Women's Representation Is Not Negotiable

Women's Quota Is Not Enough Without Electoral System Reform

From Formality to Sanctions: A New Chapter for Women's Political Representation in Elections

# PRLDM

BULLETIN May 2026

Perludem

# A TURNING POINT FOR WOMEN'S POLITICAL REPRESENTATION

CONTENT



















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The Constitutional Court's Decision No. 128/PUU-XXIV/2026, which imposes the strict sanction of disqualification on political parties in an electoral district that fail to meet the minimum requirement of 30 percent women's representation in their legislative candidate lists, marks a significant milestone in Indonesia's democratic development. The ruling not only reflects a commitment to a more inclusive political system, but also opens broader discussions on how electoral systems, political parties, and regulatory frameworks can function more effectively in strengthening women's representation—a group that has long faced various barriers to political participation.

The fourth edition of the Perludem Bulletin is published amid intensifying debates over the direction of electoral reform ahead of the deliberation of amendments to the Election Law. In addition to examining the significance and implications of the Constitutional Court's ruling on women's representation, this edition highlights a range of electoral reform advocacy efforts undertaken by civil society, including public discussions, engagements with academic communities, and dialogues with the Constitutional Court. These initiatives demonstrate that meaningful electoral reform requires broad public participation and should not be driven solely by short-term political interests.

In this edition, readers will also find a variety of perspectives on designing a more democratic and representative electoral system, including discussions on alternative electoral models, the importance of transparency in the amendment process of the Election Law, and the need for a more participatory legislative process. At the same time, we address another equally important issue: the effort to create safer political spaces through the development of guidelines for the prevention and handling of sexual violence within political parties. This issue forms an integral part of broader efforts to strengthen the quality of democracy and ensure that women's political participation can take place free from discrimination and violence.

Through this bulletin, we hope readers will gain a more comprehensive understanding of the challenges and opportunities facing Indonesia's democratic reform agenda today. An inclusive democracy requires not only sound regulations, but also a shared commitment to ensuring that every citizen has equal opportunities to participate, to be represented, and to receive protection in political life.

We wish you a great read.

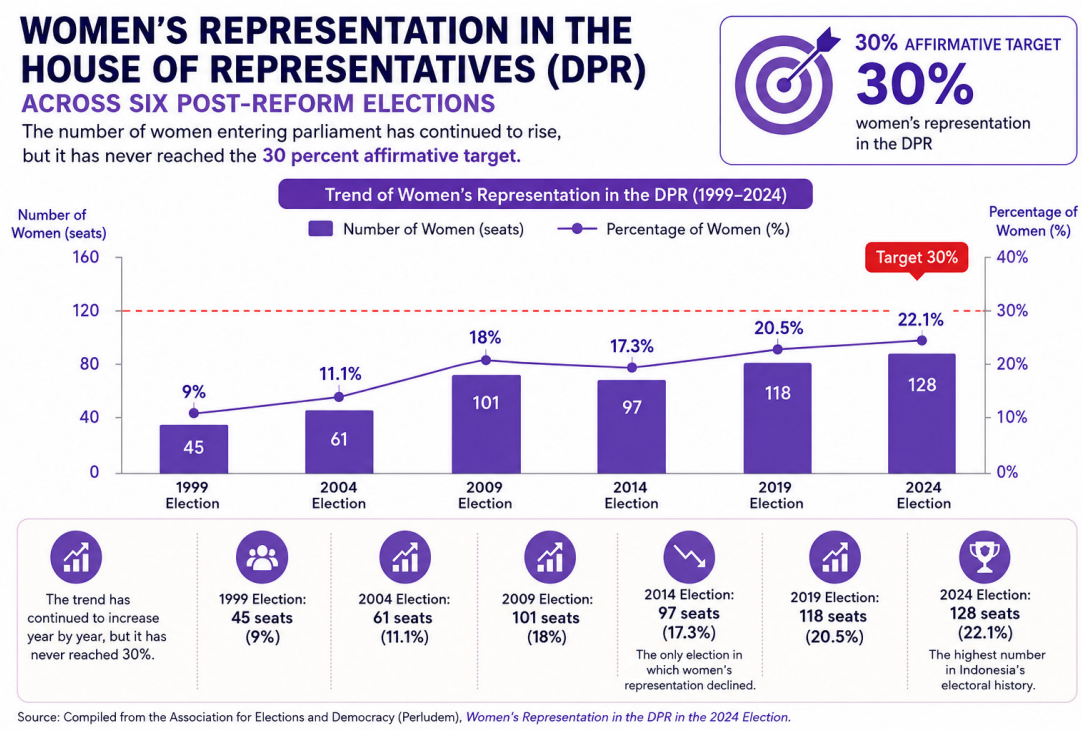
**Editorial Team**

# Women's Representation Is Not Negotiable

The Constitutional Court's Decision No. 128/PUU-XXIV/2026 marks a new chapter in Indonesia's electoral politics. Through this ruling, the Court reinforced the requirement of a minimum 30 percent women's representation in legislative candidate lists as a binding obligation for political parties, rather than merely a formal administrative requirement. Furthermore, the Court ruled that political parties failing to meet this requirement may be declared ineligible to participate in elections in the respective electoral district.

In essence, this ruling emerged from a long-standing challenge surrounding the implementation of affirmative action policies for women in elections. Since the beginning of the Reformasi era, Indonesia has adopted various measures to enhance women's political participation and representation, including the requirement that at least 30 percent of legislative candidates be women. In practice, however, this provision has often been treated as little more than an administrative formality. Compliance with the rule has frequently been undermined by the absence of sufficiently strong sanctions, causing the objective of affirmative action to lose much of its effectiveness.

Therefore, the significance of Constitutional Court Decision No. 128/PUU-XXIV/2026 lies not only in strengthening sanctions against political parties, but also in correcting the previously weak enforcement framework governing affirmative action measures. Whereas the system had largely relied on administrative compliance, the Court's latest ruling promotes a more effective enforcement model by establishing clear consequences for parties that fail to ensure women's representation. From the perspective of electoral governance, this is a crucial step, as the quality of regulation




Source: Compiled from the Association for Elections and Democracy (Perludem), *Women's Representation in the DPR in the 2024 Election*.

depends not only on the substance of legal norms but also on the system's ability to ensure compliance with those norms.

