

accountable and responsive parliamentary members, partly due to the poor bond between political parties and their constituents and ignorance to give people political education.

The crucial questions will be: Which type most resembles Indonesia's experience based on the presented indicators? What are the immediate targets of gender mainstreaming at the parliament? What should we do in the meantime? Are there political opportunities in which to push transformation to that direction?

An analysis of the political system, political party system, civil society and women movement, economic factors, and affirmative model indicates that in the short run Indonesia will tend to move towards the models and types adopted by a number of Latin America countries.

The indicators are:

1. Similar transition process to democracy, similar political system, tough economic situation, large population, and the problems of plurality and improving welfare faced by the new and un-established democratic government in a simple multi-party system
2. There is room for political maneuver, in fact, constitutionally guaranteed, relatively independent executive and legislative bodies, openness, and civil society organisations as control mechanism (mass media, non government organisations, interest groups, and mass organisations, including women movement).

3. This political space may just disappear any time when the checks and balances among political institutions are affected by the domination of one institution over others for transactional politicking or for short-term political motives. The same political space will also be affected by the failure to give political education to the grass-root level and when people remain the objects of politics and left out from participating in this process of democracy.

Hence, mainstreaming gender at the Indonesian parliament is still possible contingent to the fulfillment of the following pre-requirements:

1. Mainstream gender at political parties, first through amendments of their statutes, revise regulations, reform education system for party's cadres, and level promotions at political parties to prepare candidates for public posts at the executive, legislative, bureaucracy, and other political posts.
2. An internal mechanism inside a parliamentary party group where constituents' interests are prioritized to disciplining the members deviating from the party line will have a positive impact on gender mainstreaming attempts. Only after the internal procedures of the group is defined as a means to serve constituents' needs and retain the colour or identity of the party will the parliamentary party groups at the House of Representatives respond to interpret the preference of their constituents which consist of different

groups and interests in any public policy they fight for at the parliament. Party programmes will help to tell which parties actually fight for change, equality, fulfillment of rights, and the government's intervention into social-economic life.

