

Strategising Local Regulations on Women's Representation in Village Policymaking as a Realisation of Sustainable Development Goals: A Study on Semarang Regency

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Abstract

Since 2015, Indonesia has been part of an international resolution called Sustainable Development Goals (SDGs), in which gender equality is a critical objective for the betterment of human lives. Accordingly, the Indonesian government has started to pay attention to women's political representation, and it has stipulated policies and regulations regarding women's political participation at every policymaking level. Starting from the state context, the issue of women's representation has recently been expanded to village policymaking through the stipulation of the Village Act (Law No. 6/2014). Given the escalating trend of decentralisation and democratisation of villages, local governments have also implemented initiatives regarding women's political participation, which have inspired the present article. This article explores the extent to which local regulation corresponds to the implementation of the Village Act concerning women representatives in the Village Representative Council (VRC). To investigate this, the research is conducted in Semarang Regency, where the local government has promulgated two policies in this regard. The research method used in this article is the sociolegal approach, whereby a statute or regulation is analysed through empirical facts, whether quantitative, qualitative or both. As a conclusion, we find that the mechanism of women's representation as stipulated by the Semarang regency government is more focussed on quality than quantity, thereby stressing the role of women representatives and women constituent groups, not only in the context of policymaking in the VRC but also in village politics at large.

Key words: *Policymaking, Women's Representation, Sustainable Development Goals, Gender Equality, Semarang Regency*

Introduction

The Sustainable Development Goals (SDGs) are a set of global goals set in 2015 through Resolution 70/1 of the United Nations General Assembly; the signing state parties are obliged to commit to achieving such goals by 2030 at the latest. SDGs encompass five basic principles of development, as follows: people, the planet, prosperity, peace and partnership. These basic principles are interdependent and inseparable for a harmonious progression between human and nature to reach a more sustainable life in the future. As an international resolution, the signed state parties have declared their commitments to alleviating poverty, hunger, illiteracy, injustice, inequality, and gender-based discrimination. As one of the signers, the Indonesian government has

supported the resolution by stipulating Presidential Decree No. 59/2017 on SDGs. As further response, the Indonesian government under Joko Widodo's presidency has also initiated national development strategy called *Nawacita*. This strategy puts forward the agenda of democratization, development equality and good governance through goals such as; restoration of public trust towards the integrity of democratic institutions, strengthening the developments on underdeveloped regions and villages, and eradicating corruption (Seregig, et al., 2018). This resolution has clearly had positive effects in Indonesia, as its human development index (HDI) is reported to have increased steadily since the inception of SDGs (United Nations Development Programme [UNDP], 2016). Notwithstanding the increase of Indonesia's HDI, the progression seems to be unevenly enjoyed among different groups of people. Apparently, the rates of gender-based discrimination and inequality are still significant (UNDP, 2016).

The Indonesian government is still committed on tackling this gender-based inequality and discrimination. This is evident in that the government has promulgated policies and regulations seeking to promote gender equality and alleviate gender-based discrimination. One of these is affirmative action on women's political participation. This policy is intended to generate an opportunity for women to be elected as representatives in legislative institutions at all administrative levels, from the highest entity – the state – to the lowest tier of government – the village. Regarding the latter, a provision for women's political participation is stipulated through the Village Act (Law No. 6/2014 on Villages) and its derivative regulations, Government Regulation No. 43/2014 and Ministerial Regulation of Home Affairs No. 110/2014, which mandate a substantive representation of women on the Village Representative Council (VRC), a village legislative institution. In addition, several local governments have engaged in initiatives to provide a policy in that regard. One of these is the Semarang Regency government, which has enacted two policies regarding women's political participation in the VRC, namely Regency Regulation No. 4/2018 and Regent Decree No. 21/2018, which represent the focus of this article.

Literature Review

Gender Equality and Sustainable Development

Gender equality is one of the critical indicators of sustainable development. Several studies have asserted the importance of gender equality as both a human rights issue and a precondition for sustainable development. However, it is often, if not always, the case that efforts to elevate the

status of women in society to be equal to men are hindered by the patriarchy prevailing in the social and legal system. The reports from the UNDP show that gender equality is also a critical factor of good governance, whereby reserving opportunities for women to be involved in policymaking can support the empowerment of society at large, and especially women (UNDP Indonesia, 2016; 2017; UN Women, 2016). This creates a potential to build a better social system in which human rights and gender equality become fundamental social norms that are institutionalised into social behaviours.