The history of women's representation in Indonesian politics demonstrates gradual progress over time, yet the pace of change has been slow and has consistently fallen short of the 30 percent affirmative action target. Across six post-Reformasi elections, the number of women elected to parliament has steadily increased, but it has never reached the intended threshold. In the 1999 election, women secured only 45 seats, representing 9 percent of the total membership of the House of Representatives (DPR). This figure increased to 61 seats, or 11.1 percent, in the 2004 election and rose significantly to 101 seats, or 18 percent, in the 2009 election. However, this progress has not followed a linear trajectory.

In the 2014 election, however, the number of women elected to the House of Representatives declined to 97 seats, representing 17.3 percent of the total membership. Women's representation subsequently increased to 118 seats, or 20.5 percent, in the 2019 election and rose further to 128 seats, or 22.1 percent, in the 2024 election. While this marks the highest level of women's parliamentary representation in Indonesia's electoral history, it remains well below the 30 percent affirmative action target.

The results of the 2024 General Election also show that 16 out of 84 electoral districts (dapil) for the House of Representatives (DPR) failed to elect a single woman legislator. This serves as a reminder that the goal of achieving 30 percent women's representation remains far from being realized. Although women's representation in the DPR has continued to increase, it reached only 22.1 percent in the 2024 election. Therefore,

**Women's Representation in the House of Representatives (DPR RI) Following the 2024 General Election: Distribution by Political Party**

| POLITICAL PARTY | WOMEN | % | MEN | % | TOTAL SEATS |
|---|---|---|---|---|---|
| PDIP | 27 | 24,5 | 83 | 75,5 | 110 |
| Golkar | 20 | 19,6 | 82 | 80,4 | 102 |
| Gerindra | 19 | 22,1 | 67 | 77,9 | 86 |
| Nasdem | 21 | 30,4 | 48 | 69,6 | 69 |
| PKB | 14 | 20,6 | 54 | 79,4 | 68 |
| PKS | 9 | 17,0 | 44 | 83,0 | 53 |
| PAN | 9 | 18,8 | 39 | 81,3 | 48 |
| Demokrat | 9 | 20,5 | 35 | 79,5 | 44 |
| Total | 128 | 22,1 | 452 | 77,9 | 580 |

SOURCE: PERLUDEM (2024)

**Compliance with the 30 Percent Women's Representation Quota Under the KPU's Rounding-Down Formula Prior to the Supreme Court Ruling**

| KPU CALCULATION METHOD (APPENDIX V OF KPU DECREE NO. 352/2023) | | | WOMEN'S REPRESENTATION (%) |
|---|---|---|---|
| ELECTORAL DISTRICT MAGNITUDE | 30% QUOTA CALCULATION | PEMB ROUNDED FIGURE ULATAN | |
| 3 | 0,9 | 1 | 33,3 |
| 4 | 1,2 | 1 | 25,0 |
| 5 | 1,5 | 2 | 40,0 |
| 6 | 1,8 | 2 | 33,3 |
| 7 | 2,1 | 2 | 28,6 |
| 8 | 2,4 | 2 | 25,0 |
| 9 | 2,7 | 3 | 33,3 |
| 10 | 3 | 3 | 30,0 |
| 11 | 3,3 | 3 | 27,3 |
| 12 | 3,6 | 4 | 33,3 |

Constitutional Court Decision No. 128/PUU-XXIV/2026 should be understood as an effort to strengthen the foundations of affirmative action policies that have yet to be fully effective.

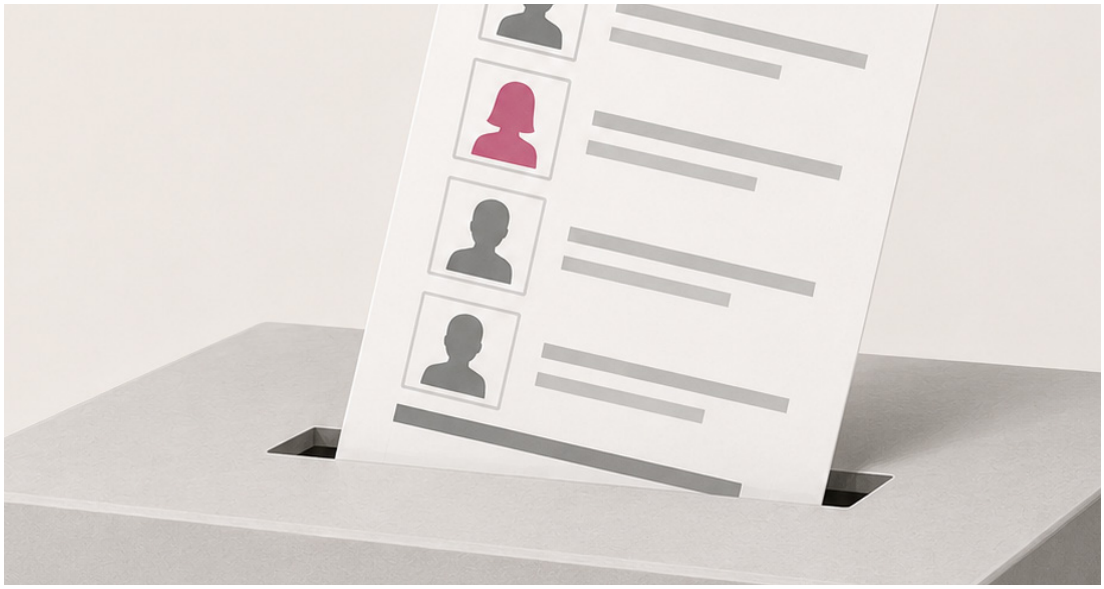
This reality is also reflected in the composition of the DPR resulting from the 2024 election, which remains overwhelmingly dominated by men, who occupy 452 of the 580 seats, or 77.9 percent of the total membership. Viewed by political party, only NasDem Party succeeded in surpassing the 30 percent threshold for women's representation, with 21 women holding 69 seats, equivalent to 30.4 percent. All other parties remained below the affirmative action target: PDI-P secured 27 women legislators out of 110 seats (24.5 percent), Gerindra 19 out of 86 seats (22.1 percent), PKB 14 out of 68 seats (20.6 percent), Democrat Party 9 out of 44 seats (20.5 percent), Golkar 20 out of 102 seats (19.6 percent), PAN 9 out of 48 seats (18.8 percent), and PKS 9 out of 53 seats (17 percent).

