# Women as the Victim of Politics: Experiences in the 2019 Legislative Elections in Indonesia

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# Women as the Victim of Politics: Experiences in the 2019 Legislative Elections in Indonesia

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This article aims to examine women's political representation in the 2019 legislative elections from the perspective of victimology. Behind the increasing number of women represented, to fulfil a 30% gender quota in parliament, there are also thousands of women politicians who have been knocked out of competition. They stumbled over internal party politics, until they ran out of funds to keep fighting. J.E. Sahetapy sees that a person can be a victim determined by a victimity not always related to the problem of crime. This includes patterns of accident victims, and natural disasters apart from victims of crime and the abuse of power. It is interesting that, regarding the Legislative General Election, women's participation appears to be increasing but on the other hand, it has not yet fully received justice. The need for a victim's perspective, in seeing the problem of women's representation, is part of an effort to making the political sphere more conducive to women. It is hoped that, by acknowledging their position as victims, the state can pay more attention to women beyond the assumption that their defeat is an 'internal party problem'. This study was conducted to encourage higher levels of women's political participation. This article is a literature review study, using reports on election results in the mass media and data analysis from the UI Political Studies Center. We compare Puskapol UI's findings with previous studies on the reality of fulfilling gender quotas in Indonesia, in the 2009 and 2014 legislative elections. Our findings showed that in the last three elections, there has not been a significant internal improvement in parties, to support women politicians and improvements overall, in the political culture of Indonesia which is still controlled by money politics, kinship politics, and serial number politics.



Key words: Political women, legislative elections, victimology.

#### Introduction

The 2019 legislative elections produced the highest representation of women in the political sphere, in Indonesian electoral history. In fulfilling a gender quota of 30%, the achievement of 20.5% is considered quite satisfying. However, does this increase of representation represent an equally positive experience of electoral participation?

Several wide studies have highlighted legislative elections in Indonesia. Aspinall (2014), for example, studied the intermediary network model (broker) in the process of winning legislative candidates, and how political kinship (clientelism) played a role in it. Rhoads (2012) studied the drivers of the low political participation of women in Bali. Prihatini (2018) also studied women politicians who won in the election, emphasizing age, experience, and political serial number as a determining factor. However, there have not been enough studies that discuss the issue of victims of the legislative election system, especially women victims. Why is this important? In addition to recording the highest number of women's political representation, the 2019 legislative elections also recorded the highest number of fatalities, discussed below. What is often missed in discussing election issues is the issue of the victims who failed. "Casualties" refers to victims of property loss, and victims who suffer psychological pain. In particular, making a female a victim in the political sphere has greater consequences, because that creates frightening conditions for women politicians and candidates. This can lower the political participation of women, especially for women who are capable and talented but are not from the political elite, business, or the entertainment industry. This paper aims to understand the phenomenon of victims, behind the success of the election in bringing more female politicians to parliamentary seats. Through the lens of victimology, this article will answer the following questions:

- 1. What are the forms of experience of victims during the elections in Indonesia?
- 2. What efforts can be made to reduce the number of women politician victims in elections in Indonesia?

Before answering these questions, this paper will begin with a literature review on the definition of the victim, the role of the victim, and the experience of being a victim in the eyes of victimology.



#### Results and Discussion

Understanding victim (Victim), the Role of Victim (Victimity), and the experience of being a Victim (Victimisation) in Victimology)

The term victim can be understood concretely through the definition set forth by *The World Society of Victimology* (cited from Fohring, 2012):

"Individuals or social groups who suffer individually or collectively in physical, mental, emotional and economic terms, including the destruction of their fundamental rights through various behaviours that violate criminal law, including abuse of power "(p. 2). To understand the threshold of a condition where a person can be considered a victim, Mendehlson (quoted from Turvey, Savino, and Mares, 2018) used the term victimity as opposed to the term crime. Victimity is a term that refers to a condition or fact that someone has been a victim. The victim in this case is someone who has experienced suffering or loss (p. 310).

