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# Reconsidering the 30% Gender Quota: A Feminist Legal Analysis of Women's Parliamentary Representation in Indonesia

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## Abstract

**This study examines** the ratio legis underlying the 30% quota for women's parliamentary representation and the causal dimensions of this figure not being met. Why was 30% set as the benchmark for female representation in parliament? Has 30% female representation in parliament been achieved in Indonesia's legislative elections? If not, why is this the case?

**The method** Framed within a normative paradigm, the study analyzes primary/secondary/tertiary legal documents through philosophical, conceptual, and legislative approaches, applying a qualitative, explanatory–descriptive analysis.

**Novelty** the present study will examine the ratio legis that underpins the 30% representation figure, and the causal factors that contribute to the failure to meet this figure. The following analysis will employ a radical feminist legal theory. The analysis that follows consolidates the relevant research landscape.

**The Results** A thirty-percent threshold for women's participation is in place adopted by Indonesia is not a 'magical a priori' figure, but rather a minimum policy threshold that has emerged from mainstream global norms, supported by human rights obligations (CEDAW), and has an epistemological foundation regarding how numbers affect institutional dynamics (anti-tokenism). The causal justification for the failure of the 30% quota is influenced by a number of factors, including patriarchal culture, party pragmatism and legal structures.

**The Conclusion** the 30% ratio is intended as a corrective tool to shift from formal equality to substantive equality by creating a critical mass so that women's voices are not merely tokenistic. The failure of this threshold reveals a pseudo-neutral legal structure quotas in Indonesia bind candidate lists (descriptive representation) in an open list proportional system without locking in seats (substantive representation), allowing structural barriers political costs, patronage networks, and masculine culture to persist.

**Keywords:** Feminist Legal Theory; Women's Political Representation; Indonesian Parliament; Gender Quotas.

## Abstrak

**Tujuan penelitian** menganalisis rasionalitas hukum 30% representasi perempuan di parlemen dan dimensi kausal dari tidak tercapainya angka tersebut. Mengapa 30% ditetapkan sebagai patokan untuk representasi perempuan di parlemen? Apakah representasi perempuan sebesar 30% di parlemen telah tercapai dalam pemilihan legislatif di Indonesia? Jika belum, mengapa hal ini terjadi?

**Metode penelitian** bercorak normatif, memanfaatkan bahan hukum primer, sekunder, dan tersier sebagai data pustaka; pengolahannya menempuh pendekatan filosofis, konseptual,

dan legislatif dalam kerangka analisis kualitatif eksplanatori-deskriptif.

**Kebaruan** studi ini akan mengkaji rasio legis yang mendasari angka representasi 30%, serta faktor-faktor penyebab yang berkontribusi terhadap kegagalan mencapai angka tersebut. Analisis berikut akan menggunakan teori hukum feminis radikal. Esai ini akan memberikan gambaran komprehensif tentang literatur yang relevan mengenai topik ini.

**Hasil** dari kuota 30% untuk representasi perempuan yang diadopsi oleh Indonesia bukanlah angka 'magis a priori', melainkan ambang batas kebijakan minimum yang muncul dari norma global yang dominan, didukung oleh kewajiban hak asasi manusia (CEDAW), dan memiliki landasan epistemologis mengenai bagaimana angka-angka memengaruhi dinamika institusional (anti-tokenisme). Alasan kausal kegagalan kuota 30% dipengaruhi oleh sejumlah faktor, termasuk budaya patriarki, pragmatisme partai, dan struktur hukum.

**Kesimpulan** rasio 30% dimaksudkan sebagai alat korektif untuk menggeser dari kesetaraan formal ke kesetaraan substantif dengan menciptakan critical mass agar suara perempuan tidak hanya bersifat token. Kegagalan ambang ini menunjukkan struktur hukum yang pseudo-netral: kuota di Indonesia mengikat daftar kandidat (representasi deskriptif) dalam sistem proporsional daftar terbuka tanpa mengunci kursi (representasi substantif), sehingga hambatan struktural biaya politik, jaringan patronase, dan budaya maskulin tetap berlanjut.

**Keywords:** Teori Hukum Feminis; Perwakilan Politik Perempuan; Parlemen Indonesia; Kuota Gender.

## 1. INTRODUCTION

Evidence indicates that women continue to be regarded as second-class citizens in the political sphere. The ratio of female representation in parliament has not met the standard set by regulations, which is a quota of 30%.<sup>1</sup> The chain of rules governing the 30% quota for Provision for women's seats in Indonesia's parliament is in place, from constitution to the technical regulations. The 1945 Constitution does not explicitly mention the figure of '30%', but it does guarantee equal opportunities in government as a constitutional basis for affirmative action in electoral law.<sup>2</sup> Following this, CEDAW was ratified in Indonesia under Law 7/1984., thereby recognising temporary special measures (TSM), including quotas, as a legitimate means of accelerating de facto equality.

This assertion is further substantiated by General Recommendation No. 25, as stipulated by the CEDAW Committee. Furthermore, Law No. 7/2017, in Article 245, explicitly states that the list of prospective candidates (DPR/DPRD) must include a minimum of 30% women per electoral district. This principle is further elaborated in Article 246, paragraph (2), which stipulates that for every sequence of three consecutive names, at least one individual of the female gender must be present (the '1 in 3' rule), with the objective of achieving a balanced representation. The legitimacy of this obligation is confirmed by the General Elections Commission (KPU) at the nomination stage. The PKPU 10/2023 regulation stipulates the procedures for the nomination process. In the initial stages, the decimal places were rounded

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<sup>1</sup> Aulia Muitiara Hatia Putri, "FYI! Persentase Perempuan Di Kursi Parlemen Kurang Dari 30%," CNBC Indonesia, 2023, <https://www.cnbcindonesia.com/research/20230215123904-128-414001/fyi-persentase-perempuan-di-kursi-parlemen-kurang-dari-30>.

<sup>2</sup> Pasal 28 D ayat (3) Indonesia, "Undang-Undang Dasar Negara Republik Indonesia Tahun 1945" (1945).

for the purpose of achieving female representation, which, in certain instances, resulted in an effective reduction to 30%. The Supreme Court rectified this error via Decision 24 HUM/2023, which directed implementation of rounding up in order to preserve the significance of 'at least 30%'. Subsequently, A circular and technical guideline were promulgated by the Ministry of Health. Findings pertaining to the rounding scheme and its subsequent follow-up are documented in the DKPP decision and the related documents from the MU.

In the 2014 legislative elections (DPR RI), for instance, of the 2,467 female candidates, only 97 were successful (i.e. <40%). Each step in the calculation translates directly into the final tally of women's seats in parliament, which, in this instance, was only 17.03%.<sup>3</sup> After the 2019 polls, the share of seats held by women showed an upward trend. There were 118 women elected out of 575 members of the DPR RI (20.5%).<sup>4</sup> This is the highest number in the history of Indonesian elections in terms of female representation.<sup>5</sup> The same applies to the representation map in the DPD, Provincial DPR-D, and Regency/City DPR-D. The figures show that 18.03% of representatives in the Provincial DPR-D are women. Meanwhile, 15.25% of representatives in the Regency/City DPR-D and 30.88% in the DPD are women.<sup>6</sup> This fact still falls short of the thirty-percent quota for women's representation.

the trend in women's representation over time regulations still shows marginalization women after the 1950-2004 period.<sup>7</sup> As long as women are not represented in parliament, policies that support women's welfare will not be realised. In fact, if parliament is filled with women in a representative manner, the legislative, oversight and budgetary processes will better reflect issues that protect women's rights.<sup>8</sup> This situation occurs because the dimension of representation bears significant consequences for policy design that promote women's welfare as part of the implementation of universal human rights.<sup>9</sup> However, at the macro level,

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<sup>3</sup> Ella S. Prihatini, "Women Who Win in Indonesia: The Impact of Age, Experience, and List Position," *Women's Studies International Forum* 72, no. October 2018 (2019): 40–46, <https://doi.org/10.1016/j.wsif.2018.10.003>.

<sup>4</sup> Juniar Laraswanda Umagapi, "Representasi Perempuan Di Parlemen Hasil Pemilu 2019: Tantangan Dan Peluang," *Jurnal Kajian* 25, no. 1 (2020): 19–34, <https://jurnal.dpr.go.id/index.php/kajian/article/view/1886>.

<sup>5</sup> Perludem, "Perludem: Keterwakilan Perempuan Dalam Pileg 2019 Terbanyak Sepanjang Sejarah," Perludem.go.id, 2019, <https://perludem.org/2019/08/31/perludem-keterwakilan-perempuan-dalam-pileg-2019-terbanyak-sepanjang-sejarah/>.

<sup>6</sup> Umagapi, "Representasi Perempuan Di Parlemen Hasil Pemilu 2019: Tantangan Dan Peluang."

<sup>7</sup> Nalom Kurniawan, "Keterwakilan Perempuan Di Dewan Perwakilan Rakyat Pasca Putusan Mahkamah Konstitusi Nomor 22-24/PUU-VI/2008," *Jurnal Konstitusi* 11, no. 4 (2014): 715–36, <https://doi.org/https://doi.org/10.31078/jk1146>.

<sup>8</sup> Kunthi Tridewiyanti, "Kesetaraan Dan Keadilan Gender Di Bidang Politik ' Pentingnya Partisipasi Dan Keterwakilan Perempuan Di Legislatif,'" *Jurnal Legislasi Indonesia* 9, no. 1 (2012): 73–90, <https://e-jurnal.peraturan.go.id/index.php/jli/article/view/377/259>; Neni Nuraeni, "Partisipasi Politik Wanita Indonesia Di Parlemen Dan Relevansinya Dengan Pandangan Ulama Tentang Peran Wanita Dalam Politik," *ADLIYA: Jurnal Hukum Dan Kemanusiaan* 11, no. 1 (2019): 119–36, <https://doi.org/10.15575/adliya.v11i1.4855>.

