# WOMEN AND POLITICS OF LAW:
## Affirmative Action for women's political participation[1]

**Halili** [2]

**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.

---

## Introduction: Again Gender Discrimination

---

[1] This paper is prepared for The Second International Graduate Students Conference on Indonesia (Indonesia and the New Challenges: Multiculturalism, Identity, and Self Narration) , which is conducted in Graduate School of Gadjah Mada University Yogyakarta, on November, 3rd to 4th, 2010. I thank Eny Kusdarini, my senior and colleague in Philosophy of Law lecture, for the opportunity to deepen study on feminist jurisprudence and other legal theories. I thank also the students of Philosophy of Law 2010 for discussions and inputs to this topic.

[2] Student of Graduate Program of Human Rights and Democracy, Department of Political Science, FISIPOL, UGM Yogyakarta, also Lecturer in Department of Law and Civic Education, Faculty of Social Sciences, Yogyakarta State University, email: halili.ysu@gmail.com, mobile: 081931752746.

The issue of discrimination against women is "old discourse" that continues to haunt human relations, not only in women and men relation, but in a very complex relationship between women with selfhood, community, social environment, and the state. Already since the 19th century, the world had talked about the elimination of discrimination. However, discrimination against women often and always occurs in our daily life, both in terms of distinction of the rights substance and in the context of space distinction, between the private and public.

The very apparent discrimination is inter alia (and especially) in the field of law, as a system of rules, which to some degree presents in the face of knowledge systems.[3] Politics of law with a framework of "legal positivism" allows the situation, especially with the doctrine of legal neutrality and objectivity of law.

However we look later that "feminist Jurisprudence/feminist legal theory" is quite dominant in various fields/branches of Indonesian law, i.e. in the field of politics that becomes the discussion focus of this paper, especially in the Act on "Package of Politics 2009" (consists of Acts of General Election, Political Party, Presidential Election, and Organizing Institustions of Election). The Acts contained the quota for woman political participation.

Affirmative action for women participation in political institutions and processes shows that the influences of feminist jurisprudence begin to color politics of law. In some other fields of law, accommodation of gender equality was gradually developed. The questions are how the portrait of affirmative action toward women's political participation is; what the weakness of acts is; and so what then. This short paper would discuss the issues.

**Dialectics between Feminist Jurisprudence and Legal Positivism**

Doctrines of legal positivism dominate state law, because its attribute is congruent with the nature of the regulations issued by the state, as an institution which is authorized forcing, binding and all-encompassing/all-embracing.[4] The dominance of legal positivism thought—as jurisprudence—is influenced by the contextual background (space and time) in the 19th century, where science (exact and natural sciences) dominate knowledge. Positivistic approach adopted in the social sciences for the sake of raising social sciences "more equal" with the exact/natural sciences.

Following the perspective of science (as well as social sciences) with its positivistic approaches[5], scholars of the legal positivism view that legal certainty

---

[3] Scientific logic within is closed and fixed, and therefore tends to reject the "logic" outside of science, such as morality, religion, morals, customs, social institutions and the like. See Carol Smart, *Feminism and Power of Law,* London, Routledge, 1989, p.4-5

[4] See i.e. Harold J. Laski, *The State in Theory and Practice,* New York, The Viking Press, 1947, p. 8-9. Compare to Miriam Budiardjo, *Dasar-Dasar Ilmu Politik*, Jakarta, Gramedia, 1996, p. 40-41

[5] Scientists believe science will solve the problems of life. In addition to increasing the exact/natural sciences, they made efforts to quantify methods in social sciences, fresh as the natural sciences, social sciences free from the subjective interests of scientists for objectivity and certainty measurable. Because of the social science of hermeneutics as far as possible be avoided, and are required to follow the positivistic-quantitative method of exact sciences, including jurisprudence. See i.e. Donny Danardono, “Teori Hukum

will be achieved if the law objectively identify, legitimize, and change social rights of the society into legal rights. The law will make it happen if it could apply the measured method which is free from any subjectivity. That is why one of the main doctrines of positivism of law is a matter of neutrality and objectivity of the law.