In the process of handling crime reports, the role of the victim cannot be concluded only based on his relationship with the crime. Or based on the fact that he is the party who reports crime. When it has been proven that a true crime has occurred, the next step that must be taken by the police is the need to determine which party is truly the victim, and which party is not (Turvey et.al, p. 310).

The role of the victim herself is not easy to determine in the process of handling crime reports. Oakley, Knafo, and Wilson (2012) said that victimity is not a condition where there is moral superiority, whereby the victim is considered a better party than the perpetrator. The term 'victim' itself is criminological; associated with the condition of someone who bears suffering, injury or loss. The term victim is not intended to provide moral judgment (that the victim is a good person and the perpetrator is a bad person), but rather to describe a relationship and the effects of an intentional or unintentional crime (p. 180).

In general, anyone definitely does not want to be a victim let alone a victim of crime. However, in certain circumstances, according to Von Hentig, the role of victims is actually active, which appears in the following matters (quoted from Shopia, 2014):

- 1. The crime was indeed desired by the victim;
- 2. The loss suffered by the victim due to a crime may be the result of collaboration between the victim and the perpetrator;
- 3. The loss suffered by the victim will not occur if there is no provocation from the victim herself (p. 112).



The same thing was expressed by Walklate (2015), that victims can be understood as human agents who can be active or passive. In his article on critical victimology, Walklate outlines the importance of victimology, to emphasize the dismantling of structural processes that lead to the manifestation or emergence of victimisation experiences or processes. Thus, the pattern of crime that results in the experience of being a victim needs to be considered in a theoretical frame that appreciates the role of various interests in it which produce that experience (pp. 182-183). As stated earlier by Choularis (quoted from Walklate, 2015), one of the tasks of critical victimology is to draw attention to situations which, although they have created serious victimisation, were not designed for that. Within this theoretical frame, who is the victim and who accepts or rejects the identity of the victim is not easy to determine, and cannot only be understood through patterns of crime that result in the experience of being a victim (pp. 182-183).

In victimology itself, there have been efforts to study victims by breaking away from perspectives inclined to crime or criminology. Those efforts have developed since the emergence of a second stream of victim science that tends to aspects of service. It is called General Victimology or Assistance-oriented Victimology, and according to Muladi (2014) it is a discipline and movement that is free of criminology and criminal law, to help the government minimize human suffering. So the study of victimology is not limited to victims of crime and abuse of violence, but also victims of accidents, natural disasters, etc. (p. 5). From this development, a signal will emerge in a new direction from the study of victimology at the Amsterdam symposium in 1997. According to Van Dijk (quoted from Muladi, 2014), this symposium is a signal for the start of new victimology that combines various elements, namely "criminal law, interactive victimology (interactionist victimology), and victimology science that focuses on aspects of victim-assistance victimology". Muladi (2014) explained that this change directed the optics of the criminal justice system to not only include the perpetrators of crimes, bearing in mind that this would make the criminal law inhumane and only prioritize aspects of retaliation. Instead, criminal law is actually encouraged to carry out its functions to accommodate, protect, and at the same time maintain a balance of various morality interests (community, state, perpetrators of criminal acts, and victims of criminal acts), through an honest and fair trial process (p. 7).

The concept of restorative justice has emerged in the last decade. It recognizes crime as a conflict that must experience reconciliation. Also, it regulates the role of victims and perpetrators of crime, in the resolution of victims' rights with the community as facilitators. According to Shopia (2014), restorative justice emphasizes the responsibility of the perpetrators, in an effort to recover victims' suffering, without compromising the perpetrators' rehabilitation, and create and maintain public order (p. 110). This results in a comprehensive understanding of crime; morally, socially, and economically (Muladi, 2014).



In the legislative context, the Criminal Code Bill (ius constituendum) itself has conceived punishment as an objective in terms of conflict resolution, formulation of criminal penalties, and additional penalties for compensation and arrangements regarding the system of action. This guarantees that services are provided for victims' rights in the criminal process.

