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Legal Protection Political Rights of Women of Original Papua in The Institution of The Papua Representative Council

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This research was conducted in the Jayapura City area, the capital of Papua Province. The research method used in this research is normative legal research carried out by analyzing the provisions of statutory regulations governing the general election of members of legislative bodies including members of the Papuan People's Representative Council (DPRPapua) based on Law Number 21 of 2001 concerning Special Autonomy for Papua and Special Regional Regulation concerning the Appointment of DPRPapua members within the Papua Special Autonomy framework for the 2019-2024 term of office. The discussion of the two problems can be described as follows: the level of representation of indigenous Papuan women in the membership of the Papua Province People's Representative Council for the period 2019-2024 is 4 (four) people, carried out using an election mechanism of 3 (three) people and 1 person appointed (one) person out of 69 (sixty-nine). The composition of women's representation still shows no partiality and deviations from women's political rights due to (i), the Election Law only states a quota of at least 30% (thirty percent) of women registered as Central Executives in parties and not as a guarantee of membership procession in DPRPapua institutions. (ii), the Papua Special Autonomy Law only provides general regulations including in the Regional Regulation on the Appointment of Members of the DPRPapua DPR for the 2019-2014 period which only uses the formulation of the phrase "must pay attention to women's representation" in the selection process

1. Introduction

The State expresses its commitment to respect the political rights of citizens in government as stated in provision 27 paragraph (1) of the Constitution of the Republic of Indonesia Year 1945 (abbreviated as UUD Negara RI Year 1945) stipulates that "All citizens simultaneously have a position in law and government with no exception. It is further reaffirmed in the provisions of Article 28D paragraph (3) of the State Constitution of the Republic of Indonesia of 1945 stipulating that "every citizen has the right to equal opportunities in government". Recognition of the position of citizens in government has received constitutional guarantees. This is what later became the basis for the political rights of every Indonesian citizen, including Indigenous Papuan Women. The right to be elected is a constitutional right of citizens guaranteed by the State in the Constitution. Political rights themselves are rights that every citizen has to participate in giving certain thoughts or opinions. This political right provides space for every citizen to be able to participate in every election to become a candidate for people's representatives in the institution of the Papuan People's Representative Council.

One form of implementation of the provisions of Article 27 paragraph (1) and Article 28D paragraph (1) of the 1945 State Constitution of the Republic of Indonesia is in the field of government politics, namely the election of people's representatives in the institution of the People's Representative Council in the Regions carried out through the means of General Elections (abbreviated as Elections). The filling of people's representatives in Papua Province in the institution of the Papuan People's Representative Council (DPRP) is carried out through 2 (two) forms of filling. The filling of people's representatives through the path of Political Parties is carried out through laws and regulations governing elections, and the filling of people's representatives within the framework of Papua's Special Autonomy which is carried out through an appointment mechanism with reference to Law Number 21 of 2001 concerning Papua Special Autonomy (abbreviated as Papua Special Autonomy Law) as amended by Law Number 2 of 2001 concerning the Second Amendment to Law Number 21 of 2001 concerning Special Autonomy For Papua Province.

Protection of Political Rights of Indigenous Papuan Women is guaranteed in the provisions of Article 47 of the Papua Special Autonomy Law stipulating that: to uphold the human rights of women, the Provincial Government is obliged to foster, protect the rights and empower in an effective manner and make all efforts to position them as equal partners of men. In the 2019 election, the allocation of seats in the DPRP institution is 55 seats to be filled by representatives of political parties in 7 (seven) electoral districts (Dapil). Before the amendments were made, the Papuan Special Autonomy Law opened the widest possible space for indigenous Papuans, especially for women to be able to exercise their political rights and get the opportunity to be people's representatives in the DPRP institution. The Papua Special Autonomy Law, which is *lex specialis*, is expected to be able to fulfill the political rights of indigenous Papuans.

Based on the results of the election, the representation of women amounted to 8 (eight) people and men amounted to 47 people. The representation of women from political parties is as follows: (i) PDIP: 2 (two) people; (ii), Nasdem 3 (three) people; (iii) Gerindra 2 (two) persons; and (iv) PAN 1 (one) person. There are 3 (three) Dapil where there is no female representation.