Neutrality and objectivity of the law will only be realized if the law is a closed and autonomous from the various perspectives of morality, religion, philosophy, politics, history and even gender. The law does not talk about the good-bad or fair-unfair. If a law is still valid, even though he was judged unfairly, still must be implemented. This thought is fundamental to the constitution of legal thought. It is a key reason why lawyers come to accept the official version of law as legal reality, why lawyers tend not to question the nature and purpose of law but take it as a given.[6]

In view of the positivist, legal certainty *(rechtszekerheid)* is important in applying the law. The more neutral indicates the higher certainty of law. Certainty is imposed by state law because the law made by institutions that have authority in accordance with state law system. Then law is seen as a command of law giver.[7]

Proposition of neutrality and objectivity gets hard criticism from thinkers of feminist legal theory (feminist jurisprudence). This school of thought scholars discussed the possibility of realizing the legal dimension of gender equality since the late 1960s to throughout the 1970s year, because neutrality and objectivity of the law has conceptually placed women as potential victims, and actually in many areas and circumstances are often discriminated women because of the special conditions they experienced, such as menstruation, pregnancy, and so forth.

Feminist struggle to respond several forms of legal discrimination was begun initially through the struggle of different rights with the rights of men because of biological and physiological differences. The different rights are in a form of "equal treatment" or "special treatment"—later known as affirmative action. Equal treatment is based on the perspective of liberalism that every individual has an equal position. Some of the special circumstances faced by women, according to liberal equal treatment perspective, are also experienced by men. Women's right to leave due to pregnancy or childbirth can be parallelized to the men's right to leave the work because of sickness. That's different from affirmative action adherents who view that men and women differ biologically and physiologically. State of menstruation and pregnancy, for example, are special

---

Feminis: Menolak Netralitas Hukum, Merayakan *Difference* dan Anti-Essensialisme" in Sulistyowati Irianto (ed.), *Perempuan dan Hukum: Menuju Hukum yang Berperspektif Kesetaraan dan Keadilan,* Jakarta, Yayasan Obor Indonesia, 2008, p. 5.

[6] Ngaire Naffine, "Law and The Sexes", in Hilaifre A Barnett, *Sourcebook of Feminist Jurisprudence,* London-Sidney, Cavendish Publishing Limited, 1997, p. 302

[7] Beside that constructed by an authoritative body or institution, legal certainty *(rechtszeckerheid)* could be also realized by synergy between law and several positivist sciences—exact/natural sciences and positivist approached social sciences—to legitimize every social behavior. See Dennis Lloyd, *The Idea of Law,* Harmondsworth, Penguin Books, 1973, p. 106-107

circumstances which are biologically different to men, therefore women should get affirmative action because of their special circumstances.[8]

By feminists such as Lucinda M. Finley, two perspectives, both equal treatment and special treatment, are judged inadequate in the context of a plural society because both of them put women in their various special circumstances as a point of departure to respond situations of discrimination against women. Women in relationship with men are stated as *the other* or *a different,* even as a threat one another, and so on. Men and women are placed in a binary opposition. So the two measures, both equal and affirmative, will supposedly assimilate these differences. Yet the real issue is about setting a very patriarchal space. Differentiation and definition of private space and public space often become the real problem that causes women to be in a situation of discrimination. Private space where women wrestle in was regarded as a separate sector and even considered to be lower than the public. So the fight for both equal and special actions regardless of the gender-biased space actually means supporting the patriarchal legal system.[9]

Perspective that places women as a relatively homogeneous identity is essentialism. Essentialism adherents put the only enemy of women is patriarchy. Whereas homogenization of women identity as problematic as patriarchy. The ideal consideration toward women should be in accordance with their heterogeneous experience of respective selfhood. Therefore, feminist law should be based on those experiences.[10] Anti-essentialism imagined this. The enemy of women, in addition to patriarchy, is also conceptualization and definition of the space, private and public, and where the women are put within.[11] In the view of anti-essentialism adherents, affirmative action through the law is not sufficient. Thus, essentialism in feminist legal theory/jurisprudence conceptualized a new law that is not much different from the positive law of patriarchy that they criticized as an objective and neutral.[12]

To accommodate the weaknesses of each, the feminist legal theory subsequently offers a method of hermeneutics and deconstruction. According to Carol Smart, the more fundamental thing needed, inter alia, is the redefinition of women's self relating to the law as a medium through hermeneutics as method. It does not merely employ deductive, inductive, and verification techniques, but departs from the experiences of individual women. In addition, deconstruction is required, e.g. in the form of redefinition of public and private space for women. Influenced by "Foucaultian discourse" Smart saw that the power lied behind the law. The law, she said, is the same as knowledge, in which there is power to

---

[8] Donny Danardono, *op.cit.*, p.10-11

[9] Lucinda M Finley, "Transcending Equality Theory: A Way Out of the Maternity and the Workplace Debate", in D. Kelly Weisberg (ed.), *Feminist Legal Theory: Foundations, Philadelphia, Temple University Press, 1993, p. 190-207.*

[10] Patricia Cain, "Feminist Jurisprudence: Grounding the theories", *ibid,* p. 359.