The intended rights of victims are generally the right to support a number of services, including health care, and various government services. In addition, the state must also improve the privacy of victims, for their safety and security. The victim also has the right to issue a statement at trial, so she is also involved in the judicial process, as long as it does not threaten her safety. Certain victims such as disabled people, women and children also have the right to get special services, as victims of sexual violence. The state is thus obliged to protect them specially, to assist their testimony during criminal proceedings. Since victims' rights are a component of the international human rights agenda, it is appropriate for the state to fulfil or serve victims' rights (Shopia, 2014, pp. 112 - 113).

#### Guaranteed Legislation against Women's Political Participation

Global policies to increase the status and role of women have been very intense since the early 1760s in developed countries, and the early 1970s in developing countries. Beginning in 1972, the United Nations (UN) agency in charge of the status of women proposed that the General Assembly establish 1975 as the International Year of Women. Three years later, in 1978, the United Nations Research and Training Institute for the Advancement of Women (UNSTRAW) was established to implement and regulate the Convention on the Elimination of all Forms of Discrimination against Women. UNSTRAW was accepted and recognized in 1979 by the General Assembly, but until 1985, only 72 countries had signed the convention (Briggite, 1997, p55).

Another conference that became a turning point was the UN Women's Conference II in Copenhagen. There began to appear political discrepancies among the conference participants. Women in the first world countries put more emphasis on the balance between men and women. Meanwhile, women from second world countries (socialist countries) feel that they have implemented the balance, but want peace guarantees because so far they have not felt such things. However, women from third world countries are more interested in socio-economic development and meeting basic needs. Subsequently, at the Third International Women's Conference in Nairobi held in 1985, a motto emerged: "Equality, Peace and Development". This conference set the future strategy that regulates the right of autonomy and the right of self-determination for women. This strategy is acceptable to all participating countries (Briggite, Ibid).



Given global developments of the role of women, the policies and strategies for its Indonesian increase are based on the question of seeing women as a whole, in their various positions and functions. This view covers social, economic, political, cultural, religious, and family domains. Since the effort to improve the role of women involves various fields, its carriage needs to be intersectoral, integrated, and multidisciplinary. Therefore various institutions including government agencies, social organizations, private parties, as well as all the potential of existing communities, must be involved together (Partini 2013: p. 56).

In general, the electoral system has at least two main elements, namely the Electoral Law and the Electoral Process. Electoral Law refers to the rules of the game, given democratic principles which must be obeyed by every election contestant. The Electoral Process refers to the method or rules for transferring electors' votes into seats in representative institutions. Measuring election quality requires several indicators that ascertain the extent to which elections occur freely and fairly. The indicators are: accountability, representativeness, fairness, equality of each voters' rights (equality), locality, reliability, and numerical. Women's political participation in Indonesia is one effort to improve the quality of elections in terms of representation, justice and equal rights. International instruments relating to women's political rights that have been ratified by Indonesia can be seen in the table below:

No.	International Instrumental	Ratification	
1.	Convention on The Political Right of Women 1952	Law No.60/1958	
2.	International Covenant on Civil and Political Rights 1966	Law No.12/2005	
3.	Convention on the Elimination of All Forms of	Law No.7/1984	
	Discrimination Against Women 1979		

Besides these three instruments, there is a Universal Declaration of Human Right (UDHR). First, it recognizes the equality of everyone. It is stated in Article 2 of the UDHR that: "Everyone has the right to all rights and freedoms expressed in this declaration, gender, language, religion, political opinions or other opinions, national or social origin, property, birth status or political status, jurisdiction status, or international state status or territory in which a person is included, whether the territory is independent, guardianship, not self-governing or under any other limitations of sovereignty".

The above international instruments are compiled periodically. In addition, they are not limited to the recognition of women's political rights, but also propose solutions in eliminating discrimination against women in the political field that is already occurring.