<sup>9</sup> Rizki Yudha Bramantyo, Irham Rahman, and Fitri Windradi, "Komisi Nasional Hak Asasi Manusia Sebagai State Auxiliary Agencies Pada Sistem Ketatanegaraan Indonesia," *Morality Jurnal Ilmu Hukum* 9, no. 1 (2023): 38–48, <https://doi.org/http://dx.doi.org/10.52947/morality.v9i1.355>; Niken Savitri, *HAM Perempuan Kritik Teori Hukum Feminis Terhadap KUHP*, ed. Aep Gunarsa, Cetakan Pe (Bandung: Refika Aditama, 2008), [https://perpustakaan.komnasperempuan.go.id/web/index.php?p=show\\_detail&id=7176](https://perpustakaan.komnasperempuan.go.id/web/index.php?p=show_detail&id=7176); A Hevriansyah, "Hak Politik Keterwakilan Perempuan Dalam Sistem Proporsional Representatif Pada Pemilu Legislatif," *Awasia: Jurnal Pemilu Dan Demokrasi* 1, no. 1 (2021): 67–85, <http://jurnal.banten.bawaslu.go.id/index.php/awasia/article/view/41>.

the 30% affirmative action policy for women is accepted, but at the micro level, the perception of this affirmative action is strongly opposed conceptually.<sup>10</sup> It deepens the deficit of female representation in the legislature. To this point, considerable research has addressed women's political participation and their seats in parliament. Some these studies have found that the public (political) sphere governed by law is not a neutral and value-free object, but is highly gender biased. The construction of the public (political) sphere is based on regulations that predominantly reflect the experiences of men, and therefore inherently represent patriarchal logic.<sup>11</sup> The determination of structural patriarchal ideological power often undermines the legal and political spheres, so that women's political capital is always determined by male political habitus.<sup>12</sup>

Not only the legal and political spheres, but also the criminal justice system is infiltrated by gender bias and orthodox patriarchy.<sup>13</sup> Therefore, women will continue to be marginalised when faced with the male-dominated paradigm in parliament. In addition, women are considered entities that belong in the domestic sphere (reinforcing patriarchal culture) because politics is a dialectical space that is particularly cruel to women, resulting in minimal female participation in the political sphere.<sup>14</sup>

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<sup>10</sup> Petra Meier, "A Gender Gap Not Closed by Quotas," *International Feminist Journal of Politics* 10, no. 3 (2008): 329–47, <https://doi.org/10.1080/14616740802185650>.

<sup>11</sup> Donny Danardono, *Teori Hukum Feminis: Menolak Netralitas Hukum, Merayakan Difference Dan Anti-Esensialisme*, ed. Sulistyowati, *Perempuan & Hukum: Menuju Hukum Yang Berperspektif Kesetaraan Dan Keadilan*, Cetakan-1 (Jakarta: Yayasan Obor Indonesia, 2006), [https://books.google.co.id/books?hl=id&lr=&id=V-pLSfj961gC&oi=fnd&pg=PA3&dq=Danardono,+Donny.+Teori+Hukum+Feminis:+Menolak+Netralitas+Hukum,+Merayakan+Difference+Dan+Anti-Esensialisme.+Edited+by+Sulistyowati.+Perempuan+%26+Hukum:+Menuju+Hukum+Yang+Berperspektif+Kesetaraan+Dan+Keadilan.+Cetakan-1.+Jakarta:+Yayasan+Obor+Indonesia,+2006.&ots=hfqElkV5mq&sig=8Bvsx1sOLWSEvyByyCn9z7g-0Bc&redir\\_esc=y#v=onepage&q&f=false](https://books.google.co.id/books?hl=id&lr=&id=V-pLSfj961gC&oi=fnd&pg=PA3&dq=Danardono,+Donny.+Teori+Hukum+Feminis:+Menolak+Netralitas+Hukum,+Merayakan+Difference+Dan+Anti-Esensialisme.+Edited+by+Sulistyowati.+Perempuan+%26+Hukum:+Menuju+Hukum+Yang+Berperspektif+Kesetaraan+Dan+Keadilan.+Cetakan-1.+Jakarta:+Yayasan+Obor+Indonesia,+2006.&ots=hfqElkV5mq&sig=8Bvsx1sOLWSEvyByyCn9z7g-0Bc&redir_esc=y#v=onepage&q&f=false).

<sup>12</sup> Rahmawati Baharuddin, "Wanita Dan Hukum Perspektif Feminis Terhadap Hukum," *Jurnal El-Harakah* 5, no. 2 (2003): 69, <https://doi.org/10.18860/el.v3i2.5143>; Dessy Ramadhani and Dian eka Rahmawati, "Modal Caleg Perempuan Dan Politik Patriarkhi Dalam Pemilihan Umum Di Indonesia : Keterwakilan Perempuan Pada Pemilu 2019 Di Kabupaten Sleman," *JISPO Jurnal Ilmu Sosial Dan Ilmu Politik* 10, no. 1 (2020): 40–61, [https://d1wqxts1xzle7.cloudfront.net/103857555/4298-libre.pdf?1688013487=&response-content-disposition=inline%3B+filename%3DModal\\_Caleg\\_Perempuan\\_dan\\_Politik\\_Patria.pdf&Expires=1770653404&Signature=JVfRGKT3D45~GwTlprCh7HJ6WSWrwiTyhqIvVwcm-Sd10UOAnpP2qIBYn3IIoi6qalDLttiFQ6ooYdIi-TvqfoWmB59fiQ8zyuZq~UyFPCZHN3s7DNQi1KtQGDKYdyp2GT~A87ikH8qb0zRq3xPEwlmJntGp7u56Q60DsubvGBdBUpn6BZGxEjnNEzVYluhRv5SVGvx2xqM1IK8YyJukeii8revM9rEkuGsTmA8ktg~~xWvhuJHT9j76spIE7eipkUIA3WAHPRa6Sv3q~rm-4XJ7vaZTzfwfqs~OyD0p-7KcbQWQ2nfEqTnsmB~-0804DcOODFMPH3feYSy6HvKA\\_\\_&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA](https://d1wqxts1xzle7.cloudfront.net/103857555/4298-libre.pdf?1688013487=&response-content-disposition=inline%3B+filename%3DModal_Caleg_Perempuan_dan_Politik_Patria.pdf&Expires=1770653404&Signature=JVfRGKT3D45~GwTlprCh7HJ6WSWrwiTyhqIvVwcm-Sd10UOAnpP2qIBYn3IIoi6qalDLttiFQ6ooYdIi-TvqfoWmB59fiQ8zyuZq~UyFPCZHN3s7DNQi1KtQGDKYdyp2GT~A87ikH8qb0zRq3xPEwlmJntGp7u56Q60DsubvGBdBUpn6BZGxEjnNEzVYluhRv5SVGvx2xqM1IK8YyJukeii8revM9rEkuGsTmA8ktg~~xWvhuJHT9j76spIE7eipkUIA3WAHPRa6Sv3q~rm-4XJ7vaZTzfwfqs~OyD0p-7KcbQWQ2nfEqTnsmB~-0804DcOODFMPH3feYSy6HvKA__&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA).

<sup>13</sup> Fenita Dhea Ningrumsari, Nur Azisa, and Wiwie Heryani, "Paradigma Teori Hukum Feminis Terhadap Peraturan Perlindungan Hukum Bagi Perempuan Korban Kekerasan Seksual Di Indonesia," *Jurnal Ilmiah Living Law* 14, no. 2 (2022): 103–16, <https://kekerasan.kemenpppa.go.id/ringkasan>.

<sup>14</sup> Siti Nimrah and Sakaria, "Perempuan Dan Budaya Patriarki Dalam Politik (Studi Kasus Kegagalan Caleg Perempuan Dalam Pemilu Legislatif 2014)," *The POLITICS: Jurnal Magister Ilmu Politik Universitas Hasanuddin* 1, no. 2 (2015): 2407–9138, <https://media.neliti.com/media/publications/102814-ID-perempuan-dan-budaya-patriarki-dalam-pol.pdf>; Abraham Nurcahyo, "Relevansi Budaya Patriarki Dengan Partisipasi Politik Dan Keterwakilan Perempuan Di Parlemen," *Agastya: Jurnal Sejarah Dan Pembelajarannya* 6, no. 01 (2016): 25, <https://doi.org/10.25273/ajsp.v6i01.878>; Zaenal Mukarom, "Perempuan Dan Politik: Studi Komunikasi Politik Tentang Keterwakilan Perempuan Di Legislatif," *Mediator* 9, no. 2 (2008): 257–70, [https://d1wqxts1xzle7.cloudfront.net/89624061/681-libre.pdf?1660473630=&response-content-](https://d1wqxts1xzle7.cloudfront.net/89624061/681-libre.pdf?1660473630=&response-content-disposition=inline%3B+filename%3D681-libre.pdf&Expires=1770653404&Signature=JVfRGKT3D45~GwTlprCh7HJ6WSWrwiTyhqIvVwcm-Sd10UOAnpP2qIBYn3IIoi6qalDLttiFQ6ooYdIi-TvqfoWmB59fiQ8zyuZq~UyFPCZHN3s7DNQi1KtQGDKYdyp2GT~A87ikH8qb0zRq3xPEwlmJntGp7u56Q60DsubvGBdBUpn6BZGxEjnNEzVYluhRv5SVGvx2xqM1IK8YyJukeii8revM9rEkuGsTmA8ktg~~xWvhuJHT9j76spIE7eipkUIA3WAHPRa6Sv3q~rm-4XJ7vaZTzfwfqs~OyD0p-7KcbQWQ2nfEqTnsmB~-0804DcOODFMPH3feYSy6HvKA__&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA)

However, these studies have not substantially analysed the 30% affirmation figure. In other words, why was 30% set as the benchmark for assessing women's legislative representation? This situation raises question what exactly the ratio legis calculation of 30% used as the basis for assessing the proportion women's presence in parliament as part of the vision of electoral regulations, political parties and parliament. Furthermore, has the 30% women's presence in parliament been achieved Indonesia's legislative elections? If not, why has this occurred, given that the affirmative action requirement should have been a visionary concern for various political parties, the government, and society? A complex interplay of factors is assumed to be the obstacle preventing this representation figure from being realised.