2. Research Method

This research was conducted in Jayapura City as the capital of Papua Province where the institutional seat of the Papua Rakyat Representative Council (DPRPapua). Based on the title of the study, the type of research used is Normative Juridical, which is carried out by reviewing and analyzing various provisions of laws and other legal products that are not laws and regulations that have relevance to the representation of OAP women in the DPRPapua institution.

Relating to the title of the study and the type of research, the source of legal materials used consists of 2 (two) types, namely primary legal materials and secondary legal materials. Primary legal materials include central and regional level laws and regulations as well as legal products in the form of provisions made by the central and regional governments that have a correlation with the title of the study. Meanwhile, secondary legal materials are legal materials obtained through legal material collection techniques at the research location in the form of (i) a list of permanent candidates (DCT) for DRPapua members from each political party that participated in the 2019 election, (ii) DPRPapua membership elected as a result of the 2019 election which is fixed by a Decree of the Minister of Home Affairs, (iii) DPRPapua members appointed within the framework of Special Autonomy and inaugurated based on the Decree of the Minister of Home Affairs.

The research approach used is the legislative approach, which examines various general laws and regulations in force in Papua Province, including the Papua Special Autonomy Law and Special Regional Regulations (Perdatus) which regulate the Appointment of Members of the Papuan Special Autonomy in addition to those regulated in the Papua Special Autonomy Law. In addition, a review was carried out on the Decree of the Minister of Home Affairs of the Republic of Indonesia Regarding the Determination of DPR membership, which was appointed and elected for the 2019-2024 term. These laws and regulations include:

1. Constitution of the Republic of Indonesia Year 1945;
2. Law Number 7 of 2017 concerning General Elections;
3. Law Number 21 of 2001 concerning Special Autonomy for Papua Province; and
4. Special Regional Regulation on the Appointment of Members of the House of Representatives, Candidates for the 2019-2024 Period.
5. Decree of the Minister of Home Affairs Number 161.91-5399, dated October 18, 2019 concerning the Inauguration of the Appointment of Members of the House of Representatives, 2019-2024 Term.

The collected legal material is then analyzed in descriptive-qualitative form by using a method of legal interpretation that is tailored to the needs of interpretation of the legal material obtained.

3. Result and Discussion

- A. Level of Representation of Indigenous Papuan Women in the Membership of the Papuan Provincial People's Representative Council.**

a. Regulation of Women's Candidacy and Representation in People's Representative Institutions in the Regions in Laws and Regulations

Occupying political positions in the government, such as membership in people's representative institutions in the regions, especially the Papuan People's Representative Council (DPRP) as a provincial-level people's representative institution in Papua Province, is a human right of everyone that has been constitutionally guaranteed in the 1945 Indonesian State Constitution. Everyone, including women, has political rights, one of which is the right to be elected to government positions in the regions. The Republic of Indonesia is a country that adheres to a democratic system in running its government, this can be seen by the general election system used to elect the executive and legislature. General elections themselves are a means of exercising people's sovereignty which is carried out directly, generally, freely, secretly, honestly, and fairly in the Republic of Indonesia based on Pancasila and the Constitution. In addition to being able to vote in general elections, every Indonesian citizen also has the right to be able to run in executive and legislative elections and be involved in the government system, this is regulated in Article 28 D paragraph (3) of the Constitution of the Republic of Indonesia Year 1945 which states that every citizen has the right to equal opportunities in government. This is what later became the basis of the political rights of every Indonesian citizen, including women Indigenous Papuans (abbreviated as Women OAP). The right to be elected is a constitutional right of citizens guaranteed by the state in the Constitution.