In Indonesia, in the 2019 elections, the affirmative policy of nominating women as legislators will be implemented for the fourth time. The policy has journeyed through a number of regulatory changes marking the development of women's political representation. It started



with an historic enactment, Article 65 of Law Number 12 of 2003 Paragraph (1), which states that: Every party participating in the election can propose candidates for members of the DPR, Provincial DPRD and Regency / City DPRD for each electoral area by taking into account women's representation of at least 30 percent. The inclusion of this provision became the main basis for guaranteeing women's political participation in Indonesia.

The rules then changed in line with modifications to the Election Laws in 2008 and 2012 governing the affirmative policy in more detail. In addition to the nomination of at least 30 percent, this law also regulates the placement of women in the list of candidates. In every three names there must be at least one female candidate's name. The rule does not change Law Number 7 of 2017 as a formal law for the implementation of the 2019 elections (see article 245 and article 246 paragraph 2). This means that in terms of regulation, Indonesia has provided guarantees and opportunities for women to enter politics according to the principle of gender equality.

#### Forms of Experience of Victims of Women Politicians during Elections

In general, from the results of the 2019 Indonesian legislative elections, some things can be concluded:

- The total number of newly appointed DPR members was 575, with 457 male members and 118 female members.
- At least 20.5% of the total of 575 members was female.
- That was an increase of 3.5%, compared to the election preceding the 2019-2024 DPR period.

The UI Political Studies Center (Puskapol UI) revealed at least three important findings about the choice of women legislative candidates. The first relates to the political serial number (zipper system). The majority of women elected were candidates placed in a sequence numbered one to three. As for the female candidates from the NasDem party, there were many elected because of clientelism politics. So even though they did not enter the top serial number, they were chosen because they had kinship with the local elite (Salabi, 2019).

The second finding from Puskapol UI is the matter of the background of elected female candidates. Of them, 53% were party activists who had fighting experience at the local election level or in previous elections. This gave them lessons in getting support, approaching voters, and mapping winning strategies. However, 41% of the elected candidates had kinship ties with party elites or influential figures in their electoral districts (Salabi, 2019).

The third finding is about the financial capital which is a determinant in the choice of women



candidates. Data from the Puskapol UI states that 65% of voters elect candidates, not their parties. This shows that the campaign of candidates as individuals, not party members, is successful. Many female candidates form their own winning teams outside the winning party teams (Salabi, 2019).

The 2019 legislative election showed the highest number of women's political representation in the history of elections in Indonesia. However, this election also claimed the most victims. Data from the Ministry of Health through health services in each province recorded that the sick polling group (KPPS) officers reached 11,239 people and 527 people died ("Ministry of Health Data: 527 Officers", 2019).

The 2019 elections claimed the lives of organizers, but also victims of women politicians who lost the battle. Misriyani Ilyas, a former elected legislator for Gerindra, was fired from her party one day before the inauguration of members of the South Sulawesi Province DPRD. Misriyani was fired from Gerindra based on the decision of the South Jakarta District Court (PN) number 520 / Pdt.Sus.Parpol / 2019 / PN.Jkt.Sel, Monday (10/28/2019). Misriyani was a Gerindra legislative candidate who advanced in the election of members of the DPRD in the electoral district of South Sulawesi II. Misriyani was determined by KPU of South Sulawesi Province as the chosen candidate, because she won the most votes, with 10,057 votes (Budi, 2019). Misriyani's story is not the only form of experience of women as victims of election politics. According to the 2018 National Commission of Women Annual Note, the most common form of violence experienced by female candidates is character assassination through attacks on social media that are sexually nuanced. In September 2018, Grace Natalie from the Indonesian Solidarity Party (PSI) reported her experience as a victim of online sexual abuse for one year. The harassment was proven by engineered photographs of Grace's figure that led to pornography. In the same year, the National Commission of Women received a complaint from a woman in the successful DKI Jakarta Governor Election campaign team. The victim stated that her telephone number was distributed in three online computer applications, for prostitution that could be ordered. The photo used was not a photo of the victim, but she received dozens of telephone calls that responded to the engineering advertisements which disrupted her daily activities (Adisya, 2019).