Both premises (the ratio legis of representation and the causality of not meeting that number) will be analysed radically using feminist jurisprudence/feminist legal theory/FLT. The relevance of this theory is that if the 30% figure correlates with the representation of rights, then in the construction of feminist legal theory, the 30% figure actually reinforces the idea that gender relations are distinct (there is a kind of significant binary opposition logic that reinforces the idea that men and women are different).<sup>15</sup> The state only provides limited representation of women's rights at that level. In fact, in terms of universal human rights, this condition does not exist, because the distribution of natural rights is inherent and given (preceding the formation of the state and society) without a 30% quota restriction.<sup>16</sup> This work targets an overlooked area in previous scholarship. The gap is the tracking of the ratio legis of 30% representation and the causal dimension of the unfulfilled figure.

In order to structure the explanation of this research, the initial discussion will begin with a descriptive, explanatory, conceptual, and analytical examination of feminist legal theory. This concept is essential for gaining a deeper understanding of the paradigms, theses, concepts, and postulates behind the construction of feminist legal theory. Next, the ratio legis of 30% representation that has begun to be adopted in regulations (the original intent of the construction of norms in legislation) will be explained.<sup>17</sup> This process will be combined with

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<sup>15</sup> Mary Poovey, "Feminism and Deconstruction," *Feminist Studies* 14, no. 1 (1988): 51–65, <https://doi.org/10.2307/3177998>; Richard Rorty, "Deconstruction: A Pragmatist View," *Hypatia* 8, no. 2 (1993): 97–103, <https://philpapers.org/rec/RORFIA>.

<sup>16</sup> Samantha Besson, "The Principle of Non-Discrimination in the Convention on the Rights of the Child," *The International Journal of Children's Rights* 13 (2005): 433–61, <https://brill.com/edcollbook/title/19132#page=90>; Muktiono, "Kritik Konseptualisasi Pemegang Hak Dan Pemegang Kewajiban Dalam Undang-Undang Hak Asasi Manusia," *Arena Hukum* 8, no. 3 (December 2015): 300–463, <https://doi.org/https://doi.org/10.21776/ub.arenahukum.2015.00803.3>.

<sup>17</sup> Putra Perdana Ahmad Saifulloh, Beni Kurnia Ilahi, and Sonia Ivana Barus, "Legal Standing Komisi Pemberantasan

analysis from feminist legal theory. In the next section, the causality of the failure to achieve these representation figures will be mapped out. Each argument will be combined with the 'analytical tool' of feminist legal theory.

## 2. METHOD

This inquiry is conducted through a normative legal framework, utilizing primary, secondary, and tertiary legal sources.<sup>18</sup> This secondary data will be approached philosophically, conceptually, and legally, relying on qualitative explanatory-descriptive analysis.<sup>19</sup> This study employs a normative legal research design, positioning law as a system of norms, principles, doctrines, and legal reasoning governing women's political representation in Indonesia. The research focuses not merely on positive legal provisions, but also on the philosophical and ideological foundations underlying the construction of the 30% women's representation quota in parliament. The normative character of this research is directed toward examining the ratio legis of affirmative action policies concerning women's representation and identifying the structural causes behind the persistent failure to achieve the 30% threshold in parliamentary institutions. Accordingly, the research investigates the interaction between legal norms, political structures, and patriarchal power relations through the lens of Feminist Legal Theory (FLT). This study utilizes three categories of legal materials. Primary legal materials consist of constitutional and statutory instruments related to women's political representation, including the 1945 Constitution of the Republic of Indonesia, Law Number 7 of 1984 concerning the Ratification of CEDAW, Law Number 7 of 2017 concerning General Elections, regulations issued by the General Election Commission (KPU), Constitutional Court decisions, and Supreme Court decisions relevant to affirmative action and electoral representation. Secondary legal materials include scholarly books, journal articles, doctrinal writings, and previous studies discussing feminist legal theory, affirmative action, gender quotas, representation theory, critical legal studies, and women's political participation.

Tertiary legal materials consist of legal dictionaries, encyclopedias, and supporting reference materials relevant to the conceptual clarification of the research object. The collection of legal materials is conducted through library research by systematically identifying, classifying, and reviewing legal documents and academic literature relevant to the

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Korupsi Sebagai Pemohon Pembubaran Partai Politik Di Mahkamah Konstitusi," *Jurnal Konstitusi* 20, no. 2 (2023): 319–39, <https://doi.org/https://doi.org/10.31078/jk2028>; Moh Raju Hazmi et al., "Paradoks Kewenangan Dalam Permohonan Penundaan Kewajiban Pembayaran Utang Terhadap Perusahaan Asuransi," *Amnesti Jurnal Hukum* 5, no. 1 (2023): 51–65, <https://doi.org/https://doi.org/10.37729/amnesti.v5i1.2486>; Raju Moh Hazmi and Zuhdi Arman, "Akses Internet Dalam Putusan Nomor 230/G/TF/2019/PTUN-JKT: Dimensi Filosofis Hak Asasi Manusia," *Ensiklopedia of Journal* 5, no. 3 (2023): 337–45, <https://doi.org/https://doi.org/10.33559/eoj.v5i3.1677>.

<sup>18</sup> Yuslim, "Gagasan Pengaturan Kewenangan Gubernur Sebagai Wakil Pemerintah Setelah Perubahan Undang-Undang Dasar 1945," *Yustisia* 2, no. 2 (2013): 80–90, <https://doi.org/https://dx.doi.org/10.20961/yustisia.v2i2.10190>; Dian Agung Wicaksono, Andi Sandi, and Antonius Tabusassa, "Mencari Jejak Konsep Judicial Restraint Dalam Praktik Kekuasaan Kehakiman Di Indonesia," *Jurnal Hukum & Pembangunan* 51, no. 1 (2021): 177–203, <https://doi.org/https://doi.org/10.21143/jhp.vol51.no1.3014>.

<sup>19</sup> Theresia Anita Christiani, "Normative and Empirical Research Methods: Their Usefulness and Relevance in the Study of Law as an Object," *Procedia - Social and Behavioral Sciences* 219 (May 2016): 201–7, <https://doi.org/10.1016/j.sbspro.2016.05.006>.

issue of women's parliamentary representation. The research prioritizes materials that specifically discuss the genealogy of Feminist Legal Theory, the development of affirmative action policies, quota systems in comparative constitutional practice, and empirical findings concerning women's representation in Indonesia.

This study employs several approaches. First, the statutory approach is used to analyze the hierarchy, consistency, and normative structure of regulations governing women's political representation. This approach is essential to identify how affirmative action policies are juridically constructed within Indonesia's electoral legal framework. Second, the conceptual approach is employed to examine concepts such as substantive equality, descriptive representation, substantive representation, critical mass theory, anti-tokenism, patriarchy, and gender justice. Third, the philosophical approach is utilized to explore the ontological, epistemological, and axiological dimensions underlying Feminist Legal Theory and the justification of affirmative action policies in democratic constitutionalism.

In addition, this research also adopts a critical approach derived from Feminist Legal Theory as the primary analytical framework. FLT is not merely positioned as a supporting theory, but as an analytical instrument to uncover patriarchal assumptions embedded within legal and political structures. Through this perspective, legal norms are not viewed as neutral instruments, but rather as products of social and political power relations that may reproduce structural inequalities against women. The technique of legal analysis in this research uses qualitative explanatory-descriptive analysis. Legal materials are interpreted systematically, philosophically, and critically to explain the relationship between legal norms and the socio-political realities surrounding women's representation in parliament. The analysis is carried out in several stages. First, the research identifies the normative foundations of the 30% quota policy. Second, it examines the philosophical justification and ratio legis underlying the adoption of the quota system. Third, it analyzes the structural and institutional factors contributing to the failure to achieve substantive women's representation despite the existence of affirmative regulations. Finally, the findings are critically interpreted through the framework of Feminist Legal Theory to reveal the persistence of patriarchal domination within Indonesia's legal and political structures. The research ultimately seeks to demonstrate that the issue of women's representation is not merely a technical electoral problem, but also a structural problem rooted in the pseudo-neutrality of law, unequal political access, patriarchal culture, and institutional power asymmetry

### **3. DISCUSSION**

#### **3.1. Genealogy of Feminist Legal Theory**

The FLT concept is an output of the feminist movement that led to the birth of a theory called FLT. This theory is included as part of the critical legal studies (CLS) paradigm.<sup>20</sup> The

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<sup>20</sup> Linz Audain, "Critical Legal Studies, Feminism, Law and Economic, and the Veil of Intellectual Tolerance: A Tentative Case For Cross-Jurisprudential Dialogue," *Hofstra Law Review* 20, no. 1017 (1991): 1019–1104, <https://scholarlycommons.law.hofstra.edu/hlr/vol20/iss4/5/>; Aisyah Chairil and Henri Shalahuddin, "Studi Kritis Feminist Legal Theory Menurut Perspektif Islamic World View," *Jurnal Mimbar Hukum* 33, no. 1 (2021): 188–215, <https://doi.org/https://doi.org/10.22146/mh.v33i1.1948>.

essence of CLS is to rethink law as a system within the dynamic moral-political values that are constellated in America. FLT is part of CLS that paradigmatically analyses the connection between power relations and legal products. This relationship is dependent on the concept of emancipation as the precursor to the critical paradigm.<sup>21</sup> Teleo-eschatologically, critical theory seeks to awaken humans as entities endowed with freedom to break free from the shackles of irrationality and move towards a rational society.