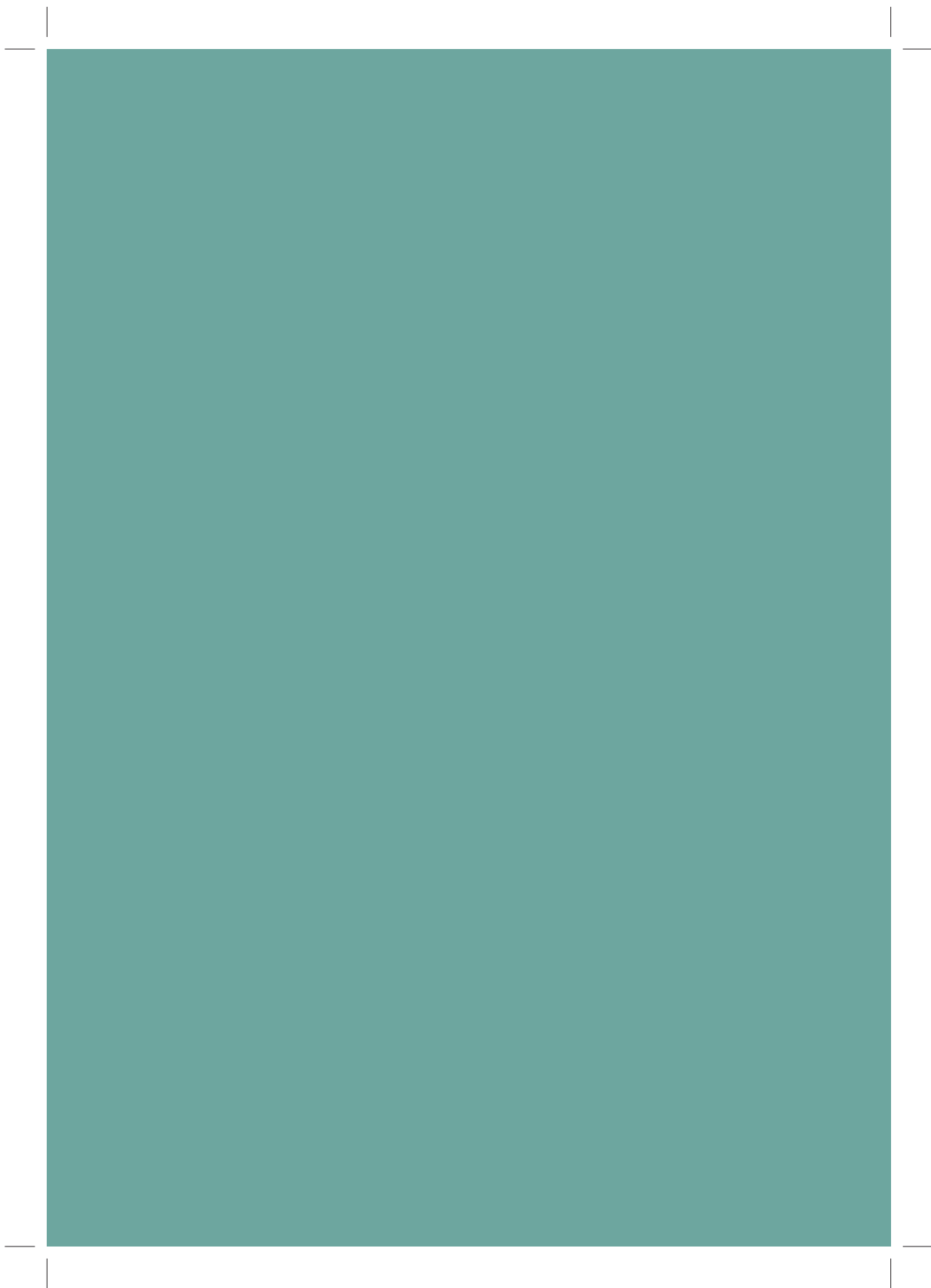
3. The women movement needs to be strengthened to enable it to play a better role in building representation democracy based on equality and play smart at any level of the game, map issues and control the political agenda against cooptation and become the means for the dominant political parties to mobilize support, recuperate, and at the same time extend political space and opportunities for the achievement of common goals, that is, the fulfillment of people's basic rights.
4. Affirmative action is a requisite but affirmation should not be defined as a mere increase in the number of women (sex) but based on competence and contestation so that only women who truly deserve it will represent the interests, ideas, and aspirations of minority and marginalised groups.
5. To mainstream gender at the parliament also requires men with gender perspective and similar fluency and competence in pushing transformation agenda towards gender equality and justice at the parliament. Women at the parliament never actually look at "gender" as the single category which defines their social and political identities. Women have multiple identities and when they are inside the political arena they can be very rational in the power struggle. In addition, women do not always show and struggle for gender strategic identities due to the prevailing political contexts and opportunities.





Chapter IV  
Conclusion  
And Recommendations

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## Chapter IV

### Conclusion And Recommendations

This study discovered that the biggest challenge to mainstreaming gender at the House of Representatives are the procedures of political parties, including that of their party groups at the House of Representatives, which give their members no autonomy. Not only do the parliamentary party groups at the House of Representatives prevent their men and women members from voicing the aspiration of the people and constituents, they also determine the assignment of their members to the bodies of the house to either leadership or membership posts. Under this kind of structure, it is almost impossible for women to win the leadership or even membership posts at the house bodies, let alone there is a fact that the central management (DPP) often interferes with direct appointments. Not surprisingly, there are very few women members leading the bodies of the 2004-2009 House of Representatives. Lobbying, experience, argumentation, and the position of women in the structure of the party at central level are the biggest problems that women have to face in their aspiration to enter strategic posts.