[11] Hillaire A Barnett, Introduction to Feminist Jurisprudence, London-Sidney, 1998, p. 57-67

[12] Martha Minow, "Feminist Reason: Getting it and Losing It", in Kelly Weisberg (ed.), *ibid, 339-345.*

disqualify other truths. Meanwhile the law could adopt inconsistently non-legal considerations. It could also deviate from its closed and autonomous logic which are indoctrinated by legal positivism.[13] In consequence, the "new" legal system enables each woman to define respectively herself. In addition, the disclosure of heterogeneous personal experiences of women should be done as a portrait of increased awareness of women and a form of the creation of new knowledge.[14]

**Half-Hearted Affirmative Action**

Political participation of women in the years of Soeharto's very long period is extremely low. When the spigot of political changes is opened in 1998, a strong desire among women to escalate women's political participation emerged. One of the mediums used is legal reform. Post reform acts on "political package" showed special concern toward women by setting quota of women's political participation.

The struggle of women quota arrangement is already done before the 2004 elections, as response to the low political participation of women who, at least, are seen in their representation throughout the institutions of political superstructure. The percentage of women representation in the Parliament, for instance, is only 9%.[15] Although feminists were not in one voice, the mainstream struggle of women demanded the enactment of women's representation quota in the Law of Political Package. The result is quota of 30% began accommodated in the process of 2004 Election.

Before 2009 elections, the quota of women's political participation were re-affirmed in the three Acts on Political Package, namely the Act on General Election for House of Representatives/DPR, Regional Representatives Council/DPD, and the Local Representatives Council/DPRD, the Act on Political Parties, and the Act on Election Organizers (which governs the General Election Commission/KPU and the Electoral Supervisory Board/Bawaslu).

The involvement of women at the level of DPR, DPD, and DPRD is scaled up to increase quantitatively through the Electoral Act. In the list of prospective candidates are also required to load at least 30% (thirty percent) of women's representation.[16] In more technical, in a list of prospective candidates, among every three candidates should affirm at least one female candidate.[17]

Before entering the parliamentary level, women's participation has been encouraged in the political party level. The Act on Political Party states that establishment and formation of political parties should include 30% of women's

---

[13] Carol Smart, *Feminism and Power of Law,* London, Routlege, 1989, p. 4-14. See also Carol Smart "Feminism and Power of Law" in Hillaire A Barnett, *op.cit.,* p. 81-84.

[14] Patricia Cain, "Feminism and Limits of Equality" in D. Kelly Weisberg (ed.), *op.cit, 244-246*

[15] Koran Tempo, October 1st, 2009

[16] Article 53 Act No. 10/2008 on General Election

[17] Article 55 paragraph (2) Act on General Election. See also provision of Article 57 (1) up to (3), Article 58 (2), and article 61(6) of the same Act, that attempt technically to guarantee compliment of the candidates quota through verification by Central KPU or KPU of Province/Regency/City.

representation.[18] The Act also requires that the central-level management of political parties also should include at least 30% women's representation.[19] Quota of 30% is also required in the Province and District level.[20] Aforementioned regulation is reinforced by the provision of article 8 paragraph (1) Act of General Election which states that political parties could be participants of elections after fulfilling certain requirements, including: involvement of at least 30% of women's representation on their management in central-level.

Furthermore, the Act of General Election Organizers states that the membership composition of KPU in central level, Province, and Regency/Municipality should consider women's representation at least 30%.[21] On a more technical level PPK should also consider the same quota.[22] Not only in the Commission and staff agencies to PPK, composition of Election Supervisory Body (Bawaslu) in central level and the Election Supervisory Committee (Panwaslu ) in provincial and municipal level must consider the representation of women at least also 30%.[23]

What can be understood from the portrait of the law on quotas for women's political participation? The Act on Political Package is obviously a positive law. But the contents of the Act are contrary to the doctrine of legal positivism, and vice versa lead to the realization of the preposition feminist legal theory. Two main doctrines of legal positivism are on "neutrality" and "objectivity" of the law that both idealized as a prerequisite for realization of legal certainty. With the special alignment of law to a particular gender, obviously the law is not neutral, because it has been partial on the basis of gender considerations. Therefore it can be said that 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 and leads to the construction of feminist legal theory. The acts contain affirmative action for women participation in the political infrastructure institutions, in the superstructure ones, and in the organizers of the elections.