The SDGs include gender equality as one of the core goals. Sustainable development depends on an equitable distribution of resources, and it cannot be achieved without gender equality. Otherwise, the effects of unsustainable development will intensify the gender inequality, where the disproportionate capacity of citizens to realise their rights as women and men will be situated and perceived differently due to economic, social, and environmental shocks and stresses (Gupta & Vegelin, 2016).

Women's political representation is one of the ways of achieving gender equality and combatting gender-based discrimination. The quota system is the most common approach in policy for securing women's representation in institutions and policymaking (Choi, 2018; Kagema, 2018; Karakus, 2018; Bjarnegård & Zetterberg, 2014; Clayton, 2015; Dahlerup, 2005, 2007; Krook, 2008; Purwanti, 2015; Schwindt-Bayer, 2009; Siregar, 2005). The quota system basically allots opportunities exclusively to a certain group – that is, women – as a means of ensuring inclusivity so that their opinions and interests can be heard or included in a deliberative process. However, several previous studies have suggested that the quota system alone cannot ensure that women's interests – let alone women's rights – will be considered in the deliberations that occur (Bird, Saalfeld, & Wüst, 2010; Bjarnegård & Zetterberg, 2014; Celis, 2013; Clayton, 2015; Maggio, 2007; Pande, 2003). Strategising a policy supporting gender equality in politics through a quota system is not enough, as the problem lies in its foundation, concerning whether representation must be presented tangibly or substantively (Mansbridge, 1999; Sanbonmatsu, 2003; Wängnerud, 2010). The representativeness of political representation can only be secured if deliberative democracy is upheld, maintaining disagreement and consensus, checks and balances of claims, inclusivity and equal respect through streamlined communication between the representatives and the represented (Celis, Childs, Kantola, & Krook, 2008; Darcy, Welch, & Clark, 1994; Karpowitz & Mansbridge, 2005; Wängnerud, 2010).

Women's Political Representation in Sustainable Development Goals (SDGs)

Point 5 of the SDGs is 'achiev[ing] gender equality and empower[ing] all women and girls'. This goal point, along with the other 16 represents the three core elements that need to be harmonised to achieve sustainable development, which are economic growth, social inclusion and environmental protection. Considering the three core elements, the goal of achieving gender equality and women's empowerment is expanded into nine targets, one of which is 'ensur[ing] women's full and effective participation and equal opportunities for leadership at all levels of policy-making in political, economic, and public life'. Furthermore, this target has indicators of achievement, which are as follows: 1) the increasing proportion of seats held by women compared to men in national parliaments and local governments, and 2) the increasing proportion of women compared to men in managerial positions.

The signed state parties are expected to create and implement strategic policies, supported by integrated national funding and financing frameworks, to achieve the SDGs. Furthermore, there are three policy criteria that ought to be applied for advancing women's political representation, which are as follows: 1) gender-sensitive rules and procedures in parliament, 2) equal participation and empowerment of women as elected representatives and 3) legal frameworks for promoting gender equality in society. The first criterion is the principle pillar of a gender-friendly and non-discriminatory political environment that can substantiate a substantive representation in practice by validating the views, perspectives and priorities on gender equality. It is expected to create a gender-sensitive parliament able to respond to the interests of both men and women in its policymaking and remove the barriers to women's participation, thereby offering a positive example to society at large. The actions that can be taken to create a gender-sensitive parliament are as follows: 1) establishing a gender equality committee, 2) establishing a multi-portfolio committee, 3) creating a women's caucus or council and 4) establishing internal party networks that are not necessarily referred to in the political party, as these will be supportive, capacity-building groups for women representatives. The second criterion refers to increasing the proportion of women representatives and their capacity. In this criterion, actions that are often taken include temporary special measures or affirmative action. A common form of affirmative action that is widely implemented is the quota system, which mandates a number of reserved positions or seats that are exclusively for women and make up a designated minimum amount, commonly about 25–50% of the total parliamentarians. Finally, the third criterion refers to the drafting and enactment

of laws regarding gender equality in society, the promotion of which is often conducted by women representatives with interest in issues related to gender-based discrimination and violence.