Reality (lebenswelt)/‘the world as it is’ is a construction of subjective knowledge inherent in humans that has an autonomous character. Philosophically, the absence of reality (something) that exists in and of itself is due to its dependence on the subjectivity of knowledge. Therefore, historicity cannot be understood deterministically but must be critically contemplated as an existential instrument of self-experience with a rational-dialectical nature. It is not surprising that critical theory challenges the established epistemology of traditional theory, which tends to be exclusive and hides certain ideologies/interests (the dichotomy between theory and practice, the validity of the status quo of truth, the autonomy of the subject reduced by the capitalist system).<sup>22</sup>

The main mission of critical theory is enlightenment. Human reality is obscured by the dominance of technology, culture, and society, so this theory seeks to reveal the entities that obscure it through awareness and emancipation of human dignity. In addition, critical theory seeks to reconstruct the role of industrial society and its products so that they can become tools for analysing human issues.<sup>23</sup> Thus, critical theory eschatology seeks to make society rational and critical of social phenomena that cannot be explained positivistically due to ideological bias and lack of emancipation.<sup>24</sup>

Based on the critical theory paradigm, feminists use it as an instrument to liberate women from legal regulations that they consider to be restrictive towards women.<sup>25</sup> In other words, critical reasoning, which is the basis of the theory, attempts to give a position to the concept of truth in pluralistic phenomena/experiences. Subjectivity is not considered a singular concept, but rather a particular one, so that its validity is recognised in postmodernist society.

The FLT concept seeks to claim that patriarchal domination has phenomenologically derogated female sexuality, so that this space of domination must be overcome and inhibited. This concept does not only target the cultural, political, and social spheres but also enters into legal discourse based vis-à-vis women’s status. Women’s experiences, morality become the

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<sup>21</sup> Chairil and Shalahuddin, “Studi Kritis Feminist Legal Theory Menurut Perspektif Islamic World View.”

<sup>22</sup> Umar Sholahudin, “Membedah Teori Kritis Mazhab Frankfurt: Sejarah, Asumsi, Dan Kontribusinya Terhadap Perkembangan Teori Ilmu Sosial,” *Journal of Urban Sociology* 3, no. 2 (2020): 71–89, <https://doi.org/https://doi.org/10.30742/jus.v3i2.1246>.

<sup>23</sup> Andy Dermawan, “Dialektika Teori Kritis Mazhab Frankfurt Dan Sosiologi Pengetahuan,” *Jurnal Sosiologi Reflektif* 8, no. 1 (2013): 326–39, <https://doi.org/https://doi.org/10.14421/jsr.v8i1.1921>.

<sup>24</sup> Irvan Tasnur and Ajat Sudrajat, “Teori Kritis: Perkembangan Dan Relevansinya Terhadap Problematika Di Era Disrupsi,” *Jurnal Yaqzhan* 6, no. 1 (2020): 34–51, [https://www.syekhnurjati.ac.id/Jurnal/index.php/yaqzhan/article/view/5894/TEORI KRITIS%3A PERKEMBANGAN DAN RELEVANSINYA TERHADAP PROBLEMATIKA DI ERA DISRUPSI](https://www.syekhnurjati.ac.id/Jurnal/index.php/yaqzhan/article/view/5894/TEORI%20KRITIS%3A%20PERKEMBANGAN%20DAN%20RELEVANSINYA%20TERHADAP%20PROBLEMATIKA%20DI%20ERA%20DISRUPSI).

<sup>25</sup> Chairil and Shalahuddin, “Studi Kritis Feminist Legal Theory Menurut Perspektif Islamic World View.”

foundation for constructing a theory to prevent oppression against women.<sup>26</sup>

The historical roots of FLT are linked to the feminist movement. This movement is based on rationality regarding the oppression experienced by women in the family and workplace.<sup>27</sup> This rationality stems from the assumption that women are often marginalised due to oppression within a particular system. This system creates injustice, placing women in an unequal position within civilisation. Feminism is useful for revealing these unjust relationships (factors and dimensions of causality).<sup>28</sup> In a political context, feminism seeks to argue that human rationality is correlated with freedom, ensuring equal political rights for men and women while repudiating depictions that cast either gender as inferior.<sup>29</sup> Therefore, it is not surprising that in a socio-political context, feminism seeks to give women freedom (liberation) from the pressure (supremacy/exploitation) of men that causes injustice.<sup>30</sup>

Feminists believe that justice for men and women should be equal. This means that the distribution of rights and obligations between the two groups must also be equal. This stems from the understanding that, overall, men and women are not different, but only in physiological and biological terms. The majority of these differences are formed due to socio-cultural effects, meaning that, biologically, men and women are different, but socially, they have equal rights. Patriarchal ideology must not be permitted to negatively and discriminatorily affect women by placing them in a subordinate position.<sup>31</sup> From a philosophical perspective, feminist thought is predicated on three key principles: identity, lebenswelt, and female empiricism.<sup>32</sup> The projection of 'how to exist' and "being" from the female perspective becomes the epicentre for the formation of 'reality' from the female mind.<sup>33</sup> From a feminist perspective, the foundational conceptualisation of the relationship between God, the world, and humanity is predicated on the notion of patriarchy, thereby engendering a paradigm within which women's institutional position and roles are measured and evaluated. Consequently, women are regarded in a derogatory manner with regard to their position and role. The overarching objective of feminist thinking is to re-examine this conceptual idea.<sup>34</sup>

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<sup>26</sup> Chairil and Shalahuddin; Hastanti Widy Nugroho and Siti Murtiningsih, "Paradoks Gender (Kajian Feminisme Etis Terhadap Kemunculan Inong Balee Dalam Kekerasan Politik Di Aceh)," *Jurnal Filsafat* 18, no. 3 (2008): 295–313, <https://doi.org/https://doi.org/10.22146/jf.3529>.

<sup>27</sup> Siti Fahimah, "Ekofeminisme: Teori Dan Gerakan," *Alamtara: Jurnal Komunikasi Dan Penyiaran Islam* 1, no. 1 (2017): 6–19, <https://ejournal.iai-tabah.ac.id/index.php/alamtaraok/article/view/220/175>.

<sup>28</sup> Nurhasnah Abbas, "Dampak Feminisme Pada Perempuan," *Al-Wardah: Jurnal Kajian Perempuan, Gender Dan Agama* 14, no. 2 (2020): 187–98, <https://doi.org/http://dx.doi.org/10.15548/jk.v3i2.64>.

<sup>29</sup> Saidul Amin, *Filsafat Feminisme (Studi Kritis Terhadap Gerakan Pembaharuan Perempuan Di Dunia Barat Dan Islam)*, ed. Hasbullah, Cetakan Pe (Peka: CV Mulia Indah Kemala, 2015), <https://id1lib.org/book/10980793/6fea26>.

<sup>30</sup> Ariana Suryorini, "Menelaah Feminisme Dalam Islam," *Sawwa: Jurnal Studi Gender* 7, no. 2 (2012): 21–36, <https://doi.org/10.21580/sa.v7i2.647>.

<sup>31</sup> Dawam Mahfud, Nafatya Nazmi, and Nikmatul Maula, "Relevansi Pemikiran Feminisme Muslim Dengan Feminis Barat," *Sawwa* 11, no. 1 (2015): 95–110, <https://doi.org/https://doi.org/10.21580/sa.v11i1.1448>; Widyastini, "Gerakan Feminisme Islam Dalam Perspektif Fatimah Mernissi," *Jurnal Filsafat* 18, no. 1 (2008): 67–70, <https://journal.ugm.ac.id/wisdom/article/view/3517/10271>.

<sup>32</sup> Sebastian Luft, "Faktizität Und Geschichtlichkeit Als Konstituentien Der Lebenswelt in Husserls Spätphilosophie," *Phänomenologische Forschungen* 2005, no. 1 (2005): 13–40, <https://doi.org/10.28937/1000107910>.

<sup>33</sup> Luft.

<sup>34</sup> Ivai Ariani, "Feminisme Dalam Pergelaran Wayang Kulit Purwa Tokoh Dewi Shita, Dewi Kunti, Dewi Srikandi,"

Feminist theologians regard religious dogma as constituting an epistemological framework that constructs knowledge in a manner that is biased with regard to the power relations between men and women. Consequently, this conceptualisation of knowledge frequently functions as a foundation for theological legitimacy, thereby exacerbating the marginalisation of women in actuality. This is due to the perception that religious doctrines are biased towards male interests.<sup>35</sup> It is evident that the genealogical origins of feminist thought are rooted in the pursuit of emancipation, with the objective being the liberation of women from the oppressive constraints imposed by patriarchal domination. This emancipation involves the dismantling of the discriminatory barriers experienced by women, thereby facilitating their return to a state of equality, justice, and dignity.<sup>36</sup> This feminist ideology provided the conceptual foundation for FLT. The following discussion will therefore attempt to address the question of the epistemology of this theory?.