In the koalisiperempuan.or.id page, violence against women in the political sphere is described as covering all forms of aggression, coercion, and intimidation against women as political actors just because they are women. This violence is basically designed to limit women's political participation as a group. This violence can be directed at women as leaders, party members, and candidates, elected representatives, officials, election administrators, activists, and voters. Violence against women in the political sphere itself includes five categories, namely, physical, sexual, psychological, threat and coercion, and economic violence (Sabrina, 2018). Although violence in the political sphere is also experienced by



men (see the case of Gerindra candidates; Ervin Luthfi was fired and replaced by the famous singer Mulan Jameela as DPR legislator), there are three characteristics that specifically distinguish violence in the political sphere against women, namely:

- 1) Aimed specifically at women because of their gender.
- 2) The form is deliberately designed specifically for female gender.
- 3) Brings a big effect, which is to prevent women from becoming active in politics.

Violence against women in the political sphere has greater stakes than violence against male politicians because of its consequences. Although these crimes may be aimed at women as individuals, the consequences are far beyond their intentions and actions. They create frightening conditions for other women who are already active in politics, make women fearful who might want to enter politics, and inform the public at large that politics is not the realm of women and women should not be active in social life (Sabrina, 2018).

The experience of women becoming political victims is not only limited to victims of violence. They also experience victimity from structural barriers specifically designed to tackle their political steps, especially women politicians who do not have kinship with the political elite. According to Hurriyah, the deputy director of Puskapol UI, two vital factors determined the victory of legislative candidates in the 2019 elections; serial numbers and kinship politics. She mentioned that a number of candidates who did not get the serial numbers above (one to three) were able to escape because they had kinship political capital. According to Hurriyah, "candidates for this category utilize resources and social capital. Because they are related to the elite, they easily influence the electoral districts ... They only need to introduce themselves as wives or children. There is no need to build networks or introduce themselves from nothing." ("2019 Election: More than 40%", 2019).

In addition to the political number system (zipper system) and kinship politics (clientelism), the third structural factor that gave birth to the experience of victims for women politicians is money politics. Andi Mariattang, a member of the House of Representatives Commission II, in his interview about his experience of struggling in the realm of practical politics, stated that money politics is very detrimental to women politicians. According to him, women who are talented and have integrity are often "blown away" only because of capital factors (Nugraheni, 2018).

It is no secret that money politics is most damaging to democracy, and specifically, the electoral process. In his study of the structural obstacles to women politicians in the 2009 and 2014 Indonesian elections, Hillman (2018) explained how money politics influenced the political journey of women from the start. The first structural barrier is the Open List System. Under Law No.31 of 2012 Article 178 Paragraph 1, this system allows voters to choose



certain parties, certain candidates, or both (parties and candidates). Previously (most recently in 2004), elections allowed voters to choose only parties, and parties determined their candidate lists (p. 328).

According to Hillman (2018), the consequence of the adoption of the Open List System is a dramatic increase in the cost of the campaign. Candidates in the open list must not only compete with candidates from other parties, but also candidates from the same party. Thus, campaigns must be carried out not only as party members, but also as individuals. In the tradition of electoral competition which has long been dominated by money politics and patrons, candidates are 'required' to persuade voters as well as party leaders, with various types of prizes and money to get votes. This campaign model must also be carried out if they want their names to be in the top three. The Electoral Law (Law No.10 Year 2008 Article 55) requires that of the top three serial numbers, one must be filled by female candidates. However, political parties tend to place women third. Exceptions are only made for candidates from the elite of the entertainment industry, or those from elite political and business dynasties. Of the candidates numbered "one" in the 2014 elections, 62% passed into parliament. Only 17% of number three candidates qualified in the same election year (pp. 329 - 332).