From the perspective of feminists themselves, the discussion about the quota still actually problematic. Provisions within the package of Political Acts indicate the measure with special alignments (affirmative action) to women because of their gender. The mentioned partisanship still actually place women as *"the other"*, as a group of *"different"*. But simply, such action was considered as positive thing because it encouraged women to be more "open" and urged the system to treat women more equal to men. But for the anti-essentialists, such a law that gives certain space to women based on their gender (moreover with a certain percentage limitations) is not sufficient to provide justice for women, especially if it is contextualized to the heterogeneous experience of many women. The more substantive feminists, as like Carol Smart, discern the law with affirmative action will have not much effect to the justice of women in various

[18] Article 2 paragraph (2) Act No. 2/2008 on Political Party
[19] Article 3 paragraph (5) Act on Political Party
[20] Article 20 Act on Political Party
[21] Article 6 paragraph (5) Act No 22/2007 on the Organizers of General Election
[22] Article 43 paragraph (3) Act on the Organizers of General Election
[23] Article 73 paragraph (8) Act on the Organizers of General Election

fields. Singularize women's problems and experiences as problematic as discrimination against women themselves. Construction of law idealized by thinkers such as Cain, Finley, and Smart should be built on the experiences of women and could not be sufficient with an approach of 30% quota. Hermeneutics is obviously required in law methods.[24] Moreover, "the destruction" of legal mindset, the path offered by Smart for comprehensive justice for women (and men) without circumscribed by gender, is still obviously very far away.

The furthermore problem, precisely the most important, is how the implementation of the regulation is to increase the political participation of women up to the level of 30% as stated in the Acts. We can observe that realization of quotas is still far from what is prescribed by the regulation. Women's representation in DPR and DPD has quantitatively increased (see tabel.1 and 2). But overall fulfillment of quotas is still far from the provision. At the parliamentary level quota is not met, similarly, also in the management of political parties. But there never was a binding and forced sanction upon the occurrence of infraction to the 30% quota. Ministry of Justice and Human Rights, for instance, does not have the courage to restore the registration of political parties for their failure to meet a quota of women in their stewardship.

**Table 1:**
**Comparative Participation between Women and Men in DPR RI**

| PERIODS | Women | Men |
|---|---|---|
| 1955-1956 | 17 (6,3%) | 272 (93,7%) |
| 1956-1959 (Konstituante) | 25 (5,1%) | 488 (94,9%) |
| 1971-1977 | 38 (7,8%) | 460 (92,2%) |
| 1977-1982 | 29 (6,3%) | 500 (87%) |
| 1982-1987 | 39 (8,5%) | 460 (91,5%) |
| 1987-1992 | 65 (13%) | 500 (87%) |
| 1992-1997 | 62 (12,5%) | 500 (87,5%) |
| 1997-1999 | 54 (10,8%) | 500 (89,2%) |
| 1999-2004 | 46 (9%) | 500 (91%) |
| 2004-2009 | 61 (11,9%) | 489 (88,9%) |
| 2009-2014 | 101 (17,49%) | 459 (82,51%) |

Source: Data from 1955 to 2009 were cited from Secretary General of DPR RI[25], data 2009-2014 were from website of KPU[26].

[24] Although questions of women's participation are not actually the merely matter of legal perspective, but also the problem of cultures. There are many cultural barriers, inter alia cultural fact that women among society identify themselves as "not they are" but "another part of their husbands". A woman named "Linda" for instance, a wife of a man named "Totok" would be identified by her community or even identify herself as "Bu Totot/Mrs. Totok", not "Linda". Another barrier is several forms of distrust toward women leadership because religion in mostly society understanding did not give some authority to do a leadership as given to men.