These figures demonstrate that the challenge of increasing women's representation is not solely related to electoral success at the district level or to political parties' commitment to recruiting and supporting female candidates. It is also shaped by the design of candidate nomination regulations. In this context, the significance of Constitutional Court Decision No. 128/PUU-XXIV/2026 becomes even more apparent when viewed against the backdrop of the candidate nomination framework applied during the 2024 General Election.

Previously, through General Elections Commission (KPU) Regulation No. 10 of 2023, the KPU adopted a rounding-down method in calculating compliance with the women's representation requirement in candidate lists. This policy allowed a number of political parties to meet the nomination requirements even when the proportion of female candidates fell below 30 percent. As a result, the affirmative action provision intended to guarantee a minimum of 30 percent women's representation was weakened in practice. Prior to this regulation, the KPU had consistently applied a rounding-up method to ensure compliance with the minimum 30 percent requirement for women candidates in legislative elections.

The provision was subsequently annulled by the Supreme Court through Decision No. 24 P/HUM/2023. The Court granted in full the petition for judicial review of Article 8(2) of KPU Regulation No. 10 of 2023 on the Nomination of Candidates for the House of Representatives (DPR), Provincial Legislative Councils (DPRD Province), and Regency/Municipal Legislative Councils (DPRD Regency/Municipality). The contested provision required figures to be rounded down when the calculation of 30 percent of the seat allocation resulted in a decimal figure below 0.5.

For example, in an electoral district where a party nominates eight legislative candidates, 30 percent women's representation would amount to 2.4 candidates. Under the rounding-down method, because the decimal figure is below 0.5, the requirement would be rounded down to two women candidates. Consequently, a party would be considered compliant with the nomination requirement by nominating only two women. In reality, however, two



**The Constitutional Court's ruling deserves recognition as an important step forward in strengthening inclusive democracy.**

out of eight candidates represent only 25 percent, which falls short of the minimum 30 percent threshold required under Article 245 of the Election Law.

The Supreme Court's decision constituted an important correction to a practice that risked undermining the substantive meaning of affirmative action in candidate nomination. By invalidating the rounding-down provision, the Court reaffirmed that compliance with the women's quota must not be interpreted so loosely that it results in the nomination of women candidates below the minimum threshold established by law.

Constitutional Court Decision No. 128/PUU-XXIV/2026 not only strengthens sanctions against political parties that fail to comply with the women's representation quota, but also addresses regulatory interpretations that have weakened the substance of affirmative action policies. The Court's message is clear: women's representation is not negotiable; it is a minimum standard that must be fully respected. By imposing the sanction of disqualification in electoral districts where the requirement is not met, the Court seeks to ensure that affirmative action measures are implemented in line with their original purpose. The ruling also closes a loophole that has long undermined the effectiveness of affirmative action in Indonesia's electoral process.

To be sure, the decision does not resolve all the challenges surrounding women's political representation. However, it strengthens one of the most important foundations of affirmative action policy: political parties' compliance with requirements for nominating women candidates. By attaching legal consequences to non-compliance, the ruling creates stronger incentives for parties to recruit, develop, and nominate women candidates more seriously.

Much work remains ahead. Stronger sanctions must be accompanied by more substantive reforms, including placing women in competitive positions on candidate lists, strengthening women's leadership development within political parties, and protecting women from various forms of gender-based political violence. Without these measures, affirmative action risks remaining little more than an administrative requirement.

Nevertheless, the Constitutional Court's ruling deserves recognition as an important step forward in strengthening inclusive democracy. After years of affirmative action policies being implemented with limited enforceability, the Court has reaffirmed that women's representation is a constitutional mandate that must be upheld. The decision provides an important foundation for ensuring that women have fair opportunities to participate in and be represented within political decision-making processes. ●

**Perludem** Executive Director, Heroik M. Pratama, delivered a public lecture on electoral reform through revisions to the Electoral Law at Tempo Polytechnic, Jakarta, on May 19

FOTO: RIKKY MF

**Representatives** of the coalition delivered a public lecture on electoral reform through revisions to the Electoral Law at Tempo Polytechnic, Jakarta, on May 19

FOTO: RIKKY MF

# Advancing Electoral Reform: From Campus to Democracy

The Civil Society Coalition for the Codification of the Electoral Law, in collaboration with Tempo Polytechnic, organized a Campus Visit titled "From Campus to Democracy: Safeguarding Electoral Reform Through Revisions to the Electoral Law" at the Tempo Polytechnic campus in Jakarta on May 19. The event served as a platform for dialogue among civil society organizations, academics, and students to discuss the agenda for electoral system reform.

Muhammad Nur Hidayat, Vice Director for Academic Affairs at Tempo Polytechnic, emphasized the importance of universities in advancing democratic issues and public policy discourse. According to him, higher education institutions play a strategic role as spaces for critical and knowledge-based exchange of ideas, including efforts to promote a more democratic and integrity-driven electoral governance system.

During the event, constitutional law scholar Titi Anggraini of the University of Indonesia explained that the Electoral Law is among the most frequently challenged laws before the Constitutional Court. Therefore, she argued, revisions to the Electoral Law should serve as a means of incorporating the Court's decisions, many of which have provided important directions for the development and improvement of Indonesia's electoral system.

"The Constitutional Court's rulings must be implemented through revisions to the Electoral Law. At the very least, several key decisions need to be incorporated, including those concerning the

presidential nomination threshold and the parliamentary threshold," Titi said.

Titi also highlighted several regulatory gaps in Indonesia's electoral framework that require immediate attention, including candidacy requirements for former convicts, the legal status and binding nature of decisions issued by the Election Organizers Ethics Council (DKPP), and regulations governing political campaigning on university campuses. She further explained that the Constitutional Court's decision to separate national and local elections carries significant implications for the design of Indonesia's electoral system, including effectively ruling out the possibility of indirect regional head elections through regional legislatures (DPRD).

Perludem Executive Director Heroik M. Pratama noted that a number of challenges continue to affect the quality of Indonesia's democracy. He pointed to the persistence of vote buying in both national and local elections, driven in part by the high political costs borne by candidates.