The Standing Orders and Code of Ethics of the House of Representatives contain the normative provisions of how to become an ideal member of

the house cannot be effectively implemented due to the excessively strong roles of the parliamentary party groups and weak enforcement of the regulations. Most provisions in the Standing Orders and the Code of Ethics are gender neutral and have not addressed gender-based discrimination issues including sexual harassment. Similarly, the Standing Orders and Code of Ethics of the House of Regional Representatives are still ineffective in implementation and have not moved beyond procedural issues towards evaluating the performance of its members.

The House of Regional Representatives applies a different approach in filling the chairperson and membership posts of its bodies from that of the House of Representatives. At the House of Regional Representatives, the individual capacity and networks of the candidate play a very decisive role. The absence of intervention from political parties creates a favorable condition for women members of the House of Regional Representatives to run for chairs and membership posts of the house bodies. The roles of the bodies of the House of Regional Representatives are less political than those of the House of Representatives, such that its women members have more freedom to express their desires. The relation among members also tends to be more collegial. One of the problems preventing women members of the House of Regional Representatives from optimising their roles is limited individual and networking capacity when they are in Jakarta.

Among the hurdles the Women Parliamentary Caucus faces in the attempt to optimise its role is, in addition to the fat structure of the organisation, the leadership model in which leaders are appointed based on the number of votes won by the parties (sometimes irrelevant to the leader's competence

and capability), and that a chairperson role is subject to rotation once every six months. This model creates a problem for the caucus in advocating priority agendas and in quickly responding to the current political situation from the perspective of gender (hunger, Indonesian migrant workers, violence against women, and so on). The lack of the gender perspective among women members of the house often entraps the Women Parliamentary Caucus (especially at the House of Representatives) into becoming a mere amplifier of the political parties/party groups interests.

Actually, in such a political context, women could have played more significant roles at the 2004-2009 House of Representatives which was relatively independent from the executive. Unfortunately, the relative independence that the House of Representatives assesses against the executive over 2004-2009 was never used to voice the aspirations of the people, or to effectively oversee the performance of the executive according to the mandate assigned to it. Instead, political parties raucously struggled for short-term benefits and personal or group economic interests. The 2004-2009 period, saw “economically motivated political transactions” characterized by prevalent practices of corruption, incompetency, moral hazard, and other misconducts of the members of the House of Representatives from many political parties.

Such political context largely results from the political party system in Indonesia over 2004-2009. It will be difficult to mainstream gender at the parliament without mainstreaming gender at political party level first. Political parties are the door through which women will enter the parliament. Political parties also determine the complexion, qualifications,

and competences of their women candidates and the perspective they will carry to the parliament. Unfortunately, 2004-2009 did not see an excellent understanding of the affirmative action and gender mainstreaming in political parties. These concepts are generally taken for granted as women's own issues. Most political parties take women representation and agenda as something irrelevant and unrelated to their interests (there is no such thing as gender mainstreaming at political parties). Gender and women issues are assigned to the internal department in charge of women issues. Parties still have difficulties defining the strategic meanings of the presence of women in a political party and the benefits of gender mainstreaming in there. The affirmative concept as an initial step towards improving women's participation in politics has been defined only in terms of quantity and sex, without any attempt to improve their capacity. The issue on gender, hence, becomes a marginal issue and never gets to the mainstream programs/platforms or the vision or mission of any political party.

Over 2004-2009, the women movement actively pushed forward and advocated the importance of improving the representation and participation of women at political decision-making institutions and of gender mainstreaming at political parties. For women, there are no formal politics and informal politics. The women movement actively works on and distributes themselves to all arenas, formal and informal and micro and macro. The biggest issue is how to create synergies and build communication to improve the effectiveness and efficiency of political work.

## **A. Conclusion**

The red thread of this study is that to mainstream gender at the Indonesian House of Representatives it requires mainstreaming gender at political parties first. Political parties play important roles in preparing candidates who fill the posts at various decision-making institutions including the parliament. Gender perspective political education at all levels, adoption of affirmative action to the composition of the management of political parties at all levels, in candidate promotion system, and gender mainstreaming at all policies of the parties which will lead to equality and justice will not only encourage the addition of the number of women at the parliament in that they will also help guarantee the quality of the candidates and the gender perspective they will advocate during their time at the House of Representatives.