FLT exhibits a distinctive perspective on reality. This character cannot be separated from the manner in which women perceive 'something'/reality. In other words, the reality that is formed must be based on the female perspective in a social context, resulting in three dimensions, namely standpoint, perception of reality based on empiricism, and postmodernism. Firstly, with regard to standpoint. According to FLT epistemology, reality is conceptualised as a world of personal experience that is specific and particular. Consequently, truth and reality, based on specific experiences, must be interpreted using a phenomenological (ontological-subjective) basis. This approach enables science to consider the particular 'lebenswelt' situation of women. Feminist epistemology aims to engender a form of knowledge that is equitable within the scientific paradigm, thereby challenging the purported neutrality and objectivity espoused by science from an ideological perspective.<sup>37</sup>

The assertion of scientific neutrality is not without its critics. This is due to the fact that Science is embedded in and constructed by society., meaning that the existence of knowledge intertwined with politics is interrelated. It is this interrelation that gave birth to feminist theory. Secondly, the issue of reality as perceived through the lens of empiricism must be considered. The FLT epistemology is predicated on empiricism as the primary basis of knowledge. To

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*Jurnal Filsafat* 26, no. 2 (2016): 273–90, <https://doi.org/https://doi.org/10.22146/jf.12786>.

<sup>35</sup> M Mukhtasar and Arqom Koeswanjono, "Teologi Feminisme Riffat Hassan Dan Rekonstruksi Pemahaman Atas Kedudukan Dan Peran Wanita," *Jurnal Filsafat* 29 (1999): 39–47, <https://doi.org/https://doi.org/10.22146/jf.31674>.

<sup>36</sup> Dhiyaa Thurfa Ilaa, "Feminisme Dan Kebebasan Perempuan Indonesia Dalam Filosofi," *Jurnal Filsafat Indonesia* 4, no. 3 (2021): 211–16, <https://doi.org/https://doi.org/10.23887/jfi.v4i3.31115>; Alimatul Qibtiyah, "Arah Gerakan Feminis Muslim Di Indonesia" (Yogyakarta: UIN Sunan Kalijaga bekerja sama dengan Kurnia Kalam Semesta, 2020), [https://digilib.uin-suka.ac.id/id/eprint/40972/1/ALIMATUL\\_QIBTIYAH\\_Arah\\_Gerakan\\_Feminis\\_Muslim\\_.pdf](https://digilib.uin-suka.ac.id/id/eprint/40972/1/ALIMATUL_QIBTIYAH_Arah_Gerakan_Feminis_Muslim_.pdf); Andik Wahyun Muqoyyidin, "Wacana Kesetaraan Gender: Pemikiran Islam Kontemporer Tentang Gerakan Feminisme Islam," *Jurnal Al-Ulum* 13, no. 2 (2013): 491–512, <https://journal.iaingorontalo.ac.id/index.php/au/article/view/198/179>; Ni Komang Arie Suwastini, "Perkembangan Feminisme Barat Dari Abad Kedelapan Belas Hingga Postfeminisme: Sebuah Tinjauan Teoritis," *Jurnal Ilmu Sosial Dan Humaniora* 2, no. 1 (2013): 198–208, <https://doi.org/https://doi.org/10.23887/jish-undiksha.v2i1.1408>.

<sup>37</sup> Chairil and Shalahuddin, "Studi Kritis Feminist Legal Theory Menurut Perspektif Islamic World View."

summarise, the assertion is that the provenance of legitimate knowledge is rooted in women's 'bodily experience'.<sup>38</sup>

Thirdly, the dimension of postmodernism must be considered. FLT adopts a postmodernist perspective in its understanding of reality. In principle, postmodernism may be defined as both a movement and a philosophical style that criticises the concept of grand narratives as a product of modernism. The central argument of this thesis is a rejection of the unification, totality, and universality promised by the modern scientific paradigm. This concept aims to interrogate the notion of universal knowledge attainment, which is often asserted to be attainable in the contemporary era. Consequently, it has the capacity to stimulate research that is more predisposed to address contemporary issues.<sup>39</sup> It can thus be concluded that relational concepts between the body, media, women, race, sex, culture, advertising and postcolonialism are concepts that can only be interpreted through the paradigms of critical theory and postmodernism. The postmodernism group subjects these concepts to rigorous criticism, adopting an attitude of appreciation for particular elements. The intellectual foundation of the scientific method that gave rise to universality is criticised and replaced with particularity.<sup>40</sup>

The three dimensions/perspectives of FLT give rise to three radical epistemological implications. Firstly, FLT is a theory that deconstructs the establishment of positive law. Radical criticism of positive law has been levelled by feminist groups due to its orthodox content. The deconstruction of law is a critical approach that aims to challenge doctrines upheld by the law that are characterised by injustice. Indeed, the justice created by the law is often influenced by ideological motives. The discriminatory nature of the law is exposed by the method of deconstruction, thus mandating feminist groups as part of social, political and cultural movements, as well as constitutional movements.<sup>41</sup>

The fundamental premise of deconstruction is predicated on the notion that the distinction between law and justice is inherently unstable, and the relationship between these two concepts is inextricably intertwined (radicalisation of binary opposition interpretation). The prevailing legal and judicial frameworks are characterised by inherent contradictions, with the distinctions that are established among them being mutually exclusive and collectively subverting the boundaries that they themselves have delineated. This process of destabilisation is known as *différance*. Deconstruction is not a concept that exists within the legal system or beyond it; rather, it occurs in the space between law and justice. The concept

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<sup>38</sup> Chairil and Shalahuddin; Catherine Hundleby, "Feminist Empiricism," *Companion to Feminist Studies* (Department of Philosophy University of Windsor, 2011), <https://doi.org/10.1002/9781119314967.ch13>; Richmond Campbell, "The Virtues of Feminist Empiricism," *Hypatia* 9, no. 1 (1994): 90–115, <https://doi.org/10.1111/j.1527-2001.1994.tb00111.x>.

<sup>39</sup> Chairil and Shalahuddin, "Studi Kritis Feminist Legal Theory Menurut Perspektif Islamic World View."

<sup>40</sup> Budi Rajab, "Perempuan Dalam Modernisme Dan Postmodernisme," *Sosiohumaniora* 11, no. 3 (2009): 1–12, <https://doi.org/10.24198/sosiohumaniora.v11i3.5421>; Henry A. Giroux, "Rethinking the Boundaries of Educational Discourse: Modernism, Postmodernism, Adn Feminism," *Collage Literature* 17, no. 2/3 (1990): 1–50, <https://www.jstor.org/stable/25111851>; Natalie Fenton, "The Problematics of Postmodernism for Feminist Media Studies," *Media, Culture & Society* 22, no. 6 (2000): 724–41, <https://doi.org/10.1177/016344300022006002>.

<sup>41</sup> Chairil and Shalahuddin, "Studi Kritis Feminist Legal Theory Menurut Perspektif Islamic World View."

of deconstruction is predicated on the notion of aporia, which is defined as the moment when the boundary between law and justice becomes indistinguishable.<sup>42</sup>

The interpretation of justice is adapted from the 'idea of infinite justice'. The concept of justice is thus rendered infinite through the process of deconstruction. In summary, the impetus for deconstruction is derived from the persistent call for justice and unmet demands that characterise contemporary society. The perpetual demand for justice compels a deconstruction of all prevailing conceptions of justice. This continuous suspension can thus be interpreted as an infinite movement of interpretation regarding laws, regulations, political order and the meaning of justice. Consequently, the progression of justice cannot be suspended. This unending demand for justice does not stem from the perpetual obligation to enhance our understanding of the principle of equality; rather, it is derived from the constant need to act with fairness in the presence of other concrete individuals.<sup>43</sup> Consequently, claims of universality and neutrality in law are rendered highly improbable, as the particularity of 'the other' becomes a significant opposition that affects the stability of the meaning of justice.

Secondly, the implication of FLT is that they believe the emergence of injustice is caused by patriarchy. It is evident that the field of legal theory has historically exhibited bias and a concentration on patriarchal law. The development of legal theory has been predominantly undertaken by men, a factor that has impacted women's social standing, relegating them to a secondary status. The central argument of this thesis is that legal constructs are created by men as controllers, thereby negating the position of women outside of male existence.<sup>44</sup>

Thirdly, FLT suggests that female empiricism in a sexual context is employed as a validating source for truth. The experience that is employed as a point of reference is that of oppression. Feminist theory is predicated on this phenomenon, which signifies the recognition of bodily autonomy. The principle of natural rights, which is considered to be above universal morality, serves to limit state intervention in the domestic sphere.<sup>45</sup>

### **3.2. Ratio Legis of the 30% Women's Political Representation**

The ratio legis of 30% that projects women's representation in parliament is of significant importance and must be disclosed. The legislative process is influenced by a complex interplay of interests, including political, economic, social and cultural factors, which significantly impact the establishment of legal norms.<sup>46</sup> Consequently, it is imperative to scrutinise the actions of actors in parliament during the legislative process in order to unmask the credo and background of a regulation that is to be enshrined as positive law.<sup>47</sup> The present study seeks

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<sup>42</sup> Raju Moh Hazmi, "Selubung Keadilan Dan Kerudung Aporia," *Isfcogito.org*, 2018, <https://isfcogito.org/selubung-keadilan-dan-kerudung-aporia/>; J. M. Balkin, "Transcendental Deconstruction, Transcendent Justice," *Michigan Law Review* 92, no. 5 (1994): 1131–86, <https://doi.org/10.2307/1289630>.