The protection and fulfillment of human rights is the responsibility of the state, therefore the state protects political human rights through regulations in various laws and regulations including in Law Number 39 of 1999 concerning Human Rights (Human Rights Law). The provisions of Article 43 paragraph (1) of the Human Rights Law stipulate that: "every citizen has the right to be elected and vote in general elections based on equal rights through direct, general, free, secret, honest, and fair voting in accordance with the provisions of laws and regulations". In terms of women's representation in legislative institutions, Article 46 of the Human Rights Law stipulates as follows: "the electoral system, party, election of members of legislative bodies must ensure women's representation according to specified requirements". The terminology used in the Human Rights Law is women and not in the term women. The sentence in the provisions of Article 46 of the Human Rights Law which is written "must ensure women's representation" means that laws and regulations governing the election of legislative members, including members of the DPRP, must provide legal certainty regarding the quota of women's representation in DPRP institutions.

Legal protection of women's political rights in legislative institutions is also regulated in Article 173 paragraph (2) letter e of Law Number 7 of 2017 concerning General Elections (Election Law) which regulates as follows:

Political parties can participate in elections after meeting the requirements: include at least 30% (thirty percent) of women's representation in the management of political parties at the central level. Furthermore, in the provisions of Article 177 letter d mangatur as follows: the required documents as referred to in Article 176 paragraph (3) include: Certificate from the Central Board of a Political Party regarding the inclusion of women's representation of at least 30% (thirty percent) in accordance with the provisions of laws and regulations. Taking into account the regulations in the Election Law, the fulfillment of women's political rights is

only limited to being included as administrators in political parties and there is no guarantee of legal certainty regarding the quoterrepresentation of women in people's representative institutions including the DPRPapua, namely the certainty of the percentage of women's representation from the number of members of the Papuan House of Representatives.

In addition to the Election Law, within the framework of Papua Special Autonomy, the protection of women's rights is regulated in Law Number 21 of 2001 concerning Papua Special Autonomy (Papua Special Autonomy Law). Article 47 of the Papua Special Autonomy Law stipulates as follows: "to uphold women's human rights, the Provincial Government is obliged to foster, protect their rights and empower them with dignity and make all efforts to position them as equal partners of men". This arrangement is still general in nature and is not further regulated in a lower regulation in the form of a Special Regional Regulation (Perdatus). The enactment of the Papua Special Autonomy Law, which began in 2022 until 2021, the implementation of the provisions of Article 47 is not regulated more clearly in the Perdatus, making it difficult to implement, including providing legal certainty regarding the protection of women's political rights in the form of a quota for OAP women's representation in the DPRPapua institution.

- b. The composition of OAP women in the DPRP institution is based on the results of the 2019 General Election and binding within the framework of Papua's Special Autonomy.

The filling of DPRPapua membership is based on the Election Law and the Papua Special Autonomy Law. The two provisions of the laws and regulations are a reference in the process of filling the membership of the DPRPapua in the 2019 election. The filling of DPRPapua membership in the 2019 election was carried out using the mechanism of "election" and "appointment". The filling of DPRPapua membership through the election mechanism is based on the Election Law. Papua Province is divided into 7 (seven) Electoral Areas (Dapil). The allocation of seats for the DPRPapua contested in the 2019 election is 55 (fifty-five) seats. Members of the Papuan House of Representatives elected based on the results of the 2019 General Election are listed below.

DPR MembershipElected in the 2019 General Election for the 2019-2024 term

DAPIL	TOTAL KURSI	CALEG TERPILIH	PARTAI	JENIS KELAMIN	NOMOR URUT	JML SUARA
PAPUA 1	10	ORGENES KAWAY	PKB	L	6	9.685
		YANNI, S.H	GERINDRA	P	1	11.982
		KRISTHINA R. I LULUPORO, S.Ip., M.Ap.	PDIP	P	1	20.961
		JANSEN MONIM, ST., MM	GOLKAR	L	5	15.162
		HERLIN BEATRIX M. MONIM, SE	NASDEM	P	1	14.679
		H. JUNAEDI RAHIM	BERKARYA	L	4	3.730
		M. DARWIS MASSI, SE	PKS	L	1	11.388
		YULIANUS RUMBAIRUSY	PAN	L	1	10.514
		KAMASAN YAKOB S.S KOMBOY, S.Ap.	HANURA	L	4	6.922
		MUSTAKIM HR, SE., S.H., M.Si., M.H	DEMOKRAT	L	1	9.140
		PAPUA 2	5	TAN WIE LONG	GOLKAR	L
KARNAN YOHANIS						
ANCE WANGGAI, SE	NASDEM			P	5	15.475
FADLY NASRULLAH	HANURA			L	3	17.047
BOY MARKUS DAWIR, SP.	DEMOKRAT			L	1	26.567
BENYAMIN ARISOY, SE., M.Si	DEMOKRAT			L	5	24.920