Of course, the implementation of gender mainstreaming at the House of Representatives necessitates substantive changes. Transformation of the procedures of the institution will be required to improve members' independence from their parliamentary party groups. Affirmative provisions need to be incorporated into the regulations defining the leadership of the bodies of the House of Representatives. The women movement also needs to create synergies in advocating the legislation, budgeting, and oversight agenda of the House of Representatives. The Women Parliamentary Caucus will also need to improve its institutional capacity to increase its flexibility and speed to respond to issues on behalf of the people.

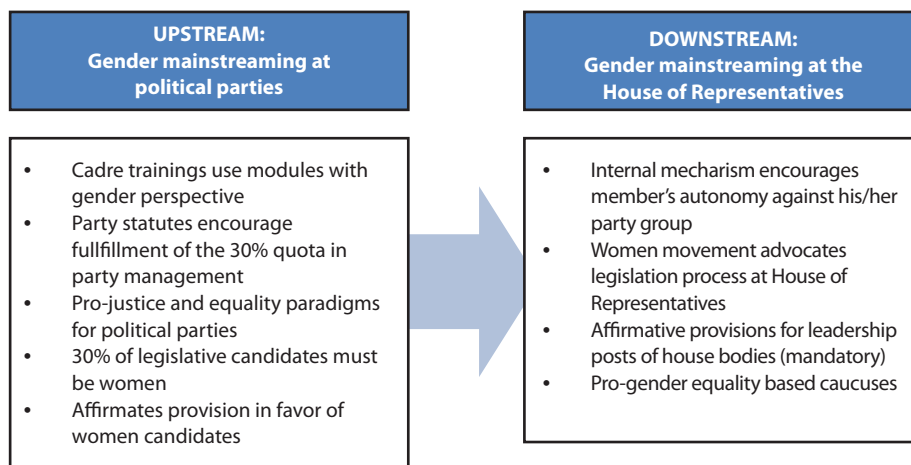
There are things that can be done at political parties as the upstream of the gender mainstreaming enterprise. This includes incorporating modules with gender perspective at cadre trainings, so that once members enter decision-making institutions they will already have a basic understanding of and sensitivity to gender. This is an ongoing process and political parties need to adopt new paradigms and should stop looking at political parties as a mere vehicle to “win and retain political power”, new paradigms which look at political parties as a vehicle to fight for equality and justice for all people. Accordingly, affirmative action is more acceptable at political parties and in the long run will produce gender neutral or biased cadres but ones who are responsive to gender in political decision-making processes. This will take some time and therefore requires a legal basis in the form of laws.

In this context, gender mainstreaming at the House of Representatives will still target improving number of women members of the House of Representatives. Evidently, over 2004-2009, when the Election Law No. 12/2003 provided for affirmative action for woman candidates, a sort of “moral responsibility” and “informal bond” was created between the women inside the House of Representatives and the extra-parliamentary women movement. Despite all the weaknesses, the women movement outside the House of Representatives managed to build a network through which it can push forward pro-women legislation and advocate for the process through the women members of the house. It is as though women members in the House of Representatives were



given new energy and networks to show their existence at this men-dominated institution. To some extent, a sort of mutual symbiosis was created between them.

Gender mainstreaming at political parties must continue – by law or evolutionary – and the election and political party systems need to be reformed to encourage people’s participation in the election process. Affirmative provisions must be retained in the election law and strengthened to “force” political parties to engage women (at least 30%). Amidst strengthening demands to apply the majority-based election system (most votes winning), affirmative action can be in the form of greater favours for women to win the candidacy. Finally, as women manage to enter the House of Representatives as members, there must a system in place to enable them to enter for strategic posts and release them from the hegemony of their parties/parliamentary party groups interests.



