



Analysis of Women's Representation In Politics and Human Rights Based on Islamic Gender Equality Perspective

Fitria Rizky Maharani

Fita Nurotul Faizah

UIN Walisongo Semarang

Abstract

This article aims to explain the legal guarantees regarding women's involvement in politics. The involvement of women in politics is very important to voice women's rights and concerns and to find some efforts that can realize gender equality, especially in the political field. By applying the normative approach method or library research, the writer will analyze the women's representation in politics and human rights based on islamic gender equality perspective. This research finds that there is a law allowing women's position in politics, but it has not been optimally applied. In addition, the writer also finds that there is discrimination experienced by women that has impacts on human rights injustice.

Keywords: gender, politics, human rights

Introduction

Women are part of Indonesian citizens who should have the same rights as men. However, in reality there are a lot of discrimination causing gender inequality, such as the restrictions of women's role in public space. It is found that violence rate is high, such as domestic violence and harassment, and others. Indonesia is dominated by female population rather than the male. It is based on the population census in 2017 conducted by the Central Bureau of Statistics (BPS) reporting that the female population in Indonesia is 131,58 million people or around 50,24% of the total population of Indonesia with total population 261,89 million people (Statistik, 2017).

Coressponding author

Email: Fitria9c11@gmail.com

Fitanurotul.faizah@walisongo.co.id

Seeing this phenomenon, women should be able to provide positive contributions to human resource development in Indonesia, one of them is women's involvement in politics, as legislative representative.

Unfortunately, based on the Law of the Republic of Indonesia number 2 of 2008, article 2, explaining the formation of political parties, the quota given to women is only 30%. According to the data from the Central Bureau of Statistics in 2017, it has not been fully achieved. So far, the percentage of women's involvement in politics is only 20%. It occurs because the patriarchal culture is still strong in Indonesia, where the role of men is more dominant than the women's. In addition, the women's abilities are considered to be lower than the men's, it makes women are considered to have no capacity to lead. Therefore, it is important to struggle for gender equality. This causes the increasing of women's representation in strategic positions of power with full participation in the decision-making process, and synergy. Therefore, women can voice an equality in obtaining their rights without any discrimination.

This article aims to explain the legal guarantees regarding women's involvement in politics and some efforts to improve human rights for Indonesian women. In this paper, the writer applies qualitative research methods which reveal deeply about the research object that is not in the form of numbers and also applies a normative approach or library research which will be inductively explained. This study uses secondary data sourced from published documentations.

Gender Equality and Justice in Islam

Gender is a social construction in a country which is influenced by social, political, cultural, economic, religious, and ethnic conditions (Aruni, 2016, p. 7). Gender differs from sex, gender can be found both in women and men. Gender is a value and characteristic given by society. It does not refer to biological but social characteristic. Gender is divided into two categories, masculine and feminine. Masculine is identical with firm, aggressive, and strong character. While feminine is soft, whiny, and patient. Because gender is the result of the process in forming the social environment, the placement of gender is changeable. Gender is not a universal thing, meaning that every person in society has a different understanding about gender. Gender in various regions in Indonesia cannot be separated from the context of customs and religions found there. Gender roles between men and women can be exchanged because gender is not given by God but constructed by society.

The emergence of gender equality issue between men and women is caused by dissatisfaction toward treatments obtained by women which are considered as discrimination, even it eliminates the meaning of its existence. However, in the reality of life, everything can be done by women and men, except the things which are absolute, such as giving birth. In the context of servitude between women and men in the sight of Allah SWT, both women and men are the same. What makes them different are their bad and good behaviors. Both men and women have the same opportunity to compete for virtue to serve society and religion. It is stated in Quran, Al Hujurat, verse 13:

يَا أَيُّهَا النَّاسُ إِنَّا خَلَقْنَاكُمْ مِنْ ذَكَرٍ وَأُنْثَىٰ وَجَعَلْنَاكُمْ شُعُوبًا وَقَبَائِلَ لِتَعَارَفُوا ۗ إِنَّ أَكْرَمَكُمْ
عِنْدَ اللَّهِ أَتْقَاكُمْ

“O mankind! Indeed, We created you from a male and a female, and made you nations and tribes that you may identify yourselves with one another. Indeed the noblest of you in the sight of Allah is the most Godwary among you...” (Quran, Al Hujurat [49]:13)

A misunderstanding that regards gender as a God's will (nature) and women are born as weak creatures, while the men are stronger than the women. Whereas in fact, the physical differences are relatively not necessary, women are regarded not able to do heavy works. In fact, nowadays there are many women who are able to do it. Likewise in the matter of intelligence.