[25] Ani Widyani Soetjipto, *Politik Perempuan Bukan Gerhana*, Jakarta, Kompas, 2005, p. 239

**Table 2:**
**Comparative Participation between Women and Men in DPD RI**

| Periods | Women | Men |
|---|---|---|
| 2004-2009 | 28 (21,2%) | 104 (78,8%) |
| 2009-2014 | 34 (26,8%) | 98 (74,2%) |

Source: Data for 2004-2009 period were cited from Research Report of UNDP Indonesia[27], while the last period was processed from Website of DPD RI[28]

The only quota that was quantitatively fulfilled is in the organizing institutions of General Election (KPU and Bawaslu) in accordance to the provisions of the Act (see Table 3 and Table 4). However, there were very important notices surfaced in the time of the election of commissioners of KPU and members of the Bawaslu. Electability of women at the moment was not solely because of their feasibility and expertise, but by a kind of compulsion caused by the provisions of the law. The situation is double-edged. On one hand that shows the ability of affirmative action in the Law of Political Package to some extent to compel respect for women's political participation. On the other hand, it gave birth to female banter. Some banter approximately said: "The choice upon many women in KPU or Bawaslu is not because they are the best candidates, but rather because the law wants them to sit there." Another prank also more or less said: "It is merely complying with the quantitative provisions of Act, although many male candidates are more qualitatively competent."

**Table 3:**
**Comparative Participation between Women and Men in KPU RI during Two Last Periods**

| PERIODE | PEREMPUAN | LAKI-LAKI |
|---|---|---|
| KPU of 2004 Election | 2 (22,2%) | 7 (77,8%) |
| 2007-2012 | 3 (42, 9%) [29] | 4 (57,1%) |

Source: Data was processed from website of KPU RI[30]

---

[26] http://mediacenter.kpu.go.id/data-olahan/789-statistik-anggota-dpr-2009-2014-hasil-pemilu-legislatif-perbandingan-perempuan-dan-laki-laki.html, accessed on October 25th, 2010

[27] Ani Soetjipto, et.al., *Pengarusutamaan Gender di Parlemen: Studi terhadap DPR dan DPD Periode 2004-2009,* Jakarta: UNDP Indonesia, 2010, p. 14

[28] http://dpd.go.id, accessed on October 25th, 2010

[29] Before Andi Nurpati dismissed from her position because of her involvement in stewardship of Democrat Party under leadership of Anas Urbaningrum, the former KPU commissioner who was previously retiring from his position due to his involvement in central board of Democrat Party too.

[30] http://www.kpu.go.id/, accessed on October 25th, 2010

**Table 4:**
**Comparative Participation between Women and Men in KPU RI during Two Last Periods**

| PERIODE | PEREMPUAN | LAKI-LAKI |
|---|---|---|
| Panwaslu 2004 | 1 (11,1%) | 8 (88,9%) |
| Bawaslu 2008-2013 | 3 (60%) | 2 (40%) |

Source: Data was processed from website of Bawaslu RI[31]

The tables show that the legal construction with a solid color of feminism does not necessarily guarantee substantive increase of women's political participation, even in some degree it is contradictive to respect of women. The situation further proven the occurrence of worries of some critical feminists' group which believe that quota of women is not sufficient answer to increase women's political participation. Not to mention if it is contextualized to anatomy of the legal system of mentioned affirmative action.

Construction of affirmative action law in Indonesia is very weak and fragile. Its fragility can be identified from several aspects. The *first* is concerning material aspects of the law. Figure of 30% which is mentioned in the Acts on Package of Politics raises some further unanswered questions: why 30%? Why not 50%, so encourage a high participation, as like in Sweden which reached the figure of 48%?[32] In addition, some provisions of Acts' articles contain semantic weakness on women's political participation. The used words in the Acts are mostly "*consider* women's representation..." The word "consider" can be meant as a soft encouragement.

Secondly, relating to the aspect of law enforcement officers. According to the Acts, it is unclear who should enforce these rules. The law does not give some obvious authority to the institutions which can punish a political party for instance in case of violations against regulations concerning affirmative action in its management. *Third*, there is no sanction and implication of quota provisions. Political parties and the Commission had violated the law by not fulfilling the quotas, but no any sanction upon them. Political parties had failed to meet the legal mandate to fulfill their quota of women in their management, particularly at the central level, but there is no any sanction for them on breaking the law.

The situations would affect systemically to the whole form of respect to women. Public do not believe that the affirmative action is a serious step to increase women's political participation. Women, on the other hand, would be more cynical to that attempt. Men would be also sarcastic to the phenomenon. Finally, affirmative action which is weak in regulatory aspects does impacts significantly to the development of political and legal system with component of equality for women. Even in the long term it will bring forth "banter" for women.

---

[31] http://www.bawaslu.go.id/, accessed on October 25th, 2010

[32] Inter-Parliamentary Union, "Institutional Change: Gender-sensitive Parliaments (chapter 5)", Report of 2008.

Such opinion that "women should probably unable to develop more extensive participation although the quota was provided" will subsequently rise.