PAPUA 3	10	AMOS EDOWAY	PKB	L	1	27.222
		APENIEL SANI	Gerindra	L	7	35.638
		MESAK MAGAI, S.Sos, M.Si	PDIP	L	1	20.195
		FERINANDO A. Y. TINAL	Golkar	L	1	23.729
		LAURENZUS KADEPA	Nasdem	L	2	35.580
		ALFRED FREDY ANOUW, S.IP	Garuda	L	1	18.338
		DEKI NAWIPA, SE	Berkarya	L	9	37.283
		NASON UTI,SE	PPP	L	1	32.200
PETRUS PIGAY	PAN	L	3	20.405		
THOMAS SONDEGAU, ST	Demokrat	L	2	21.634		
PAPUA 4	9	AGUS KOGOYA,S.Ip, M.Si	PKB	L	1	21.372
MEGA MANSYE FLORA NIKIJULUW, SH	PDIP	P	3	20.968		
ELLY WONDA	Golkar	L	2	26.865		
KORTIUS WONERENGGGA, SE	Nasdem	L	2	50.017		
ELVIS TABUNI, SE., MM	Berkarya	L	1	40.000		
TIMILES YIKWA, SE	PAN	L	4	39.265		
FERYANA WAKERKWA, S.IP	PAN	P	5	35.000		
DR. YUNUS WONDA, SH., MH	Demokrat	L	1	48.593		
HOSEA GENONGGA	Demokrat	L	9	26.634		
PAPUA 5	7	NATAN PAHABOL	Gerindra	L	2	18.549
ARKEAS ASSO, S.Sos	PDIP	L	1	18.150		
DANTON GIBAN, S.Pd, M.Si	Golkar	L	1	18.846		
GERSON SOMA, S.Th., M.Si	Nasdem	L	1	17.797		
YOSIA BUSUB, S.Sos	PAN	L	5	44.473		
SINUT BUSUB, SE, M.Si	PAN	L	1	22.448		
TARIUS MUL	Democrat	L	7	30.103		
PAPUA 6	8	LAS NIRIGI, SE	Gerindra	L	4	33.111
HERMAN YOGOBI	PDIP	L	1	35.000		
JHONY BANUA ROUW	Nasdem	L	1	79.520		
H. ABU HANIFAU ASSO, S.Sos	Nasdem	L	2	21.845		
NIOLUEN KOTOUKI, S.IP	PKS	L	2	42.112		
NAMANTUS GWIJANGGE, S.IP	Perindo	L	2	43.577		
NIKIUS BUGIANGGE	Hanura	L	2	22.485		
EMUS M. GWIJANGGE, ST	Demokrat	L	1	32.611		

PAPUA 7	6	SITTI SUSANTI, SE	Gerindra	P	2	6.887
		EDOARDUS KAIZE,SS	PDIP	L	1	36.805
		PASKALIS LETSOIN, SH., MH	PDIP	L	2	7.585
		FERDINANDO BOKOWI, SH	Golkar	L	6	8.912
		FAUZUN NIHAYAH, S.HI., MH	Nasdem	P	1	12.334
		KUSMANTO, SH., MH	PKS	L	1	20.058
TOTAL	55					

Source: <https://www.puskapol.ui.ac.id/data-dprd-provinsi-terpilih-2019-papua>, accessed September 2022.