Women members of the House of Regional Representatives face different problems to those faced by their counterparts at the House of Representatives. Their primary problem, however, is individual competence in gaining access and building networks. While all women members of the House of Regional Representatives can virtually choose any house body, the chairs of strategic bodies are mostly held by men. Affirmative provisions are needed regarding the chairs at the bodies of the House of Regional Representatives. Similarly, the synergy between women caucus at the House of Regional Representatives and women caucus at the House of Representatives will have to be created to help them fight for legislation, budgeting, and oversight on behalf of the people. In implementation, the Standing Orders and Code of Ethics must move beyond procedural aspects in that they must be useable to assess the performance of the members of the House of Regional Representatives and satisfy their constituents.

Strengthening the role of women members of the House of Regional Representatives necessitates the involvement of the women movement to advocate and support the making of gender responsive policies. Synergy will also be required to provide constituents with political education and empower them while at the same time developing the capacity to net aspirations and guarantee the satisfaction of constituents. Besides, political parties, the women movement and civil society organisations can provide competent candidates for the House of Regional Representatives, given the fact that candidates of the House of Regional Representatives are more

independent and regionally rooted. The following table provides a brief description of the formal pre-requisites towards making the House of Regional Representatives more sensitive to gender.

## **B. Recommendations**

The recommendations consist of a number of urgent institutional improvements at the parliament. They are:

### **1. Amendment to the Standing Orders**

The Standing Orders of the House of Representatives must provide that the house membership be individual. The oath clearly defines that a member of the House of Representatives must place national interests over class, personal, or group interests. Consequently, in performing their tasks, members of the House of Representatives should not limit themselves to doing only what their party group tells them to and prioritise the interests of the constituents sending them to the House of Representatives.

If a member of the House of Representatives knows that prioritising the interests of his/her constituents over everything else, he/she will surely perform his/her representation duties equally for both sexes. To be a responsive and accountable representative requires working actively to follow up and listen to the demands and aspirations of the constituents. Accordingly, practical and strategic gender needs will have to be met at once and immediately.

The Standing Orders also contain provision for the leadership composition of the House of Representatives/House of Regional Representatives and its various bodies. An affirmative provision for women also means that women groups enjoy similar representation which hopefully will help boost their performance in voicing people's interests.

## **2. Repositioning the Role and Internal Mechanism of Parliamentary Party Groups into One Which Is Responsive to Gender**

Ideally a parliamentary party group is established to retain the party's program in enforcing the functions of the House of Representatives. A political party should refrain from attempting to enforce the discipline and improve the effectiveness and efficiency of its members. Instead, the House of Representatives should tackle the three functions through its bodies. Often, parliamentary party groups abuse the disciplining function by imposing sanctions on defiant members, or those considered against the party line. While the obligation for members may include following the party programme, a parliamentary party group should not use coercive measures against its members at the House of Representatives.

The success of making the procedures of a parliamentary party group more responsive to gender will largely depend on the success to mainstream gender at political parties' procedures (party statute). Only when the idea to mainstream gender at

the political parties can be optimised, will the provisions of the procedures of their parliamentary party groups follow and be more accommodative for women to run for the chairs of the house bodies, as evident in the recent revision of the Parliamentary Law No. 22/2003 into Law No. 27/2009 on the People's Consultative Assembly, House of Representatives, House of Regional Representatives, and Regional Houses of Representatives.

### **3. Strengthening House Bodies Immediately Related to the Primary Functions of the House of Representatives**

Priority must be given to the house bodies which are directly related to the primary functions of the House of Representatives, namely, the legislative, budgeting, and oversight functions. The hierarchy of the various bodies is as follows: the leadership of the house, standing committees of the house, budget committee, legislation body, and Ethics Board. To mainstream gender, the legislation body plays a very vital role in examining and reviewing in detail any bills sent to the House of Representatives for discussion. The oversight of committees should be extended, not only to evaluate the performance of government programmes, but also to encourage them to come up with new policies and bills. It is important that the selection of committee members accounts for the representation of particular groups as well as the relevant competence of the candidates.