"Money politics remains widespread. High political costs often fuel transactional practices during elections. This is why discussions on revising the Electoral Law are crucial to improving the quality of our democracy," he said.

Heroik also cautioned that several reform proposals, such as the adoption of e-voting, should be carefully assessed, as many countries have begun moving away from such systems. He argued that the simultaneous election model used in the 2024 elections created a range of challenges, yet these issues have not been followed by an open and transparent discussion on revising the Electoral Law. According to him, the public still lacks clear information regarding the latest developments of the Electoral Law revision draft currently under deliberation.

During the same event, Netgrit Executive Director Hadar Nafis Gumay presented several proposals put forward by the coalition. One of the key recommendations was the adoption of a Mixed Member Proportional (MMP) system, which combines elements of


**Representatives** of the coalition delivered a public lecture on electoral reform through revisions to the Electoral Law at Tempo Polytechnic, Jakarta, on May 19.
PHOTO FOTO: RIKKY MF

both open-list and closed-list electoral systems. According to Hadar, one of the main shortcomings of the current open-list proportional system is the complexity of choices available to voters, which often leads to confusion and contributes to a high number of invalid ballots.

"We need an electoral system that enables the emergence of the best candidates while also making it easier for voters to exercise their voting rights. The debate is often framed as a choice between open-list and closed-list systems, even though alternative models exist that can combine the strengths of both," he said.

Hadar further explained that the MMP system could help reduce political costs by creating more manageable electoral districts, thereby making oversight and monitoring more effective. As a result, opportunities for vote buying and other transactional practices could be minimized. He also noted that the system would be more supportive of women's representation, particularly when combined with the full implementation of a zipper system in the nomination of legislative candidates.

Responding to the same issue, Titi Anggraini encouraged participants to reflect on the experience of the 2024 General Election. According to her, many voters prefer to directly choose legislative candidates, while at the same time acknowledging that the current system can be confusing.

**"As many as 64 percent of elected legislative candidates came from the number one position on party candidate lists. At the same time, many female candidates were placed in less strategic positions, such as numbers three, five, or six."**

"As many as 64 percent of elected legislative candidates came from the number one position on party candidate lists. At the same time, many female candidates were placed in less strategic positions, such as numbers three, five, or six. Therefore, we need an electoral system that is simpler, easier to understand, and still capable of strengthening representation," Titi explained.

Heroik added that young people have often been treated merely as targets for vote mobilization during elections. In reality, however, younger generations possess significant potential to become drivers of political accountability and electoral law reform.

"We want young people to be more empowered and able to advance political accountability through a stronger legal framework. That is why we are very open to discussions and collaborative advocacy efforts," Heroik added.

Through this event, the coalition hopes that universities can become part of a broader movement to ensure that the revision of the Electoral Law is conducted in an open, participatory, and democracy-enhancing manner. The involvement of students and the academic community is expected to broaden public support for a more inclusive, fair, and democratic electoral reform agenda. ●

# Civil Society Coalition Calls for the Implementation of the Constitutional Court Ruling in the Amendment of the Election Law

**Civil** society coalition representatives met with the Constitutional Court as part of efforts to advance the electoral reform agenda in Jakarta, 20 May. Photo FOTO: RIKKY MF

The Civil Society Coalition for the Codification of the Election Law held an audience with the Constitutional Court (MK) as part of its efforts to promote stronger electoral system reform through amendments to the Election Law on 20 May. The meeting served as an important opportunity to discuss a number of Constitutional Court rulings that have provided guidance for improving electoral governance and democracy, but have yet to be fully incorporated into the electoral regulatory framework.

During the meeting, the coalition expressed concern over the ongoing revision of the Election Law, which it believes has yet to demonstrate a strong commitment to accommodating Constitutional Court rulings that have obtained final and binding legal force. Several significant decisions, including those concerning the parliamentary threshold, risk being overlooked or deprioritized in the legislative deliberations. This raises concerns about a recurrence of the previous situation, when amendments to the Election Law were repeatedly delayed despite urgent constitutional mandates and pressing reform needs.

Representing the coalition, Heroik Mutaqin Pratama emphasized that the revision of the Election Law should serve as a critical opportunity to ensure the consistent implementation of all Constitutional

**Constitutional** Court representatives responded positively to the coalition's recommendations and reaffirmed their commitment to safeguarding electoral reform, Jakarta, 20 May.
FOTO: RIKKY MF

Court rulings related to elections. According to him, the 2020–2024 period demonstrated a tendency among lawmakers to postpone revisions despite the existence of clear constitutional mandates.

"The revision of the Election Law must not reach the same deadlock as in the previous period. Constitutional Court rulings should serve as the primary reference in developing democratic and constitutional electoral regulations," he stated.

The coalition further stressed that Constitutional Court rulings concerning elections constitute an important part of the development of Indonesia's constitutional law. These decisions emerged as responses to various challenges in electoral administration and have become important references for strengthening the protection of citizens' constitutional rights. Therefore, Constitutional Court rulings should not be regarded as temporary solutions or measures applicable only to specific cases. Instead, they should be translated into statutory provisions to ensure systematic and sustainable implementation.

Pan Mohamad Faiz, Head of the Bureau of Public Relations and Protocol at the Constitutional Court of Indonesia, stated that the Court continues to monitor the implementation of its decisions, both in the context of amendments to the Election Law and in other areas of law. The Court also acknowledged the existence of political obstacles affecting the pace of discussions on electoral reform, including concerns over potential friction within the governing coalition. Nevertheless, the Constitutional Court remains committed to overseeing the implementation of constitutional rulings within the scope of its authority.

"The Court continues to monitor the implementation of its decisions and appreciates the role of civil society in ensuring compliance with the Constitution. Such efforts are essential to strengthening the quality of Indonesia's democracy and electoral system," he stated.

The coalition also emphasized that the revision of the Election Law presents an important opportunity to harmonize developments in constitutional law resulting from Constitutional Court rulings with the existing electoral regulatory framework. Over the past several years, the Constitutional Court has issued a number of landmark decisions addressing fundamental aspects of the electoral system, including the design of concurrent elections, candidacy mechanisms, the strengthening of women's representation, the protection of voting rights, and various other provisions related to the conduct of democratic and fair elections. However, many of these rulings have yet to be adequately incorpo-

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**Civil** society coalition representatives met with the Constitutional Court as part of efforts to advance the electoral reform agenda in Jakarta, 20 May.
FOTO: RIKKY MF

rated into the Election Law.