The understanding about the problem of gender creates fairer and more human views in society. The women have the rights to participate in economic, social, political, and intellectual fields and have the rights to be respected as the men obtain. In opposite, the men also have the rights to participate in domestic space and take part in caring for the children.

The Law of Women in Politics

In Indonesia, the regulation of women in politics is regulated in the Law of the Republic of Indonesia number 2, paragraph (2) of 2008 concerning political parties that states, “the establishment and formation of political parties as mentioned at paragraph (1) should include 30% of women's representation”. Furthermore, in the Law of the Republic of Indonesia number 10 of 2008, it is confirmed that the new political parties could only participate after fulfilling the requirements at least 30% of women's representation in political party management (Gerintya, 2017). The regulation above is based on the Islamic view in

Quran (At - Taubah [9]: 71):

وَالْمُؤْمِنُونَ وَالْمُؤْمِنَاتُ بَعْضُهُمْ أَوْلِيَاءُ بَعْضٍ يَأْمُرُونَ بِالْمَعْرُوفِ وَيَنْهَوْنَ عَنِ الْمُنْكَرِ
وَيُقِيمُونَ الصَّلَاةَ وَيُؤْتُونَ الزَّكَاةَ وَيُطِيعُونَ اللَّهَ وَرَسُولَهُ أُولَئِكَ سَيَرْحَمُهُمُ اللَّهُ إِنَّ اللَّهَ
عَزِيزٌ حَكِيمٌ

“The believing men and believing women are allies of one another. They enjoin what is right and forbid what is wrong and establish prayer and give zakāh and obey Allah and His Messenger. Those - Allah will have mercy upon them. Indeed, Allāh is Exalted in Might and Wise.”

At-Taubah verse 71 explains that humans were created by Allah SWT as *khalifah*/ leader on earth having the responsibility of humanity, prosperity, and human welfare. There is no difference between women and men because Allah has given them the same ability and competence to act autonomously as needed in that responsibility. Therefore, there is nothing wrong with the women who participate in the political field for creating the welfare and fighting for the rights of women at the parliamentary circle.

Al-Mawardi and abuYa'la stated that a number of conditions to become a legislative representative. Some of them are fair, and experts in electing the head of state. Al-mawduidi, a well-known Islamic thinker and leader of *jami'atiislami*, he explicitly stated that members of the legislature must be the men. It is based on An-Nisa verse 34 and the hadith of Abu Bakar. He stated that if the women take that position, there will be opportunities for women to be so closed with another men, it is prohibited in Islam.

In Surah An-nisa verse 34: *ar-rijāluqawwāmūna 'ala an-nisā'* which means “men are leaders for women”. This reflects men's power over women and explains that the leader must be a man. However, nowadays this opinion is disproved because a lot of women are able to do the things previously regarded can be done by men only. It indicates that women have the same abilities as men.

Human Rights for Women

In the Law of the Republic of Indonesia number 39 of 1999 defines Human Rights (HAM) as a set of rights inherent in the nature and existence of humans as creatures of God and as the gift from God that should be respected, upheld, and protected by the state, law,

government and every human dignity. In the Law of Human Rights, there are several articles:

1. Article 1 states: "Every human being is born free with the same dignity and gifted with reason and conscience to live in society, nation, and state in a spirit of brotherhood".
2. Article 2 states: "Every human being has the right to obtain recognition, guarantees and protection of the law, and to receive the same treatment and certainty before the law".
3. Article 3 states: "Every human being has the right to obtain protection of human rights and basic human freedoms without discrimination".

Since the era of reform, the issue of human rights has been increasingly voiced. It can be seen from the lawsuits demanding to be solved, especially the violations of human rights in the past. People demand the strict sanctions and severe punishments to the offenders of human rights. Several institutions such as Komnas HAM, Komnas Perempuan, and also KPAI were formed to help in solving this problem.

Ideally human rights are not gendered, but in fact, universally, women do not enjoy and practice their human rights and basic human freedoms as the men obtain. So far, women have been the main targets of human rights violation, especially in the forms of violence in domestic space or community. According to yearly notes of Komnas Perempuan, there were 408.178 cases of violence reported in 2019. The restrictions of women's human rights also can be found in restrictions of women's roles in public space, such as in economic, political, social, and intellectual spaces.