If this recommendation succeeds, then women members of the House of Representatives could visualise which committees

and bodies are strategic and vital to push forward gender mainstreaming, the legislation body, budget committee, ethics council, or leadership of the house and committees.

#### **4. Secured Representation of Women in Leadership Positions of the Bodies of the House of Representatives and House of Regional Representatives**

Gender mainstreaming as an attempt to integrate gender justice principles to the whole decision-making requires an adequate number of women (representation at all committees and bodies of the House of Representatives). Without this, mainstreaming gender will be almost impossible. Most parliamentary work takes place at the committee level (House of Representatives) and working committee level (House of Regional Representatives). Women members of parliament can effectively use the committees and working committees not only to develop legislation initiatives, but also plan effective oversight with a gender perspective while performing their oversight function. Hence, gender mainstreaming at the parliament indeed necessitates the presence of women at the chairs of the bodies of the House of Representatives and House of Regional Representatives. Affirmative provisions for women to run for a leadership post will only produce a positive impact on the attempt to mainstream gender when the selection of women candidates for the post is not influenced by the strength of their political parties, but only by their individual competence.

**5. Synergy between the Bodies of the House of Representatives and of the House of Regional Representatives, especially between those directly related to the Primary Functions of the Parliament**

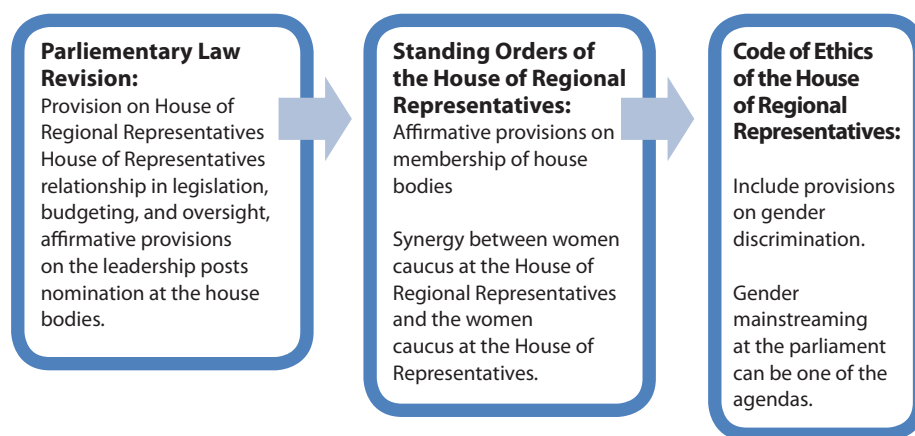
To mainstream gender at the parliament also requires synergy between the House of Representatives and House of Regional Representatives (Ad-Hoc Committees/Working Committee and Standing Committees) and coordination between the Legislation Body of the House of Representatives and the Bill Drafting Committee of the House of Regional Representatives, and the Ethics Council of the House of Representatives and that of the House of Regional Representatives. The biggest challenge will of course concern the authority and un-established roles of the House of Regional Representatives and open-ended provisions of the legal framework.

**6. Strengthening the Role of an Issue-based Women Parliamentary Caucus**

The women caucuses need to redefine their roles. Currently, the women caucus is not considered a permanent body of neither the House of Representatives, nor the House of Regional Representatives. Consequently, they will have problems in funding, office set-up, and staffing. Ideally, the women caucus should be officially promoted to be a permanent body of parliament. Afterwards, substantive improvements must be made to its organisation, leadership, management, and staffing. Improvement must also be made to the management of political

issues from the perspective of gender and the advocacy of external issues in line with the media and women organisations, for the sake of their performance and accountability to the public, as well as better individual competence in integrating gender perspective into respective tasks.

If this option fails, another strategic breakthrough could be achieved by instead setting up issue-based women caucuses which can quickly respond to current political issues. A strong perspective on gender, overcoming political ideologies and group or individual interests is one vital pre-requisite for the success.







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