Another coalition representative, M. Nur Ramadhan, highlighted several recurring challenges in Indonesia's electoral governance. Drawing on findings from PSHK, he noted that the current situation surrounding the selection process of election management bodies bears similarities to the experience in 2017, when election administrators were selected under an old legal framework but were subsequently required to operate under a new legal regime. According to him, this situation underscores the importance of accelerating discussions on amendments to the Election Law in order to prevent legal and institutional uncertainty.

The meeting also provided a forum for exchanging views on the future direction of electoral reform. The coa lition argued that amendments to the Election Law should not focus solely on the technical aspects of election administration, but must also address broader democratic challenges that have emerged in electoral practice. Regulatory reform should be directed toward strengthening political representation, improving the quality of electoral competition, ensuring equal political rights for citizens, and enhancing the overall integrity of the electoral process.

As part of its effort to enrich the substance of discussions on the Election Law amendment, the civil society coalition formally submitted an Academic Paper and a draft Election Bill to the Constitutional Court. The coalition hopes that these documents will serve as important references in advancing a more democratic, inclusive, and constitutionally grounded electoral system.

Through this meeting, the civil society coalition reaffirmed its commitment to closely monitor the deliberation of the Election Bill to ensure that the process remains participatory, transparent, and consistent with constitutional principles. The coalition and the Constitutional Court also agreed to maintain communication and continue promoting compliance with Constitutional Court rulings through various advocacy channels.

Looking ahead, advocacy efforts will be expanded to engage the House of Representatives, the government, and the broader public as part of a multi-stakeholder strategy to ensure the realization of electoral law reform. The incorporation of Constitutional Court rulings into the Election Law is seen as a crucial step in ensuring that the development of constitutional jurisprudence through the Court's decisions is translated into effective public policy and delivers tangible benefits for the strengthening of Indonesia's democracy. ●

**Public** discussion titled Preventing Pragmatism and Stagnation in the Revision of the Election Law in Jakarta (20/05).
FOTO: RIKKY MF

# Election Law Reform and the Prevention of Political Pragmatism

Commission II of the House of Representatives (DPR) is targeting the formal deliberation of the revision of the Election Law to begin in July–August 2026, with the goal of passing the legislation by the end of the same year. At present, all parliamentary factions are reportedly reviewing simulations of proposed electoral rule changes compiled in a document of approximately 300 pages.

Mardani Ali Sera, a member of Commission II from the Prosperous Justice Party (PKS) faction, stated that the document contains four major clusters that will serve as the basis for the revision process. These clusters include existing provisions under Law No. 7 of 2017 on Elections, Constitutional Court decisions related to electoral design, recommendations from experts, and proposed amendments submitted by political parties.

"We are targeting July to August 2026 for formal deliberations in the working committee. The goal is to pass a new Election Law by the end of 2026," Mardani said during the public discussion titled Preventing Pragmatism and Stagnation in the Revision of the Election Law in Jakarta (20/05).

Mardani explained that the revision process has in fact been underway since late 2024. Between November and December 2024, Commission II invited the General Elections Commission (KPU), the Election Supervisory Agency (Bawaslu), the Honorary Council of Election Organizers (DKPP), and the Ministry of Home Affairs (Kemendagri) to evaluate the implementation of the 2024 General Election.

This stage was followed by a series of

**"Many people protested, asking why the public hearings were already underway when the working committee had not yet been formed. But for us, there is no need to debate whether the chicken or the egg comes first,"**

public hearings held from January to April 2026, involving academics, civil society organizations, and election management bodies. Through this process, the DPR sought to gather as much input as possible to enrich the substance of the proposed revision.

However, the process sparked internal debate within parliament. Some argued that Commission II had moved too far ahead by conducting public hearings before the official working committee (panja) for the Election Law revision had been established by the DPR leadership.

"Many people protested, asking why the public hearings were already underway when the working committee had not yet been formed. But for us, there is no need to debate whether the chicken or the egg comes first," Mardani remarked in response to the criticism.

According to him, substantive evaluation of the electoral system does not need to wait for every administrative procedure to be completed, as long as the ultimate objective is to improve Indonesia's electoral system.

## Warning Against Political Pragmatism

Outside parliament, a number of observers argue that revisions to the Election Law have repeatedly fallen into the same pattern: the dominance of short-term political interests. Heroik M. Pratama, Executive Director of the Association for Elections and Democracy (Perludem), contended that a lengthy revision process does not automatically produce better-quality legislation.

According to Heroik, discussions on revising the Election Law often turn into a bargaining arena among political parties. Critical issues such as candidacy thresholds, vote-to-seat conversion methods, and electoral district (dapil) design repeatedly emerge in every revision cycle, yet are rarely resolved based on the objective of strengthening democracy.

"Discussions on electoral law revisions have often been trapped in short-term political pragmatism. In the end, the package of recurring critical issues revolves more around which actors stand to gain the greatest electoral advantage," Heroik said during the same discussion.

He argued that this situation demonstrates how the design of electoral regulations continues to be heavily influenced by power calculations rather than by the need to strengthen the overall integrity of the democratic system. Heroik also highlighted the growing role of the Constitutional Court (MK) as a corrective mechanism for weaknesses in electoral regulations produced by parliament.

According to him, this condition reflects a deficit of trust in the DPR's legislative process regarding Election Law revisions, which remains trapped within a framework of political pragmatism focused primarily on securing electoral benefits rather than producing stable and equitable regulations. In many cases, Constitutional Court rulings have become the primary drivers of electoral policy change, effectively replacing political deliberation within parliament.

"As long as revisions continue to be driven by short-term interests and lack transparency, we will remain trapped in the same cycle of failure," he said.

### Conflicts of Interest and the Push for Transparency

Meanwhile, Charles Simabura, Director of the Center for Constitutional Studies at the Faculty of Law, Andalas University, argued that conflicts of interest in the drafting of the Election Law are difficult to avoid. This is because both the DPR and the government are political actors with their own electoral interests.

However, he emphasized that the revision process must be conducted in an open and participatory manner. According to him, further delays would only prolong uncertainty and encourage the public to seek corrective measures through judicial review before the Constitutional Court (MK).