<sup>43</sup> Raju Moh Hazmi, "Refleksi Atas Antinomi Keadilan," *Isfcogito.org*, 2017, <https://isfcogito.org/refleksi-atas-antinomi-keadilan/>; Balkin, "Transcendental Deconstruction, Transcendent Justice."

<sup>44</sup> Chairil and Shalahuddin, "Studi Kritis Feminist Legal Theory Menurut Perspektif Islamic World View."

<sup>45</sup> Chairil and Shalahuddin.

<sup>46</sup> Moza Dela Fudika, Ellydar Chaidir, and Saifuddin Syukur, "Konfigurasi Politik Lahirnya Undang-Undang Cipta Kerja," *Jurnal Legislasi Indonesia* 19, no. 2 (2022): 185–97, <https://e-jurnal.peraturan.go.id/index.php/jli/article/view/4>.

<sup>47</sup> Muhamad Aljebra Aliksan Rauf and Rudini Hasyim Rado, "Menakar Peluang Masa Jabatan Presiden 3 Periode

to ascertain the precise nature of the ratio legis that establishes 30% as the valid benchmark for representing women's rights. The rationale behind the utilisation of the 30% figure as the sole metric for evaluating representation warrants examination. The following essay will provide a comprehensive overview of the relevant literature on the subject.

In retrospect, the depiction of women as depicted in this '30%' figure is not a priori. The 30% figure for women's representation adopted by Indonesia is not a 'magic' number, but rather a minimum policy threshold that has emerged from the mainstream of global norms, supported by human rights obligations (CEDAW), and has an epistemological foundation regarding how numbers affect institutional dynamics (anti-tokenism). Moreover, the operationalisation of the aforementioned concept within the domain of electoral law is a relatively straightforward process. Consequently, 30% is proposed as a transitional heuristic towards the realisation of full equality (parity). The concept under discussion is that of transitioning from formal equality to substantive equality.

Since the early 1990s, the United Nations has encouraged the establishment of a 'critical mass' of women in decision-making roles. ECOSOC (1990) established a target of 30% women by 1995 (and 50% by 2000) for decision-making positions, a policy benchmark for countries to progress beyond formal equality. The Beijing Platform for Action (1995) subsequently emphasised the importance of positive action in order to build a critical mass of women leaders in strategic positions, that is to say, positions of power and decision-making. The 30% figure was established as a practical international benchmark that was readily adopted across various legal jurisdictions. With regard to human rights, the United Nations Conference on the Status of Women (UNCSW) has been instrumental in affirming the legitimacy of temporary special measures, such as quotas, as a means of accelerating de facto equality. This affirmation is evidenced by General Recommendation No. 25, which was ratified by Indonesia through Law 7/1984. This finding indicates that the 30% quota can be utilised as a corrective measure to address the structural barriers encountered by women.<sup>48</sup>

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Dalam Konfigurasi Politik Hukum," *Al-Adalah: Jurnal Hukum Dan Politik Islam* 7, no. 1 (2022): 32–50, <https://doi.org/10.35673/ajmpi.v7i1.2054>; Solikhul Hadi, "Pengaruh Konfigurasi Politik Pemerintah Terhadap Produk Hukum," *Addin* 9, no. 2 (2015): 383–400, [https://d1wqtxts1xzle7.cloudfront.net/63263856/54276-ID-pengaruh-konfigurasi-politik-pemerintah20200510-7193-1iuqhjx-libre.pdf?1589145576=&response-content-disposition=inline%3B+filename%3DPENGARUH\\_KONFIGURASI\\_POLITIK\\_PEMERINTAH.pdf&Expires=1770651640&Signature=X0YXD5tKkAHGz1~Cwa82ttAstG8I~WKG5803qf3kqwdZyaQUbxO72IHYYRz0pfeXZU0~VfwCNdr7K~3eFawPane10VImNb9FkhOehYbQzwFgij5VajeQP9-gqMoAs-eJU14b9u8jMdaq3P920ub39u1CjeXWuhgmaMdvkAD0rtn0-XFWbjZ-71b4HTcyZAzw7mvH~ZsXU8Wnk6Z6EQRCgll1tkQfBOO27m1UTp233WbCJlpYNwgdI7-yhwCksT~IIatyG5UTm0zM7dcNhbyYtj60CdGMUYLa7BsAxaP6kjNVYFnr5pVrQPoLgAX6Nw2-PTCJhi4VmZk-b1nsyQKw\\_\\_&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA](https://d1wqtxts1xzle7.cloudfront.net/63263856/54276-ID-pengaruh-konfigurasi-politik-pemerintah20200510-7193-1iuqhjx-libre.pdf?1589145576=&response-content-disposition=inline%3B+filename%3DPENGARUH_KONFIGURASI_POLITIK_PEMERINTAH.pdf&Expires=1770651640&Signature=X0YXD5tKkAHGz1~Cwa82ttAstG8I~WKG5803qf3kqwdZyaQUbxO72IHYYRz0pfeXZU0~VfwCNdr7K~3eFawPane10VImNb9FkhOehYbQzwFgij5VajeQP9-gqMoAs-eJU14b9u8jMdaq3P920ub39u1CjeXWuhgmaMdvkAD0rtn0-XFWbjZ-71b4HTcyZAzw7mvH~ZsXU8Wnk6Z6EQRCgll1tkQfBOO27m1UTp233WbCJlpYNwgdI7-yhwCksT~IIatyG5UTm0zM7dcNhbyYtj60CdGMUYLa7BsAxaP6kjNVYFnr5pVrQPoLgAX6Nw2-PTCJhi4VmZk-b1nsyQKw__&Key-Pair-Id=APKAJLOHF5GGSLRBV4ZA); Lintje Anna Marpaung, "Pengaruh Konfigurasi Politik Hukum Terhadap Karakter Produk Hukum (Suatu Telaah Dalam Perkembangan Hukum Pemerintahan Daerah Di Indonesia)," *Pranata Hukum* 7, no. 1 (2012): 1–14, file:///C:/Users/Acer/Downloads/26748-ID-pengaruh-konfigurasi-politik-hukum-terhadap-karakter-produk-hukum.pdf.

<sup>48</sup> Melanie M. Hughes, Pamela Paxton, and Mona Lena Krook, "Gender Quotas for Legislatures and Corporate Boards," *Annual Review of Sociology* 43 (2017): 331–52, <https://doi.org/10.1146/annurev-soc-060116-053324>; Rangita de Silva de Alwis, "From Critical Mass to Critical Parity in Women's Leadership," *University of Pennsylvania Journal of Law & Public Affairs* 10, no. 3 (2024): 581, <https://doi.org/10.1001/jama.1884.02390440021003>.

From an epistemological perspective, 30% of the mechanisms under discussion are based on rational social processes. In instances where a group is minuscule in proportion (i.e. token), members are subjected to pressures in the form of visibility, stereotyping and social isolation. Conversely, an increase in the size of the group serves to mitigate the effects of tokenism and effect a shift in the dynamics of group interaction. In other words, numbers have a causal-mechanistic impact on collective behaviour (not merely symbolic).<sup>49</sup> The concept of 'from a small minority to a large minority' – approximately 30% – often marks the point at which women cease to be an anomaly, coalitions become more stable, and gender-sensitive agendas are more likely to enter the policy process. This is not an 'iron law', but rather an intermediate theory that explains why a threshold elevation in proportion can trigger changes in institutional behaviour.<sup>50</sup>

Pitkin's (2019) distinction between descriptive representation, i.e. the identity of the seated individual, and substantive representation, i.e. the nature of the dispute, is a seminal contribution to the field. The 30% quota is positioned as a probabilistic bridge, with the objective of increasing the chances that descriptive representation will transition into substantive representation. This is defined as a more gender-responsive agenda and legal products.<sup>51</sup> However, it is not solely the timing of these events that is of significance; the presence of 'critical actors' is also paramount. These are individuals who possess the ability to influence critical acts, such as the proposal of bills, the alteration of procedural rules, and the establishment of the agenda. The implication is that 30% require a supportive ecosystem (access to leadership positions, internal rules, resources) in order to maximise their substantive effect.<sup>52</sup>

Within a philosophical framework, the 30% quota operationalises corrective justice: the state is not neutral when social structures have long created inequalities in access. It is submitted that the purpose of law is to realise living justice (not merely formalities), and that affirmative policies are an institutional responsibility to normalise access and remedy unequal starting conditions. Pitkin's reading of the transition from descriptive to substantive representation posits that critical mass is to be understood as a probabilistic condition, rather than a guarantee, which in turn impacts women's possibilities and bargaining power in the political arena. When combined with critical actors, 30% becomes a stepping stone towards cultural renewal and more equitable policy outcomes.<sup>53</sup> Therefore, the figure of 30% is a rational transitional starting point: high enough to reduce tokenism and pave the way for substantive representation, while also being practical enough to enforce. The subsequent

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<sup>49</sup> Rosabeth Moss Kanter, "Some Effects of Proportions on Group Life: Skewed Sex Ratios and Responses to Token Women," *American Journal of Sociology* 82, no. 5 (1997): 965–90, <https://doi.org/10.4324/9781003516736-23>.

<sup>50</sup> Drude Dahlerup, "From a Small to a Large Minority: Women in Scandinavian Politics," *Scandinavian Political Studies* 11, no. 4 (1988): 275–98, <https://doi.org/10.1111/j.1467-9477.1988.tb00372.x>.

<sup>51</sup> Andrew Rehfeld, "The Concepts of Representation," *American Political Science Review* 105, no. 3 (2011): 631–41, <https://doi.org/10.1017/S0003055411000190>.