A total of 55 (fifty-five) Members of the Papuan House of Representatives from the 17 April 2019 Legislative Election were inaugurated and sworn in as Members of the Papuan House of Representatives for the 2019-2024 Term by the Chairman of the Jayapura High Court Heru Pramono, SH., M.Hum on Thursday, October 31, 2019 at the Plenary Meeting of the Papuan House of Representatives in the Framework of Inauguration and Oath-Taking / Promise of Members of the Papuan House of Representatives for the 2019-2024 Term. The inauguration was carried out based on the Decree of the Minister of Home Affairs of the Republic of Indonesia Number 161.91-5398 of 2019 dated October 18, 2019, concerning the Inauguration of the Dismissal of Members of the Papuan House of Representatives for the 2014-2019 Term and the Letter of the Minister of Home Affairs of the Republic of Indonesia Number, 161.91-5399 of 2019 dated October 18, 2019 concerning the Inauguration of the Appointment of Members of the Papuan House of Representatives for the 2019-2024 Term. Of the total membership of the DPRPapua election results as many as 55 (fifty-five) members, the representation of women is 8 (eight) people, while men as many as 48 (forty-eight) people are men. Of the total 8 (eight) female members of the DPRPapua, only 3 (three) OAP women are (i), Herlin Beatrix M. Monim from the Nasdem Party, (ii) Ance Wanggai from the Nasdem Party, and (iii), Feryana Wakerkwa from PAN.

In addition to DPRPapua members elected through the 2019 elections, within the framework of Papua Special Autonomy (Otsus Papua), the provisions of Article 6 of the Special Autonomy Law stipulate that in addition to DPRP members elected through the election mechanism, the filling of membership in the DPRPapua institution is also carried out through an appointment mechanism. In the provisions of Article 6 paragraph (2), paragraph (3) and paragraph (4) of the Papua Special Autonomy Law stipulates as follows: (2), the DPRP consists of members who are elected and appointed based on laws and regulations. (3) The election, determination and inauguration of DPRP members shall be carried out in accordance with laws and regulations. (4) The number of DPRP members is 1 1/4 (one quarter) times the number of members of the Papua Provincial DPRD as stipulated in laws and regulations. Referring to the provisions of Article 6 of the Papua Special Autonomy Law, the number of members of the DPRPapua has increased by 14 (fourteen) seats/members.

The filling of 14 (fourteen) DPRP memberships appointed within the framework of Special

Autonomy Papua for the 2019-2024 term is carried out using the legal instrument of the Papua Province Special Region Regulation on Membership of the Papuan People's Representative Council which is determined through the Appointment Mechanism for the 2019-2024 period. The list of names of 14 (fourteen) members of the DPRPapua appointed within the framework of Special Autonomy Papua for the 2019-2024 term is as follows:

1. Ramses Ohee (L).
2. Piter Kwano, S.H (L)
3. Yotam Bilasi (L).
4. Yoahnis Luis Ronsumbre, S. Sos (L).
5. Yonas Alfonsoma Nusi (L).
6. John Nasion Robby Gobay (L).
7. Julius Miagoni, S.H (L).
8. Romanus Omaleng, S.H., M.H (L).
9. Arnold W. Walilo, S.Pd., M.Si (L).
10. Yakoba Lokbere (P).
11. Thimotius Wakut (L).
12. Kope Wenda S. PaK (L).
13. Henry E. Y.S Gebze (L).
14. Frits Tobo Wakasu (L).

Of the fourteen DPRPapua members appointed, there is only 1 (one) female representative on behalf of Yakoba Lokbere. This representation shows that the provisions of Article 2 of the DPRPapua Appointment Perdasus do not guarantee certainty for the quota of OAP women's representation in DPRPapua institutions through the appointment mechanism.

B. Factors Affecting the Level of Representation of Indigenous Papuan Women in the Membership of the Papuan People's Representative Council.