"Delaying the revision will only lead the public to continuously seek avenues for reform through judicial review at the Constitutional Court," Charles said.

He stressed that deliberations on the Election Law should serve as an inclusive forum for public deliberation rather than a closed process dominated by political elites. In his view, the involvement of civil society organizations, academics, election management bodies, and groups directly affected by electoral policies is an essential prerequisite for ensuring that the revised law addresses the challenges that emerge in democratic practice.

**Such openness would enable the public to distinguish between parties that genuinely advocate for a fair and rational electoral system and those primarily seeking to safeguard their short-term electoral interests.**

### Proposal for an Independent Expert Panel

Amid the ongoing debate, Titi Anggraini, a lecturer in Election Law at the University of Indonesia, proposed an alternative approach to break the stalemate in discussions on the revision of the Election Law. She suggested the establishment of an independent expert panel, composed of individuals selected on the basis of expertise, to formulate an initial draft of the legislation.

According to Titi, the electoral law-making process has long been shaped by competing political interests among parties, hindering the development of a consistent and long-term regulatory framework.

"The solution is to provide space for independent, inclusive, and credible figures to formulate a high-quality draft law. The DPR and the government can then focus on discussing and refining it," Titi said.

She argued that such an approach could help reduce the dominance of electoral interests during the initial stages of policy formulation while also improving the substantive quality of the revision.

### Transparency and the Challenges of Electoral Reform

Titi also emphasized the importance of transparency in the process of revising the Election Law. According to her, each parliamentary faction should openly present its political arguments to the public so that citizens can assess the rationale behind every proposed amendment.

Such openness would enable the public to distinguish between parties that genuinely advocate for a fair and rational electoral system and those primarily seeking to safeguard their short-term electoral interests.

She also criticized the argument of "pursuing perfect legislation," which is often used to justify delays in the revision process. In her view, no law can ever be truly perfect in a democratic system, as mechanisms for correction are always available through the Constitutional Court.

"The argument that we must wait to produce a perfect law is misleading. The Constitutional Court serves as a corrective mechanism in a democracy, not as an excuse to postpone deliberations," she said.

With formal deliberations on the Election Law revision now scheduled to begin only in mid-2026, the process stands at a crossroads between the need for electoral reform and the risk of stagnation caused by political compromise.

On the one hand, the DPR has reaffirmed its commitment to completing the revision according to schedule. On the other hand, criticisms from various quarters suggest that the principal challenge lies not merely in legislative procedures, but in the political willingness to move beyond the pragmatism that has long shaped electoral design in Indonesia. ●


# Perludem Urges Political Parties to Adopt Guidelines for Preventing Sexual Violence

**Building** Safe Political Spaces: Lessons and Strategies for Strengthening Political Parties in Preventing and Addressing Sexual Violence.

FOTO: HAURA IHSANI

Perludem has called on political parties to establish clear internal mechanisms for preventing and addressing sexual violence within their organizations. This call was highlighted during the discussion "Building Safe Political Spaces: Lessons and Strategies for Strengthening Political Parties in Preventing and Addressing Sexual Violence" held in Jakarta on June 17.

Perludem Executive Director, Heroik Mutaqin Pratama, emphasized that strengthening mechanisms for preventing and responding to sexual violence is an essential part of improving democratic quality and enhancing the integrity of political parties. According to him, political parties should not only function as electoral vehicles but also serve as safe spaces for all members and cadres, particularly women.

"Through this guideline, we seek to open opportunities for collaboration with political parties to mainstream gender perspectives while building stronger protections for women politicians as part of efforts to achieve 30 percent political representation in parliament," said Heroik.

The Guidelines for the Prevention and Handling of Sexual Violence in Political Parties, developed in collaboration with several civil society organizations, emerged from findings showing that women continue to face various barriers in politics, ranging from limited access to resources to sexual violence and online gender-based violence.

Perludem researcher Annisa Alfath explained that sexual violence within

**Building** Safe Political Spaces: Lessons and Strategies for Strengthening Political Parties in Preventing and Addressing Sexual Violence.
FOTO: HAURA IHSANI

political parties has unique characteristics due to the strong power relations embedded in party organizations. In many cases, behaviors that should be recognized as violence are often normalized as part of political dynamics.

"There is a tendency to excuse various forms of violence as inevitable consequences of political activity. In reality, such conditions discourage victims from reporting their experiences," she said.

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According to Annisa, the guidelines are designed to be adopted as codes of ethics, standard operating procedures (SOPs), and internal case-handling mechanisms within political parties. In addition to referring to Indonesia's Law on the Crime of Sexual Violence (TPKS Law), the guidelines also address online gender-based violence, victim protection, and support mechanisms.

Delia Wildianti, a researcher at Puskapol UI, noted that the need for specific regulations within political spaces is becoming increasingly urgent. Based on research conducted by the drafting team, significant gaps remain in understanding sexual violence within political party environments. She added that several countries have already integrated protections for women into political party and electoral regulations. In Indonesia, however, such provisions remain limited and have yet to be translated into adequate institutional mechanisms.

"We see the need for dedicated mechanisms to handle cases within political parties, including the establishment of task forces, secure reporting systems, and clear sanctions," she stated.

Delia further emphasized that the existence of specialized mechanisms would increase victims' confidence in reporting incidents while strengthening political party accountability. Experiences from various institutions show that dedicated units for handling sexual violence can encourage victims to seek assistance by providing clear procedures, protection from retaliation, and guarantees of confidentiality throughout the process.

"We share the same goal: creating political spaces that are safe for women. To achieve this, we need clear regulations, education, reporting mechanisms, victim support, and sanctions so that protection goes beyond mere commitments," she said.

Meanwhile, Nenden Sekar Arum, Executive Director of SAFEnet, highlighted the growing prevalence of online gender-based violence targeting women politicians. According to a SAFEnet survey, 75 percent of respondents reported

witnessing or experiencing online gender-based violence during election campaigns, while 85 percent of victims were women. Nenden noted that digital attacks not only damage victims' political reputations but also affect their mental health and the sustainability of their political careers.

"Many women face threats, harassment, and the non-consensual distribution of intimate content. As a result, some ultimately choose to withdraw from politics," she said.