Research Method

Sociolegal research is the method employed in this article due to the need to determine the implications of law or regulation for the empirical context of social life (Banakar & Travers, 2005). This article focusses on the implementation of two local regulations of Semarang Regency, namely Regency Government Regulation No. 4/2018 and Regent Decree No. 21/2018. These are analysed in comparison with empirical data concerning the laws' on-site implementation. Primarily quantitative (statistical) data are presented as the empirical results.

Results, Discussion, and Conclusion

Women's Political Participation in Indonesian Village Law

Since the early 2000s, the Indonesian government has been embracing the global action toward democratisation as initiated through the Millennium Development Goals and their successors, the SDGs. Regarding action concerning point 5 of the SDGs, which relates to gender equality, the Indonesian government has taken an initial action by establishing affirmative action for women's political participation in legislative elections (Purwanti, 2015; Siregar, 2005). The current active affirmative action provision is stipulated in the Political Party Act (Law No. 2/2011) and Legislative Election Act (Law No. 7/2017). The provisions regulate a form of legislative quota whereby a political party is mandated to include women up to 30% minimum of the total of party membership and its electoral candidates. Given the increasing number of women representatives in legislative bodies – which only mandated by the affirmative action (the Political Party Act and Legislative Election Act at the state, provincial and municipal levels – the issue of expanding women's participation to other fields of policymaking, such as the village level, is also attracting more attention. This has resulted in the inclusion of affirmative action provisions in the stipulation of the Village Act (Law No. 6/2014).

The momentum of the Village Act's promulgation corresponds to the issues of expanded democratisation, decentralisation and distribution of wealth through to the lowest tier of state-recognised community, which is the village and customary village (Antlöv, Wetterberg, & Dharmawan, 2016; Salim, Bulan, Untung, Laksono, & Brock, 2017; Vel & Bedner, 2015; Veljac,

2016). The stipulations of the Village Act have essentially democratised the village governance system, in which the separation of powers is maintained through the presence of an executive – a village government led by a village leader – and a legislative institution, namely the Village Representative Council (VRC). Like in a typical democratic government, the policymaking procedures on policy and regulations involve cooperation between the executive and legislative branches. The village leader and members of the VRC are elected differently: Where the former is elected through a ballot election, the latter is either selected through ballot election or the deliberation of community constituents. Moreover, the Village Act stipulates that the VRC must consist of an odd number of members in the range of five to nine people. Regarding the member formation of the VRC, the provision of affirmative action is implemented through the Village Act. Given the progressive policy advocacy of the bigger context of democratisation, the proposal of including women’s participation in village governance has also received substantial support. Eventually, this proposal was stipulated in the Village Act and its derivative regulations (Government Regulation No. 43/2014 and Ministerial Regulation of Home Affairs No. 110/2014), in which the stipulation of VRC – the ‘parliament’ of the village – includes one-woman representative as a minimum. It must be noted that the reserved seat is only provided for women representatives who have been elected by women constituents, female villagers that have been registered as voters. This indicates an intentional interpretation from the lawmakers which supposed a women representative as a direct representation of the voices, opinions, and objectives of women villagers for the betterment of their lives. However, although there is only one reserved seat for women representative, the Village Act does not exactly constrict women’s participation to one person *per se*. Article 58 paragraph (1) of the Village Act stipulates further about this as “*The number of members of the Village Representative Council shall be set in odd amount, at 5 (five) and at most 9 (nine), with considerations of the territory, women, population, and the financial capacity of the village.*” women candidates can also be elected by other types of constituent than women constituents. Therefore, the affirmative action within the Village Act’s electoral design is not based on descriptive representative whereby the representativeness is based on the shared similarities between the representative and the represented. But instead, the design is principally based on substantive representative whereby the representative is ought and bound to advocate the voices and agenda of the people they represented (See further in Celis et al., 2008; Jr. & Pitkin,

1969; Mackay, 2008; Sanbonmatsu, 2003; Tenenbaum & Griffiths, 2001; Urbinati & Warren, 2008; Wängnerud, 2010)

Furthermore, the VRC has the same type of rights and obligations as the usual parliament of state, such as the following: 1) the right to supervise, 2) the right to speak and state opinions and 3) the right to budget. Moreover, the VRC members also acquire individual rights as representatives, such as the following:

1. The right to propose a village legislation;
2. The right to question;
3. The right to speak and state opinions;
4. The right to elect and be elected;
5. The right to gain remunerations from the village budget; and
6. Additional privileges, such as the following: a) access to capacity-building facilities, such as education, workshops, policy briefs, technical mentoring, and on-site visitation, and b) prestigious recognition from the regional government (province or municipality) for outstanding achievements.

