

WOMEN AND POLITICS OF LAW: Affirmative Action for Women Political Participation¹

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Abstract

This paper aimed to discuss: 1) affirmative action for women's political equality in the Act of "Package of Politics", and 2) find the fundamental weaknesses and implications of such affirmative action to raise women's political equality.

The study is based on analysis of documents, both primary (Act of Package of Politics) and secondary (supporting literature, whether books or mass media). Perspective used in the study on the portrait of women and Indonesia politics of law is feminist legal theory or feminist Jurisprudence.

The results of study are as follow. First, the Act of Political Package contains affirmative politics for women to encourage the formal participation of women in politics: in the political superstructure institutions (MPR, DPR, DPD, and DPRD), the political infrastructure (political party), the organizer of the elections (KPU), and supervisor board of them (Bawaslu). Second, politics of law behind Act of Package of Politics deviates from the doctrine of neutrality and objectivity of law within the framework of justice principles (as believed by the school of legal positivism), instead, leads to the construction of feminist legal theory. Third, the construction of such laws does not necessarily guarantee political equality of women, even in some degree it is contradictive to respect of women. Fourth, there are fundamental weaknesses in regulatory form and systemic one as well. Some conspicuous weaknesses are the fragility of quota figure logics, the absence of firm enforcing offices, and the lack of imperative sanctions in those Acts for any violation against the provisions of women quota. Those would affect systemically to the whole form of respect to women.

Keywords : Women, Political Equality, Act of Package of Politics, Feminist Legal Theory.

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