**Conclusion: Important but Insufficient**

Affirmative action to raise women's political participation has encouraged increasing their representation in political infrastructure and superstructure through General Election. Percentage of women participation gradually increases. It indicates that such affirmative action is a pretty fair importance. But, it is far from enough to guarantee gender equality. Affirmative action is intermediating step, but it needs a forward step.

In the frame of law, the revision of the Acts should be done. On the other hand hermeneutic approach should be urgently in an ongoing process in the law methods, basically by putting women in heterogeneous identity. Furthermore, destruction process should be built to develop a comprehensive respect to women political equality through legal approach—although comprehensive (cultural, political, social, economic, etc.) approaches are also necessary.

The path of legal positivism development later is slanted by some shifts. Some figures of positive law's failure to realize substantive justice invite penetration of more critical and progressive thoughts. So, propositions of feminist jurisprudence could possibly intervene. Several gender-sensitive-policies might be accommodated through women involvement in spaces of policymakers. Therefore their higher level participation in public institutions, e.g. parliament or political parties, would allow presence of several fair debates among lawmakers to produce the most justly equal policy for women. In such spaces women not only could dialectically debate before men but also among sesame women to affirm their heterogeneous experiences. (*)

**References:**


Budiardjo, Miriam. 1996. *Dasar-Dasar Ilmu Politik*. Jakarta: Gramedia

Cain, Patricia. 1993. "Feminism and Limits of Equality", in Weisberg, D Kelly, (ed.). 1993. *Feminist Legal Theory: Foundations.* Philadelphia: Temple University Press

_____ 1993. "Feminist Jurisprudence: Grounding the theories" in Weisberg, D Kelly, (ed.). 1993. *Feminist Legal Theory: Foundations.* Philadelphia: Temple University Press

Danardono, Donny. 2008. "Teori Hukum Feminis: Menolak Netralitas Hukum, Merayakan *Difference* dan Anti-Essensialisme" in Irianto, Sulistyowati (ed.). *Perempuan dan Hukum: menuju Hukum yang Berperspektif Kesetaraan dan Keadilan.* Jakarta: Yayasan Obor Indonesia

Hillaire, A Barnett. 1997. *Introduction to Feminist Jurisprudence*, London-Sidney: Cavendish Publishing Limited

Martha Minow, “Feminist Reason: Getting it and Losing It” in Weisberg, D Kelly, (ed.). 1993. *Feminist Legal Theory: Foundations.* Philadelphia: Temple University Press

Koran Tempo, 1 Oktober 2009

Inter-Parliamentary Union. “Institutional Change: Gender-sensitive Parliaments (chapter 5)”. *Report of 2008.*

Laski, Harold J. 1947. *The State in Theory and Practice.* New York: The Viking Press

Lloyd, Dennis. 1973. *The Idea of Law.* Harmondsworth: Penguin Books

Finley, Lucinda M. 1993. “Transcending Equality Theory: A Way Out of the Maternity and the Workplace Debate”, in Weisberg, D Kelly, (ed.). 1993. *Feminist Legal Theory: Foundations.* Philadelphia: Temple University Press

Naffine, Ngaire. 1997. “Law and The Sexes”, in Barnett, A. Hilaire. 1997. *Sourcebook of Feminist Jurisprudence.* London-Sidney: Cavendish Publishing Limited

Smart, Carol. 1989. *Feminism and Power of Law.* London: Routledge

_____ 1997. “Feminism and Power of Law”, in Barnett, A. Hilaire. 1997. *Sourcebook of Feminist Jurisprudence.* London-Sidney: Cavendish Publishing Limited

Soetjipto, Ani Widyani. 2005. *Politik Perempuan Bukan Gerhana*. Jakarta: Kompas

Soetjipto, Ani, et.al. 2010. *Pengarusutamaan Gender di Parlemen: Studi terhadap DPR dan DPD Periode 2004-2009.* Jakarta: UNDP Indonesia

http://dpd.go.id, accessed on October 25th, 2010

http://mediacenter.kpu.go.id/data-olahan/789-statistik-anggota-dpr-2009-2014-hasil-pemilu-legislatif-perbandingan-perempuan-dan-laki-laki.html, accessed on October 25th, 2010

http://www.bawaslu.go.id/, accessed on October 25th, 2010

http:// www.kpu.go.id/, accessed on October 25th, 2010

Act No. 22/2007 on Organizing Institutions of General Election

Act No. 2/2008 on Political Parties

Act No. 10/2008 on General Election