Furthermore, the VRC members also hold obligations as stipulated by the regulations, such as the following:

1. Holding and practicing the values of *Pancasila*, the 1945 Constitution, and maintaining social harmony;
2. Embodying democratic principles that promote gender equality and gender-based justice on practicing governance;
3. Prioritising social interests above those of the self or group;
4. Respecting the existing sociocultural values, customs and traditions of the village;
5. Maintaining the ethics and norms in cooperation with other village governmental institutions or village institutions; and
6. Safeguarding and conveying people's interests in accordance with the performance of good governance.

The policymaking procedures in the villages not only focus on the deliberation of the executive and legislative, but they also include community constituents in the deliberation. The site of such debate is called as the Village Deliberative Forum, which has the following functions; 1) allowing the government to consult the society – through the constituent representatives – on policy and

regulations, and 2) allowing the government to report its conduct and actions taken during the administration period. Hence, the Village Deliberative Forum is a type of general assembly in which the village government, VRC and representatives of community constituents can meet and deliberate on village affairs. The forum also manifests the right of the VRC to question the village government regarding governmental affairs. Regarding women's participation, women's constituents can also be involved in the forum, as mandated by the Village Act. Therefore, there is a dual way for women to participate in village policymaking, either internally as members of the VRC or externally through the Village Deliberative Forum.

The political system of village policymaking and administrative bureaucracy as stipulated in the Village Act shows characteristics that fit the custom and tradition of village as a tight-knit community. The deliberation process in policymaking is designed to be as accommodative as possible, where the communications between the representatives and the constituents – villagers and interest groups – are responsive and sensitive to the villagers' needs (Antlöv, 2003; Antlöv & Wetterberg, 2011; Antlöv et al., 2016; Salim et al., 2017). Given the democratic purpose of the Village Act, the political system's design is intended not only for community-driven development but also for the advancement of underprivileged, marginalised groups, such as women (Bebbington, Dharmawan, Fahmi, & Guggenheim, 2004; Salim et al., 2017).

Women's Political Participation in Semarang Regency

Semarang Regency is a district located in Central Java Province, Indonesia, and its area covers about 950.21 km². It consists of 19 sub-districts and 235 lower administrations (208 villages and 27 *kelurahan*)¹. Its population was statistically reported as 1 014 198 citizens in the latest census, which took place in 2017. In terms of gender, the population of Semarang Regency is reported to comprise 515 874 female citizens and 498 324 male citizens. Regarding the VRCs in Semarang Regency, every village is reported to have a VRC; thus, there are 208 Councils in total. The Village Deliberative Forum is also often held as needed for various occasions, such as when the VRC wants to question the village government regarding governmental affairs, or sometimes as an annual report event by the village government.

¹ *Kelurahan* is an equivalent administration of the village; thus, it is the lowest tier government available. *Kelurahan* does not have the same independency as the village, as it is heavily bureaucratized, authorized and supervised directly by the municipality/regency government.

Since the inception of the Village Act in 2014, the government of Semarang Regency has supported it with great enthusiasm. Soon, the Semarang Regency government adopted corresponding regulations for the implementation of the Village Act. Especially, the government of Semarang Regency has established local regulations corresponding to the VRC through the Regent Government Regulation of Semarang No. 4/2018 and Regent Decree No. 21/2018. Both are local regulations that are intended to specify the implementation of the VRC – the council, election, socialisation of the election, campaigns, voting system, tools, and so on – via specific procedures.