Basically, the law of human rights contains the principles of human rights protection that protect human dignity, such as eliminating discrimination based on ethnicity, religion, group, social status, language, belief, economic status, and also sex. This prohibition of discrimination is regulated in article 3 paragraph (3) that states, "everyone has the right to obtain protection of human rights and basic human freedoms, without discrimination" (Kania, 2015, p. 717).

Women's Representation in Politics and Human Rights Based on Islamic Gender Equality Perspective

The presence of gender equality at this time becomes fresh air for marginalized parties, especially women. The gender injustice that causes gender discrimination is often experienced by the women. Since long time ago, women have started the struggle for gender equality and justice. However, in fact this struggle has not been able to raise the dignity

of women to be equal to men. Although several high positions in the government of this country, for example the position of president, have been occupied by a woman, Megawati Soekarno Putri, and many more women hold the strategic positions in the government, but gender injustice and the backwardness of women have not been resolved as expected. The women are still marginalized and lag behind in many aspects of life, including in law field. It is a hard challenge for women and the government.

The convention on the elimination of all forms of discrimination against women defines discrimination as distinction, exclusion or restriction which is made based on sex having the effect or purpose of reducing or eliminating the recognition, enjoyment or the use of human rights and basic freedoms in political, economic, social, cultural, and civil fields or anything deals with women, regardless of their marital status, according to the equality between men and women.

The women should have the same opportunities as the men in playing a role and participating in the public space, such as in economic, cultural, and political activities.

Politics itself is an effort taken by citizens to realize the common good (Aristotle's classical theory). In politics, there are power, decision making, policy, and division of power. Why should women participate in politics? so that women are not imprisoned and are able to voice their aspirations and obtain their rights as human beings.

In Indonesia, women's participation in politics is still relatively minimal if it is compared to other countries. In fact, there are the laws that regulate the portion of women in politics. Since 1999, in each period changing, there are more women's participation in DPR seats, but in the last period of 2014-2019, there is only 17,32% of the total 560 members of the DPR. It can be seen on the table of data below:



At the ASEAN level, Indonesia is on 6th place regarding the women's representation in parliament. The proportion of women in Indonesian parliament is only 20% from the available quota of 30%.



According to tirto.id, the first place is occupied by Philippines with 29,8% or 86 women of the total 292 seats. The second position is Laos with 26,7% or 41 women of the total 149 seats in parliament. Meanwhile, Vietnam is on the third position with 26,7% of women in parliament or 132 seats of the total 494 parliament members (Gerintya, 2017).

The lack of women's representation in political field proves that there is discrimination against women. The lack of trust to women that they are capable to comply those rights is still minimal. The presence of Puan Maharani as chairman of the Indonesian Parliament (DPR) during this period is expected to be a new hope to increase the courage of women in struggling for their rights.

The women's representation in political field should gain important concerns. Because the presence of women in parliament can give an authority to women to create the policies having big contributions to the achievements of women's rights as human beings and to obtain gender equality. The large number of men's proportion in parliament often obstructs the women to voice their aspirations and they cannot fully represent women's interests because of the differences in experiences and also interests between women and men. For example, The bill on the elimination of sexual violence (RUU PKS) which has not been validated until now, even though that law is very important for women's self-safety in order to avoid violence, harassment, and injustice that have been experienced by the women so far.

The women's rights that need to be considered are about women's works, the rights to work in various fields as they often experience discrimination. They are differentiated in the matters of wage or treatment. In rural areas, many female workers work with improper wages or sometimes they are not paid at all.

Conclusion

The involvement of women in politics has gained pros and cons. It occurs due to the discrimination aimed at women. They are considered for having no rights and being unable to be in the public space. It happens because women are regarded to have a gentle nature, unlike the men who have the basic nature of leadership and decisiveness. The Islamic clerics also argue that women's thinking abilities are not as great as men's, therefore women should not interfere in politics.

However, in fact, nowadays more and more women are able to match and even surpass the mindset of men. It occurs because humans are basically created equal in the sight of Allah. The different sexes are not a guarantee that their abilities are different/ not equal.

The struggle for the justice of human rights has encouraged the women to have a share in parliamentary seats, although the quota has not been fulfilled yet but it is a good development. The incessant campaigns of gender equality at this time show that women no

longer want to be oppressed and discriminated anymore. With the existance of women in parliamentary seats, it is expected that they are able to represent the aspirations of women to obtain justice and to represent the interests of women.

Women are also human beings, they have the rights for freedom, the rights to voice, the rights for protection, and the rights to obtain a decent education. It happens because basically all humans are the same except the differences of nature given by Allah SWT.

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