Building Safe Political Spaces: Lessons and Strategies for Strengthening Political Parties in Preventing and Addressing Sexual Violence. Photo: Haura Ihsani

Representatives from several political parties participating in the discussion expressed their support for strengthening mechanisms to protect women within party organizations. Some parties have already introduced initial measures, including complaint and reporting posts, gender awareness training, and the development of handbooks on handling sexual violence.

Nur Amalia, a representative of the NasDem Party, explained that her party established a complaint and reporting mechanism shortly after the enactment of the Law on the Crime of Sexual Violence (TPKS Law) and plans to integrate the guidelines into its political education programs. Meanwhile, representatives from Golkar and the Democratic Party noted that addressing sexual violence still requires clearer reporting mechanisms, as such cases often intersect with internal political interests.

The discussion also generated recommendations to incorporate the prevention and handling of sexual violence into the ongoing deliberations on revisions to the Election Law and the Political Parties Law. In addition, participants called for the establishment of dedicated task forces within political parties to serve as official channels for reporting cases and providing protection and support for victims. ●

# Women's Quota Is Not Enough Without Electoral System Reform

The Constitutional Court's Decision No. 128/PUU-XXIV/2026, which reinforces the requirement for at least 30 percent women's representation in legislative candidate lists, marks an important milestone in advancing political equality in Indonesia. The ruling reaffirms that the women's quota is a mandatory provision that political parties must genuinely implement.

The decision did not emerge in a vacuum. Electoral experience over the past two decades has shown that increasing the number of women on candidate lists does not automatically lead to a proportional increase in the number of women elected. In the 2024 General Election, for instance, women secured only around 22 percent of seats in the House of Representatives (DPR). Although this figure represents an improvement compared to previous elections, it remains well below the 30 percent target envisioned by Indonesia's affirmative action policies.

This situation demonstrates that the challenge of women's political representation extends beyond the nomination stage. Another equally important factor is the design of the electoral system itself, which determines how votes are translated into seats. Discussions on gender affirmative action have often focused solely on candidate quotas. Yet quotas only regulate who may enter the political contest, not who ultimately wins it. In other words, the success of affirmative action policies depends not only on the number of women nominated, but also on the extent to which the electoral system provides them with a fair opportunity to be elected.

Under Indonesia's current open-list proportional representation system, electoral success depends largely on a candidate's ability to secure individual votes. While this system allows voters to directly choose candidates, it also intensifies personal competition, making elections increasingly costly and heavily dependent on popularity and access to

resources. These conditions often create additional barriers for women candidates, who continue to face structural challenges in accessing political financing, networks, and party support.

Conversely, proposals to return to a closed-list electoral system are not without their own drawbacks. Such a system may facilitate the implementation of affirmative action policies, as political parties can strategically position women on candidate lists. However, if internal party decision-making processes remain insufficiently democratic, the allocation of favorable list positions may continue to be dominated by party elites.

Therefore, the debate on women's political representation should not be confined to a choice between open-list and closed-list electoral systems. What is needed is an electoral design capable of balancing voter representation, party institutionalization, and women's electoral prospects.

**Equal attention must be given to how electoral system design can create greater opportunities for women to be elected.**

A simulation study of the Mixed Member Proportional (MMP) system conducted by Perludem and the Center for Political Studies of the University of Indonesia (Puskapol UI) offers an important perspective on women's political representation. Using data from the 2024 General Election, the simulation found that the implementation of an MMP system would not reduce the level of women's representation. The proportion of women elected remained at approximately 22 percent, comparable to the outcome of the 2024 election.

This finding is significant because it demonstrates that representational quality and gender affirmative action can advance simultaneously. Through a combination of district-based seats (First-Past-the-Post/FPTP) and proportional party-list seats, the MMP system provides women with more diverse pathways to representation. Women with strong electoral bases may secure district seats, while female party cadres who have traditionally faced difficulties competing in highly personalized electoral contests may gain opportunities through party lists (Puskapol UI and Perludem, 2025).

These findings offer an important lesson: women's affirmative action and electoral system design are deeply interconnected. Quota policies may open the door for women to enter political competition. However, whether they ultimately win elected office depends significantly on the electoral system in place. For this reason, discussions on revising the Election Law should approach women's representation more comprehensively. It is not enough to ensure that women are included on candidate lists; the electoral system must also provide fair opportunities for them to secure parliamentary seats.

Constitutional Court Decision No. 128/PUU-XXIV/2026 presents an important opportunity to reassess the agenda of women's representation in electoral politics. Strengthening women's quotas in candidate lists should not be viewed as the final objective. Equal attention must be given to how electoral system design can create greater opportunities for women to be elected. If electoral system reform becomes part of the revision agenda, affirmative action policies should be integrated into the chosen electoral framework, including through candidate nomination mechanisms and the placement of women candidates in competitive electoral districts.

In addition, the parliamentary threshold warrants evaluation as part of the broader electoral reform agenda. Simulation findings indicate that smaller political parties also contribute to women's representation in parliament. Therefore, any policy that risks eliminating the representation of these parties should carefully consider its broader implications for women's political representation.

Ultimately, the greatest challenge is no longer ensuring that women are present on candidate lists, but ensuring that votes cast for women are effectively translated into seats and parliamentary representation. Electoral reform and the strengthening of women's affirmative action should therefore be understood as complementary agendas aimed at building a more inclusive system of political representation. ●

# From Formality to Sanctions: A New Chapter for Women's Political Representation in Elections

**Annisa Alfath**
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Constitutional Court Decision Number 128/PUU-XXIV/2026 should be understood not merely as a legal ruling, but also as a political correction to the way political parties have treated women in electoral politics. The case originated from a judicial review of Article 245 of the Election Law, which requires party candidate lists to include at least 30 percent women. The central issue was not the existence of the quota itself, but rather the weak enforceability of the provision. Without meaningful sanctions, the women's quota risks becoming little more than a political showcase—appearing progressive in principle while remaining ineffective in practice.

From the perspective of women's political representation, the ruling addresses the earliest stage of representation: candidate nomination. Women cannot achieve meaningful representation in parliament if political parties fail to seriously provide opportunities at the point of candidate selection. Electoral politics operates through candidate recruitment and selection, not solely through voting. Therefore, candidate lists constitute the first arena in which gender inequality is either reproduced or corrected.