- a. Factors of Laws and Regulations Governing the Representation of OAP Women in the DPRPapua Institution

The State of Indonesia is a State of Law as stated in the provisions of Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia. The concept of the rule of law has the consequence that the government must protect human rights. This is as stated by Friedrich Julius Stahl of the Continental European school of law who suggests that one element of the rule of law is the protection of human rights². For the Indonesian state, the provisions of Article 71 of the Human Rights Law stipulate that "The government is obliged and responsible to respect, protect, enforce, and promote human rights stipulated in this law, other laws and regulations, and international law on human rights accepted by the Republic of Indonesia". Furthermore, the provisions of Article 72 of the Human Rights Law stipulate that "the obligations and responsibilities of the Government as referred to in Article 71 include effective implementation measures in the fields of law, politics, economy, social, culture, defense of state security, and other fields". Disrupting the regulations in the provisions of Articles 71 and 72 of the Human Rights Law, the state is responsible for providing protection and effective measures in the political field to provide protection for the political rights of citizens, including the political rights of women, especially OAP Women in the institution of the Papuan Parliament. Article 46 of the Human Rights Law stipulates that in the political field, the electoral system, parties and elections for members of the legislature must guarantee women's representation in accordance with specified requirements. The

guarantee of women's representation in the legislature can only be fulfilled if it is clearly stated in the Election Law or specifically the inclusion of clear and firm arrangements in the Papua Special Autonomy Law or Special Regional Regulations (Perdasus) regarding the representation of OAP women in the DPRPapua institution. In the part of the sentence written "guarantee of women's representation" means that in order to fulfill women's political rights in the legislature, the laws and regulations governing elections as well as the Special Autonomy Law which regulates the protection, empowerment and partiality of the rights of indigenous Papuans, must be contained and clearly regulated including in the Special Regional Regulation.

The guarantee of legal certainty regarding the protection of women's political rights in the legislature as stipulated in the provisions of Article 46 of the Human Rights Law has a vague and unequivocal relevance to the Election Law because the Election Law in the provisions of Articles 173 to Article 177 only regulates the obligation of Political Parties to include and include women's representation of at least 30% (thirty percent) in the management of the Party Center and not the quota guarantee of representation women in legislative institutions. Within the framework of Papua's Special Autonomy, the provisions of Article 47 of the Papua Special Autonomy Law stipulate that: "to uphold women's human rights, the Provincial Government is obliged to foster, protect their rights and empower them with dignity and make all efforts to position them as equal partners of men". These arrangements are still general in nature and require more detailed arrangements in lower regulations, namely through Special Regional Regulations (Perdasus) as a legal instrument established to guarantee protection and legal certainty regarding the basic rights of OAP in the implementation of Papua's special autonomy. The filling of the DPRPapua membership appointed within the framework of Papua Special Autonomy for the 2019-2024 period is carried out by referring to Perdasus Number.... Year... about.... In the provisions of Article 3 of the Perdasus Appointment of DPRPapua is regulated as follows: (1), The number of DPRP members appointed as referred to in Article 2 is 1/4 (one quarter) of the number of DPRP seats determined nationally in accordance with the provisions of laws and regulations. (2), The number of DPRP membership as referred to in paragraph (1) must take into account the representation of women elements. The provisions of paragraph (2) stipulate that in the membership selection process, the Selection Committee/Organizer must pay attention to the representation of women. However, this arrangement is a vague norm and has weaknesses in the form of uncertainty and indecisiveness, because it only mentions paying attention to the representation of women from a total of 14 (twelve) DPRPapua members who will be appointed through a selection process (not election) and does not mention exactly how many female representative quota from the number of DPRPapua members are appointed for the 2019-2024 period.

The membership of the DPRPapua appointed within the framework of Special Autonomy Papua for the 2019-2024 term shows that there is only 1 (one) female representative on behalf of Yakoba Lokbere out of a total membership of 14 (fourteen) people. This number shows that the general laws and regulations governing general elections, the Papua Special Autonomy Law and the Perdasus for the appointment of DPRPapua members, do not guarantee legal compliance regarding the quota of women's representation in DPRPapua institutions. The granting of Special Autonomy for Papua Province through Law Number 21 of 2001, should provide protection, partiality and empowerment to the basic rights of indigenous Papuans, one of which is legal certainty regarding the political rights of OAP women through their representation in the DPRPapua institution. Law in the form of laws

and regulations serves to provide justice, certainty, and benefit. The weak guarantee of legal certainty in the Election Law, the Papua Special Autonomy Law and the Perdasus for the Appointment of the DPRPapua for the 2019-2024 period in providing protection to the political rights of OAP women in the DPRPapua institution, this is contrary to the regulation and guarantee of human rights protection (HAM) regulated by the provisions of Article 28D paragraph (3) of the Indonesian State Constitution of 1945 stipulating that "every citizen has the right to equal opportunities in government", and in the provisions of Article 46 of the Human Rights Law. If changes are not made to the laws and regulations governing elections, the Papua Special Autonomy Law and the Perdasus for the Appointment of DPRPapua members for the 2024-2029 term of office, it is certain that women will become minority elements in the special parliament in the DPRPapua.

b. Cultural factors of society.