The cost of political campaigns is regarded by Hillman (2018) as a major obstacle for many female candidates, especially those not from the elite. Thus:

- (1) Female candidates generally do not have access to the same funding as male candidates. Many talented female candidates lost in the 2014 election because they were unable to fund their campaigns.
- (2) A lack of public campaign funds compels candidates to seek support from the business community. Excepting those female candidates who possess kinship relations with political and business elites, male candidates tend to be more easily networked to collect funds from the community.
- (3) The issues surrounding money politics (vote buying, insider agreements, and party patron politics) have made gifted women afraid to enter the political arena. The absence of a meritocracy-based recruitment tradition and recruiting system, and transparent cadre guidance, has led activist and non-elite women politicians to disadvantageous positions. Only elite women from the political, business and entertainment dynasties tended to overcome this obstacle (p. 330).

#### Efforts to Reduce the Process that Gives Birth to Women Victims in the Political Domain

Post-election psychiatric disorder services have become a business in Indonesia. Election defeat not only involves economic losses, but also psychological losses. According to Supono, who owns the Mustajab Psychiatric and Psychiatric Rehabilitation Center and the H.



Mustajab Mental and Narcotics Special Hospital in Purbalingga, Central Java, after the 2014 election, he received 30 psychiatric patients from candidates who failed to win parliamentary seats. In 2019, he again received many patients from the same background (Dwiastono and Priambodo, 2019).

In dealing with victims of crime in criminal law, according to Muladi (2014), the first thing to consider is "the essence of the loss suffered by the victim, both material or physical suffering, and psychological suffering" (p. 8). Psychological suffering can take many forms: trauma, loss of trust in society and the state, anxiety, excessive suspicion, depression, and various forms of psychiatric disorders and other antisocial behaviour.

By acknowledging the position of the victim, we can encourage the state to carry out its responsibilities of serving the rights of victims, in accordance with the scope of criminal law. In his dissertation on the formulation of a victim-oriented criminal justice system policy, Soponyono (quoted from Muladi, 2014) explained that there were at least 18 regulations concerning victims in criminal law. Its territory includes material from criminal law, formal criminal law, criminal implementation law, administrative criminal law, and administrative law, up to the Draft Law of the new Criminal Code (p. 8).

Regarding women as victims of elections in particular, in addition to providing services for victims' rights, will facilitate the institutional changes needed to create a fair and free electoral system. Although considered sufficient to meet the requirements of a gender quota, Indonesian political parties still display a strong bias in relation to female candidates, even compared to the voters' own biases. Political parties have also failed to implement a transparent cadre training system, despite the state providing political party funding for this need. The lack of guidance for women cadres is one of the sources of disappointment for women politicians who are still new and do not know much about the competition.

In addition, the most urgent institutional and cultural changes to be made in elections are to money politics. The reason why political parties provide so much support only to women politicians from the political, entertainment, and business dynasties, is that they are able to finance their campaigns independently. However, support for women politicians based solely on financial capabilities actually perpetuates the culture of money politics itself. That is so, given that elected legislators who spend a lot of capital when the campaign tends to be busy, return capital when elected. Many politically elected women from well-off financial capital bases also do not have a clear track record of ability, or work in academia, politics, or public services. This gives the impression that the only position for women in the political sphere is not to make changes and bring about capable policies, but rather as financiers and 'decorators' of the council offices.



#### Conclusion

Violence against women in the political sphere has greater stakes than violence against male politicians; namely, creating frightening conditions for other women who are already active in politics, and making women who might want to enter politics fearful. They also experienced victimity from structural barriers specifically designed to tackle their own political steps, especially women politicians who do not have kinship with the political elite. Another factor is money politics, which is very detrimental to women politicians. With the recognition of the position of the victim, the state must carry out its responsibilities in serving the rights of victims in accordance with the scope of criminal law. Efforts to reduce victims of the political process, among others, create a system that can serve the rights of victims, and make institutional changes to create a fair and free electoral system. Although considered sufficient to meet the requirements of a gender quota, Indonesian political parties still display a strong bias regarding female candidates, even compared to the voters' own biases. In the future, political parties must implement a transparent cadre training system. This will be a form of attention to those women cadres who actually possess the main requirement of passing verification as true election participants.

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