<sup>52</sup> Sarah Childs and Mona Lena Krook, "Critical Mass Theory and Women's Political Representation," *Political Studies* 56, no. 3 (2008): 725–36, <https://doi.org/10.1111/j.1467-9248.2007.00712.x>.

<sup>53</sup> Childs and Krook.

agenda entails not merely achieving a 30% target, but rather focusing on fortifying the design and ecosystem to ensure the significance of this figure. In the long term, the objective is to progress towards achieving parity. The relevance of this 'number' to substantive justice is therefore questionable.

FLT conceptualises gender inequality not merely as a violation of individual rights, but rather as a structural phenomenon of subjugation. The notion of 'neutral' laws is one that is often employed to perpetuate male norms as the general standard, or what is termed 'male normativity'. Consequently, the implementation of affirmative action (i.e. the provision of 30%) in order to modify the structure of presence (composition) in decision-making spaces can be regarded as a means for the law to rectify institutionalised inequality. Formal equality stipulates that all individuals are subject to the same regulations; in contrast, substantive equality ensures equitable outcomes by addressing systemic barriers. The 30% quota is a tool for achieving results; in the absence of numerical intervention, cultural, economic and political barriers continue to marginalise women. FLT underscores the prevailing 'public/private' dichotomy that results in the marginalisation of women's experiences (domestic violence, reproductive burdens, caregiving roles) within legislative frameworks. The following essay will provide a comprehensive overview of the relevant literature on the subject.

The meaningful presence of women is a prerequisite for epistemic justice, insofar as it is a means of bringing experiences that have been ignored to influence the normative agenda. The term 'woman' is not a homogeneous category. Intersectional FLT demands policies that engender diversity (class, ethnicity, disability, age, orientation/identity) so that quotas do not only benefit the elite, but expand the spectrum of representation. The underlying implication is that, in FLT, numerical values are not symbolic, but rather a structural lever: changing who sits at the decision-making table so that women's voices and interests become a normal part of the legislative process.

In negligible quantities, women occupy a marginal position and are susceptible to stereotypes, social isolation and the pressure to be visible. Increasing the proportion to a certain level has been demonstrated to effect a change in the dynamics of deliberation, with women no longer considered exceptions but rather as regular actors who are heard. It is often asserted that a minimum threshold of around  $\pm 30\%$  is required for the formation of a women's coalition, for gender-sensitive agendas to be more likely to be included, and for the role model effect to occur. FLT interprets this figure as a mid-range theory, which is sufficiently evidence-based to guide policy, yet not an iron law that applies uniformly in all contexts. The implementation of quotas has been demonstrated to enhance descriptive representation, as evidenced by an increase in the number of seats allocated to specific groups. This, in turn, has been shown to lead to an augmentation in substantive representation, encompassing agenda, articles, budget, and oversight, which is aligned with a pro-equality agenda. FLT acknowledges that numerical data is not definitive, yet they do influence opportunities and bargaining power on a systemic level. Contemporary FLT emphasises that, in addition to numerical data, the presence of key actors (both women and men) is necessary to propel key actions, including

the proposal of bills, the alteration of rules of procedure, the securing of budgets, and the promotion of accountability. Consequently, the 30% figure must be associated with rules and resources that facilitate substantive action. The ratio legis of 30% is intended to establish the initial conditions so that women are no longer a vulnerable minority, but rather a significant minority with the capacity to influence the legislative process and outcomes.

In order to ensure substantive equality and to correct the structural subordination of women in decision-making spaces, it is necessary to establish a minimum representation threshold that will empirically reduce tokenism and normatively strengthen deliberative and epistemic justice. The 30% threshold is a measurable and enforceable transitional measure, linked to placement mandates, equal funding, protection from political violence, and access to strategic positions, increasing the chances of substantive representation and gender-equitable legislation. In the development of Feminist Legal Theory, the concept of 30% has been employed as a means of effecting changes to power structures, thereby facilitating a transition from formal to substantive equality through the utilisation of anti-tokenism mechanisms and the enhancement of deliberative/epistemic justice. However, for this ratio legis to be efficacious, it must be combined with precise institutional design, a supportive ecosystem, and accountability for results, and be explicitly directed towards parity.

In other words, the 30% ratio legislated for is a corrective measure designed to shift the law from formal equality to substantive equality by making sufficient changes to the distribution of power (critical mass), ensuring that women's voices and experiences are no longer merely 'token' in political institutions. This figure is considered a transitional heuristic rather than a final objective and must be linked to institutional design and anti-discrimination guarantees to achieve substantive representation, rather than merely descriptive representation.

### **3.3. Determinants of the Non-Attainment of the 30% Women's Representation Quota in Parliament**

Since the 1955-2019 election period, the representation of women in the Indonesian parliament has fluctuated, with the number of women in the chamber varying from election to election.<sup>54</sup> However, none of the periods since the implementation of the 30% affirmative action quota in 2004 have met the target for women's representation in parliament. This means that the actual achievement rate is still far below expectations. The highest representation rate was achieved in 2019, with 118 female members winning seats in parliament and bringing the total to 20.5%.

However, the aspiration nearly materialised in the 2024 elections, with women constituting 127 out of 580 seats (21.9%) in the 2024–2029 Indonesian House of Representatives. This figure represents the highest recorded in history, yet it remains below the 30% threshold. For the 2019–2024 period, the number of female DPR members was 118 out of 575 seats (20.5%), as per the decision and dispute corrections made by the KPU. This indicates that the 2024 achievement rose by approximately 1.4 percentage points. However,

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<sup>54</sup> Umagapi, "Representasi Perempuan Di Parlemen Hasil Pemilu 2019: Tantangan Dan Peluang."

this figure did not meet the 30% policy quota that Indonesia applies to candidate lists per electoral district (not seats).<sup>55</sup> The question thus arises as to why this phenomenon transpired.

A multitude of interconnected factors have impeded the realization of the 30% quota for female representation in parliament. This phenomenon can be attributed to several factors. Firstly, the deeply entrenched patriarchal culture in Asia has shaped the perception that women are not suited to a role as political leaders in parliament. This dynamic exerts an influence on political parties, prompting them to favour male candidates due to the perception that the male demographic holds greater potential in terms of support.<sup>56</sup> Secondly, the pragmatism of political parties and the nature of partisanship mean that the recruitment of women is based on significant political capital (they must have family ties to the party and political costs).<sup>57</sup> The gatekeeping process (recruitment, funding, and placement) has been shown to reduce opportunities for women who do not possess extensive networks. Empirical evidence demonstrates that nearly half (44%) of women elected to the 2019 House of Representatives were affiliated with political dynasties. This finding suggests that the selection process was narrow and costly, thereby excluding numerous non-dynastic female candidates from positions that could have been secured. The 2019 quota impact study also found limited policy effects when placement and enforcement were weak, confirming the necessity of upstream quotas being accompanied by downstream instruments (placement and sanctions). Consequently, despite attaining the 30% threshold on their lists, placement strategies and cost structures maintained a low conversion rate to seats.<sup>58</sup>

In the context of the voter and campaign ecosystem, recent research findings on the 2024 elections indicate that gender bias among voters and parties exerts an equal influence

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<sup>55</sup> Delia Wildianti et al., *Potret Keterwakilan Anggota Legislatif Perempuan Hasil Pemilu Tahun 2024*, ed. Muhammad Wiega Permana (Media, 1st ed. (Jakarta: Kementerian Pemberdayaan Perempuan Dan Perlindungan Anak RI, 2024), [https://puskapol.fisip.ui.ac.id/wp-content/uploads/2025/08/20250321\\_012529\\_Profil-Tematik-KPPPA\\_Final-Version.pdf](https://puskapol.fisip.ui.ac.id/wp-content/uploads/2025/08/20250321_012529_Profil-Tematik-KPPPA_Final-Version.pdf); Puan Maharani, "Pidato Puan Maharani Ketua DPR RI Sidang Bersama" (Jakarta: DPR RI, 2025), <https://nasional.kompas.com/read/2025/08/15/11375651/pidato-lengkap-puan-di-sidang-tahunan-mpr-singgung-one-piece-hingga-nyanyi?page=all>; Fianda Sjojfan Rassat, "Keterwakilan Perempuan Di DPR 2024--2029 Tertinggi Sepanjang Sejarah," Antara News, 2025, <https://www.antarane.ws.com/berita/5039761/keterwakilan-perempuan-di-dpr-2024-2029-tertinggi-sepanjang-sejarah>.

<sup>56</sup> Ella Syafputri, "Keterwakilan Perempuan Di Parlemen: Komparasi Indonesia Dan Korea Selatan," *Indonesian Journal of International Studies* 1, no. 2 (2014): 165–76, <https://doi.org/https://doi.org/10.22146/globalsouth.28839>; Nimrah and Sakaria, "Perempuan Dan Budaya Patriarki Dalam Politik (Studi Kasus Kegagalan Caleg Perempuan Dalam Pemilu Legislatif 2014)"; Amareta Kristina, "Partisipasi Politik Dan Keterwakilan Perempuan Di Parlemen," *Wacana: Jurnal Ilmu Sosial Dan Ilmu Politik Interdisiplin* 09, no. 01 (2022): 380–95, <https://garuda.kemdiktisaintek.go.id/documents/detail/2909633>; Fatimah, Harpani Matnuh, and Akhmad Rudini Akbar, "Problematika Keterwakilan Perempuan Di DPRD Kota Banjarmasin," *Jurnal Pendidikan Kewarganegaraan* 4, no. 7 (2014): 500–509, <https://ppjp.ulm.ac.id/journal/index.php/pkn/article/view/434/357>.