For years, many political parties have treated the 30 percent quota as an administrative burden. Women are often recruited shortly before candidate registration rather than being systematically prepared as political cadres from the outset. As a result, women's representation frequently amounts to little more than a numerical requirement, and in some cases even that minimum threshold is not met. This ruling sends a clear message that political parties can no longer treat women as mere additions to candidate lists.

The facts presented in the petition demonstrate that this problem is real rather than merely an academic concern. In Tulungagung Regency, the petitioners highlighted several parties that failed to meet the 30 percent quota, including PSI, which reportedly fielded no women candidates (0 percent), and the Ummah Party, with only 27.27 percent women candidates. In Electoral District (Dapil) Tulungagung 6, PSI and Perindo were reported to have nominated only one male candidate each, resulting in zero female representation. Similarly, in Tulungagung 1, the Labour Party, Garuda Party, and PSI were also reported to have nominated only one male candidate.

A similar situation was reported in Tulungagung 2, where the Nusantara Awakening Party (PKN) nominated only one male candidate. While the overall proportion of women candidates at the regency level may appear to satisfy the legal requirement, women may still be absent in particular electoral districts. This carries important political implications because voters cast their ballots within electoral districts, not based on regency-wide aggregates. If an electoral district fails to provide meaningful opportunities for women candidates to compete, voters' political right to encounter inclusive representation is correspondingly diminished.

The petition also referred to Trenggalek Regency, particularly Electoral District (Dapil) Trenggalek 2. In that district, Petitioner II argued that the ballot paper still included candidate lists from political parties that did not treat the 30 percent quota as a decisive requirement for eligibility. Blitar Regency was also

highlighted, especially Blitar 1, where the Crescent Star Party (PBB) reportedly nominated only one male candidate. Blitar VI was likewise cited as an example of concerns that the same problem could recur in future elections.

These examples demonstrate that the issue extends beyond the technicalities of candidate nomination. At its core, it concerns power relations within political parties. In the absence of sanctions, party elites have little incentive to reform recruitment patterns that remain predominantly masculine. Women continue to be marginalized, while political parties are still able to participate in elections without facing any meaningful consequences.

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This is where the Constitutional Court's reasoning becomes particularly significant. The Court declared Article 245 of the Election Law conditionally unconstitutional unless it is interpreted to mean that failure to meet the 30 percent quota results in the disqualification of a party's candidate list, or the party's exclusion from participation, in the relevant electoral district. This formulation transforms the quota from a symbolic norm into a decisive political requirement. The sanction is also proportionate, as it applies only to the electoral district where the violation occurs rather than automatically penalizing the party nationwide.

Politically, such sanctions will compel political parties to undertake more serious and sustained cadre development. Parties can no longer rely on recruiting women at the last minute merely to satisfy registration requirements. Instead, they must build networks, recruit, train, and position women within political structures well in advance. The ruling pressures parties to stop treating women as an emergency solution in the final stages of candidate registration.

The decision is also closely linked to the debate over the rounding of the 30 percent quota. When 30 percent of the total number of candidates produces a fraction, rounding down results in women's representation falling below the minimum threshold. For example, 30 percent of 11 candidates equals 3.3, meaning that nominating only three women would result in a representation rate of 27.27 percent. Since the law requires "at least 30 percent," the interpretation most consistent with the objective of affirmative action is to round the figure upward.

In the politics of representation, rounding down is not merely a mathematical issue. It can function as an administrative mechanism for reducing the number of women on candidate lists. When the state permits such a practice, affirmative action policies lose their substantive meaning. Therefore, rounding upward is necessary to ensure that the requirement of "at least 30 percent" does not become "less than 30 percent, yet still considered valid."

The Gorontalo case also illustrates the risks of addressing nomination-related problems only after an election has taken place. In its ruling on the Regional Legislative Council (DPRD) Election Results Dispute (PHPU) for

Gorontalo Province Electoral District 6, the Constitutional Court ordered a re-vote due to issues concerning compliance with the women's quota requirement. This case demonstrated that violations at the candidate nomination stage can escalate into a broader crisis of electoral legitimacy. Politically, correcting such problems after the election is far more costly than enforcing compliance during the nomination process.

For this reason, Decision Number 128/PUU-XXIV/2026 can be understood as an effort to shift the enforcement of affirmative action from the downstream stage of electoral disputes to the upstream stage of candidate registration. The General Elections Commission (KPU) no longer needs to wait for post-election litigation to ensure that the women's quota is respected. Political parties, likewise, can no longer gamble on defective candidate lists while hoping that the issue will go unchallenged. Candidate nomination becomes more orderly because non-compliance now carries direct consequences.

**Political parties that fail to fulfill their obligations are no longer merely warned or asked to make corrections without facing serious repercussions.**

For the women's political movement, the ruling creates a more concrete avenue for advocacy. The focus of oversight is no longer limited to how many women are ultimately elected, but also extends to whether political parties provide fair access during the preparation of candidate lists. Women's organizations, election observers, and voters can exert pressure on both the KPU and political parties from the verification stage onward. In this way, women's representation is not only defended after elections take place, but from the very moment the rules and structure of political competition are established.

Nevertheless, the ruling does not automatically resolve all of the challenges faced by women in politics. Meeting the nomination quota does not necessarily guarantee electoral success if women are placed in non-strategic positions on candidate lists or are denied adequate campaign resources. Political parties may still comply with the 30 percent requirement in a formal sense while neglecting the quality of political support provided to women candidates. Therefore, this decision should be viewed as an important step forward rather than the final destination of the struggle for gender equality in politics.

Even so, its significance remains substantial. For the first time, the women's candidate quota is accompanied by a more meaningful consequence within the logic of the electoral system. Political parties that fail to fulfill their obligations are no longer merely warned or asked to make corrections without facing serious repercussions. In political terms, the ruling raises the cost of non-compliance to a level that is too high to ignore.

Ultimately, the decision affirms that electoral democracy should not be assessed solely by what occurs on election day. Democracy is also shaped by who is given the opportunity to appear on the ballot in the first place. If women are excluded at the nomination stage, voters are left with choices that are unequal from the outset. Sanctions for violating the 30 percent quota should therefore be understood as a political instrument to ensure that democracy operates more inclusively from its very first gateway. ●