The local regulations specify electoral procedures of the VRC members concerning representation of two groups – women and the territory population. Regarding women’s representation, the local regulations stipulate the mechanism of election of women representatives as follows:

1. It is intended that women’s representation on the VRC will be secured by electing one female candidate as a representative;
2. The female representative will be a female villager who has fulfilled the requirements of applying for candidacy, by which she shall be proven to have experiences and expertise on voicing and advocating for women’s interests; and
3. The election of said female representative shall be done by female villagers who have a right to vote, in that they have been registered with the local electoral commission.

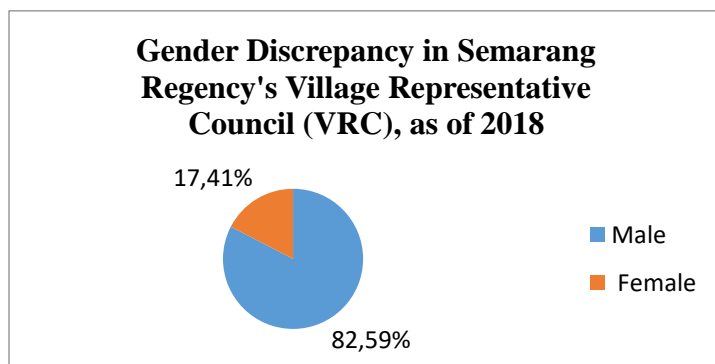
According to the Regent Government Regulation of Semarang No. 4/2018 and Regent Decree No. 21/2018, the election of woman representatives in VRC only includes female villagers – who have the right to vote and are authorised through citizen recognition – to ensure the representation of women not only in a physical sense, but also in interest alignment between the prospective representatives and the constituents. The election procedure starts from the selection of prospective female candidates. The two regulations stipulate that, under territorial consideration, there can only be one female prospective candidate to be delegated as the female candidate of that territory’s constituents. The delegation is determined by deliberative consensus of women’s constituents of the community group (*rukun warga*)² and neighbourhood group (*rukun tetangga*)³. The forum of

² A community group is a social unit where the population and territory constitute the administrative territory of a village or *kelurahan*. The community group usually consists of around 3–10 neighbourhood groups.

³ The neighbourhood group is the smallest social unit, consisting of around 10–50 families in a designated area.

this deliberation consists of two members of the Family Welfare Programme⁴, one representing the community group and the other representing the neighbourhood group, and two women's interest figures. Subsequently, the selected prospective candidate officially becomes the women's representation candidate from that territorial constituency. The next and final step is the village-level election, where one female candidate is selected as the women's representative of the Village Representative Forum. There are two mechanisms of election available, namely a consensus forum and a direct voting system. In either of these, the election of women representatives will be undertaken by village-level women's constituents, including one member of the village branch of the Family Welfare Programme, one member of the community group branch of the Family Welfare Programme and two women's interest figures.

In their implementation, the local regulations of Semarang Regency (Regent Government Regulation of Semarang No. 4/2018 and Regent Decree No. 21/2018) have proven to be effective for strategising policies to ensure women's representation in the VRCs. This is shown by statistical data. There were 1574 members throughout all the VRCs in Semarang Regency in 2018. However, the tenure periods of these members were not homogenous, as 1119 members were new representatives, with a tenure period of 2017–2023, and 455 were from the old tenure period of 2014–2020. The gender balance of the VRC members is illustrated in the following figures 1.1 and 1.2.



⁴ The Family Welfare Programme – or *Pembinaan Kesejahteraan Keluarga* abbreviated as PKK in Indonesian – is a community-based organisation that targets the empowerment of women – commonly housewives – and their families. This organisation is a staple of civil society organisations in most villages and other modern settlements in Indonesia.

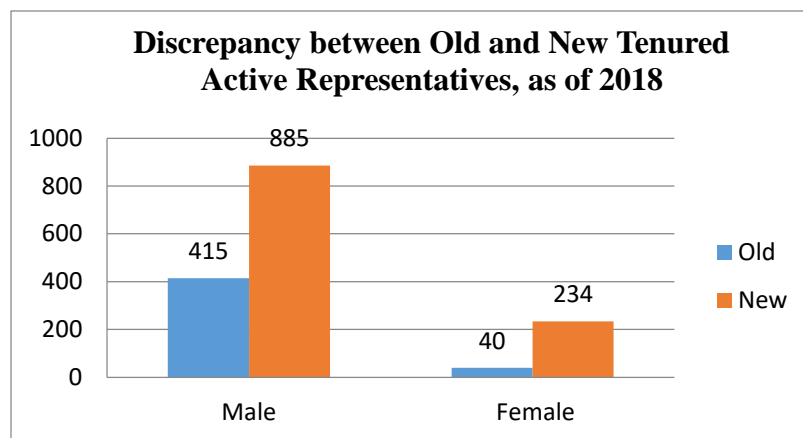


Figure 1.1 (top) and figure 1.2 (bottom). Source: Village Empowerment Agency, Semarang Regency Government, 2018