<sup>57</sup> Syafputri, "Keterwakilan Perempuan Di Parlemen: Komparasi Indonesia Dan Korea Selatan"; Tim Penelitian Kelomok Kerja Riset M.H. Thamrin Associates, "Lapora Penelitian Keterwakilan Perempuan" (Sumatera Selatan, 2019).

<sup>58</sup> Sri Budi Eko Wardani and Valina Singka Subekti, "Political Dynasties and Women Candidates in Indonesia's 2019 Election," *Journal of Current Southeast Asian Affairs* 40, no. 1 (2021): 28–49, <https://doi.org/10.1177/1868103421991144>; Aditya Perdana and Ben Hillman, "Quotas and Ballots: The Impact of Positive Action Policies on Women's Representation in Indonesia," *Asia and the Pacific Policy Studies* 7, no. 2 (2020): 158–70, <https://doi.org/10.1002/app5.299>.

on candidates' nomination and electability. This effect is of particular significance in an open list system, given that voting is a personal matter. A recent international report on violence against women in politics (VAWP) in the 2024 elections has documented instances of intimidation and verbal attacks. These are frequently regarded as standard 'contest dynamics', despite the fact that they can have a tangible impact on the participation, retention and pipeline of female incumbents. The repercussions of this phenomenon are twofold: firstly, they serve to diminish the electoral prospects of female candidates, and secondly, they contribute to the exacerbation of the disparity between administrative compliance (30% on the list) and substantive results (seats) in terms of electoral outcomes. Kinship politics has become the basis of political commodities for increasing party electability, so that women within the kinship circle have a greater chance of being nominated as candidates based on loyalty rather than the ideology of female representation.<sup>59</sup> Consequently, the 30% representation of women is not indicative of the party's ideological stance or the capabilities of the female candidates, but rather a formality.<sup>60</sup> The present state of affairs has led to stagnation in the party's female membership.<sup>61</sup>

Thirdly, from a religious perspective, the zipper system remains incompatible with the principle of piety due to its exclusive reliance on gender considerations. This perception continues to influence the electability of women in parliament.<sup>62</sup> Indeed, the issue of women's political representation in parliament has been accused of being a liberal argument, with the majority of society still basing its considerations on this issue.<sup>63</sup> The prevailing paradigm suggests that the ideal candidate for leadership positions should be male.<sup>64</sup> It is not surprising that there is a pervasive societal perception that women are only fit to be housewives, not members of society, let alone political actors. The political structure of Indonesia is characterised by a highly exclusive network that is dominated by men.<sup>65</sup> Furthermore, the leadership roles within the political structure are predominantly occupied by men. The following essay will provide a comprehensive overview of the relevant literature on the subject.

Meanwhile, reflecting on Indonesia's practical experience, Indonesia's quota design binds candidate quotas, not seats, while the system used is proportional, open lists based on individual votes. This combination gives rise to a conversion gap: It is important to note that

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<sup>59</sup> Siti Zaetun and Chusnul Mariyah, "Politik Kekerabatan Dalam Keterwakilan Perempuan Pada Rekrutmen Politik Partai Nasdem Pada Pemilu 2019," *The Journalish: Social and Government* 1, no. 3 (2020): 119–29, <https://doi.org/https://doi.org/10.55314/tsg.v1i3.58>.

<sup>60</sup> Efendi and Atika Rahayu, "Analisis Keterwakilan Perempuan Dalam Pemilihan Legislatif," *Qawwam: The Leader's Writing* 2, no. 1 (2021): 29–44, <https://jurnalfuad.org/qawwam/article/view/87>.

<sup>61</sup> Daulat Nathanel Banjarnahor, "Analisis Faktor Penghambat Terpenuhinya Kuota Representasi Perempuan Di Dewan Perwakilan Rakyat Daerah Provinsi Sumatera Selatan," *Intelektiva: Jurnal Ekonomi, Sosial, Dan Humaniora* 01, no. 06 (2020): 79–87, <https://www.sthf.ac.id/jurnalintelektiva.com/index.php/jurnal/article/view/106/72>.

<sup>62</sup> Yenti Afrida, "Keterwakilan Perempuan Di Parlemen Dalam Perspektif Islam," *Jurnal Ilmiah Kajian Gender*, no. 10 (2020): 241–52, <https://doi.org/http://dx.doi.org/10.15548/jk.v3i2.64>.

<sup>63</sup> Benni Erick and Masyitah, "Keterwakilan Perempuan Dalam Partai Politik Perspektif Siyasah Syar'iyah," *Jurnal Sosial Humaniora* 3, no. 2 (2020): 200–212, <https://journal.unigha.ac.id/index.php/JSH/article/view/312/333>.

<sup>64</sup> Nurcahyo, "Relevansi Budaya Patriarki Dengan Partisipasi Politik Dan Keterwakilan Perempuan Di Parlemen."

<sup>65</sup> Laura Hardjaloka, "Potret Keterwakilan Perempuan Dalam Wajah Politik Indonesia Perspektif Regulasi Dan Implementasi," *Jurnal Konstitusi* 9, no. 2 (2012): 404–30, <https://doi.org/https://doi.org/10.31078/jk928>.

30% of women on the list do not automatically become 30% of the seats because the winner is determined by intra-party competition and personal votes, not the order of the list. The efficacy of quotas is enhanced by the implementation of placement mandates, such as the zipper pattern, or within a closed list system that facilitates the attainment of winnable positions for women. The situation in Indonesia is further compounded by the issue of rounding 30% in PKPU 10/2023, which initially allowed rounding down in most electoral districts, until it was subsequently overturned by the Supreme Court (Decision No. 24 P/HUM/2023) and the KPU issued a follow-up letter. However, the nomination phase had already commenced with inconsistent practices. In the 2024 PHPU hearing, the Constitutional Court also observed that the 30% requirement had been implemented and disregarded at the electoral district level. Furthermore, the Election Organizers Honorary Council concluded that the Supreme Court's ruling had not been adequately enforced by the Kejaksaan Agung at the initial stage. The primary upstream obstacle identified is the incongruence between the quota system and the electoral system architecture, which is further exacerbated by the ambiguity surrounding the implementation of its associated regulations.<sup>66</sup> The aforementioned factors, when considered in their totality, elucidate the reasons why, despite the observed upward trend, Indonesia has not yet surpassed the 30% mark.

From the FLT perspective, this situation indicates that the main reason for failing to reach the 30% threshold is the seemingly neutral legal structure: The Indonesian electoral system is characterised by a quota system that binds the list of candidates (descriptive representation) in an open list proportional system based on individual votes. This mechanism is designed to prevent the consolidation of seats (substantive representation). From an anti-subordination perspective, this design enables the maintenance of structured barriers (political costs, patronage networks, masculine culture). From a Kanterian standpoint, women remain tokens because the numbers on the list are insufficient to constitute an effective critical mass in seats. According to Pitkin, the transition from descriptive to substantive is impeded because placement mandates are inadequate and quota enforcement is uneven. FLT interprets this as a conversion gap: administrative numbers (i.e. those  $\geq 30\%$  on the list) fail to translate into effective power in the legislative space.

At the level of political organisations, within the FLT construct, party gatekeeping (the processes involved in the recruitment, numbering of 'winnable' candidates, and funding) filters female candidates upstream. In the absence of critical actors and access to strategic positions (AKD/commission leadership, agenda setting), quotas easily become symbolic compliance. At the sociocultural level, the presence of voter bias and violence against women in politics (VAWP) has been shown to engender a chilling effect that has the effect of suppressing participation and retention. This phenomenon can be considered a form of epistemic injustice, given that women's experiences and voices are not treated as legitimate sources of political

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<sup>66</sup> Diego Sanches Corrêa and Vanilda Souza Chaves, "Gender Quotas and Placement Mandates in Open and Closed Lists: Similar Effects, Different Mechanisms," *Electoral Studies* 66, no. February (2020): 1–10, <https://doi.org/10.1016/j.electstud.2020.102157>; Perdana and Hillman, "Quotas and Ballots: The Impact of Positive Action Policies on Women's Representation in Indonesia."

knowledge. Intersectionality has been identified as a factor that exacerbates the existing problem. When selection is dominated by networks and capital, women from certain classes, regions and minorities become increasingly marginalised. This means that '30%' does not automatically guarantee diversity capable of driving a substantive agenda.

#### 4. CONCLUSION

The 30% ratio legis is a corrective instrument that serves to shift the law from formal equality to substantive equality. This is achieved through sufficient changes in the composition of power (critical mass), with the aim of ensuring that women's voices and experiences are no longer merely 'token' in political institutions. This figure is regarded as a transitional heuristic, rather than an end goal in itself. In order to achieve substantive representation (as opposed to mere description), it must be linked to institutional design and anti-discrimination guarantees. The failure of the 30% threshold is indicative of a pseudo-neutral legal structure: In Indonesia, the quota system is characterised by its integration within an open list proportional electoral framework, as opposed to the 'lock-in' phenomenon observed in other systems. This approach is predicated on individual votes, thereby ensuring a more equitable representation of diverse interests within the political landscape. From an anti-subordination perspective, this design enables the maintenance of structured barriers (political costs, patronage networks, masculine culture). From a Kanterian standpoint, women remain tokens because the numbers on the list are insufficient to constitute an effective critical mass in seats. According to Pitkin, the transition from descriptive to substantive is impeded because placement mandates are inadequate and quota enforcement is uneven. FLT interprets this as a conversion gap: administrative numbers (i.e.  $\geq 30\%$  on the list) fail to translate into effective power in the legislative space.

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