As displayed in the figures, there is indeed a discrepancy in terms of gender representation in the VRC of Semarang Regency. Women representatives only comprise 17.41% of the total representatives. However, there is a unique finding concerning the tenure discrepancy. As mentioned above, the composition of membership in the VRCs in Semarang Regency is mixed, with old and new tenure representatives. From the empirical research, it is reported that 30 villages out of 208 have old tenure representatives, all of which have no women's representation whatsoever. It must be noted that the old tenure was authorised in 2014, before the promulgation of the Regent Government Regulation of Semarang No. 4/2018 and Regent Decree No. 21/2018, at a time when the Village Act was not widely known or implemented. Furthermore, the gender discrepancy of old tenure representatives is much greater than that of new representatives: The former ratio is 10.375 to 1, while the latter is 3.78 to 1. Regardless, from the interview with the Head of the Village Empowerment Agency of the Semarang Regency government, the government intends to include women's representation more than in the old tenure councils, in which women's representation was non-existent.

The results of this research present preliminary data on the progression toward gender equality in politics through the context of the Semarang Regency. They indicate that the promulgation of local regulations (Regent Government Regulation of Semarang No. 4/2018 and Regent Decree No. 21/2018) in response to the Village Act have contributed to the proliferation of women representatives in Semarang Regency's villages. Moreover, the local regulations provide a more substantial improvement to the principles of representation via not only descriptive representation through physical resemblances – women representing women – but also a substantive representation in which the representative also embodies the intentions and interests of the

constituents she is representing. This is shown through the direct participation of constituents to the election and policymaking process. The local regulations of the Regent Government Regulation of Semarang No. 4/2018 and Regent Decree No. 21/2018 show an exhaustive mechanism of accountability checking for representatives in which deliberation and consensus are the core principles. This is unsurprising, however, as deliberation and consensus are the living customs in Indonesian villages' social systems (Antlöv & Wetterberg, 2011; Cohen, 1996). After all, the deliberative concept of representation works well in a tight-knit, custom-based community like a village (Cohen, 1996; Karpowitz & Mansbridge, 2005; Mansbridge, 2018). Through such mechanisms, the communication between the representatives and represented is kept streamlined and as fluid as possible; thus, the political and interest alignment between the representatives and the represented can be kept linear. This indicates that the mechanism for improving women's participation has been designed to be gender sensitive, both for female representatives and women constituents, so that the objectives of gender equality development can be realised concomitantly with the village's development at large.

Conclusion

In response to the trend of decentralisation and democratisation of local government, as mandated by the Village Act and SDGs, the issue of gender equality and women's political participation has also expanded to the village context. The government of Semarang Regency has responded to this by establishing the Regent Government Regulation of Semarang No. 4/2018 and Regent Decree No. 21/2018, two regulations in which women's political participation is established and ensured in the village decision-making process. The statistical data have shown a substantial improvement in women's representation in VRCs, as all newly tenured VRCs have at least one female representative. Assessing the situation from the perspective of the mechanisms and purposes stipulated by the Regent Government Regulation of Semarang No. 4/2018 and Regent Decree No. 21/2018, it can be concluded that these two regulations provide an exhaustive mechanism for ensuring women's political representation in both the quantitative and qualitative senses. The two regulations have adopted the living customary tradition of deliberative social politics and modern democracy governance, which affects the guarantee of accountability and representativeness of women representatives when it comes to putting women's interests forward in policymaking. Therefore, the women's political representation provisions in the Regent Government Regulation of Semarang No. 4/2018 and Regent Decree No. 21/2018 indicate a purposive establishment of a

political system that is inclusive and sensitive to women's issues, which are important for the development of gender equality and gender justice in the social life of women in the village.

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