The fundamental problem in women's empowerment that has occurred so far is the low participation of women in politics. This is because there are still various forms of discriminatory practices. Other problems include the gap in women's political participation stemming from the inequality of the sociocultural structure of society which is colored by gender-biased interpretations of religious translations. In the social context, this gap reflects the limited access of most women to higher education, and involvement in wider public activities.

Ideally, discriminatory practices that cause gender gaps in various fields of development, especially in the political field, should be eliminated, because women also have the same rights as men. Human rights are basic and basic rights. The fulfillment of human rights is a must so that citizens can live in accordance with their humanity. Human rights include, among others, the right to freedom of opinion, freedom of thought and expression; free assembly and association; freedom from persecution and cruel punishment, the right to food sufficiency, the right to security, the right to livelihood and employment, the right to a healthy life and other rights as enshrined in the 1948 Declaration of Human Rights.

It is this right to freedom of thought, opinion, assembly and association that is the forerunner of the emergence of rights in the political field and is the first generation of human rights. The human rights of the first generation were the result of the struggle of liberalism-individualism to protect the life of the human person from interference by the state or other social forces, so that the autonomy of each person over himself was respected. Therefore, this right is referred to as the right to freedom (freedom from) and rights that are negative. It is said to be negative because the state should not intervene in realizing these rights. So in this case the state is passive. Although certain types of rights, such as the right to personal security, fair and open trials, etc. require positive government action, the focus remains that freedom is a shield for the protection of the sovereign integrity of the human person from the intervention of certain entities and the abuse of power of political authority.

The right to freedom of thought, opinion, assembly and association is a universal human right, as based on the thoughts of one of the philosophers of the school of Natural Law, namely St. Thomas Aquino who states that humans from birth are free (Nature). This means that man from birth has absolute and essential principles (*principia prima*) and principles that are not absolute and can change according to place and time (*principia secundaria*). The consequence is that these principles that are a reflection of human dignity must be respected.

Laws and regulations governing the general election of legislative bodies including the DPRPapua, the Special Autonomy Law and the DPRPapua Appointment Perdasus have slightly regulated women's rights in competing for the filling of DPRPapua membership. The regulations in various provisions of the law do not provide legal certainty for women in occupying positions in the DPRPapua institution which is carried out using election and appointment mechanisms.

In addition, the lack of women's representation in the DPRPapua membership carried out through Elections and Appointments is due to the culture of the community, specifically OAP culture. Women face a challenge, namely a culture of society that is still very strong which still views that women are not leaders in the family and cannot be equated with men. This paradigm has an impact on the content material in election laws and regulations, the Special Autonomy Law and Perdasus which do not clearly include the certainty of the number of women's quotas in the DPRPapua institutions recruited through the election process or appointed. In addition, with the paradigm of men who have not positioned women to have the same role in the administration of state government, the struggle and efforts of women to assume the position of DPRPapua membership, is a struggle in itself and not because of the guarantee of legal protection for women's political rights in the DPRPapua institution.

Gender equality is a demand in almost all countries, in fact it is not easy to realize gender equality. Basically, everyone agrees that men and women are different in biology. The reason for the difficulty of realizing gender equality is because of the cultural construct of society regarding patriarchal culture that distinguishes the roles of men and women. This cultural construct has been old for generations and will be difficult to change. To change this culture, it takes a very long process. Although it is difficult to change, there is still hope to realize gender equality, namely through gender equality education, involving men and women in participating activities, getting fair benefits between men and women.

Patriarchy is the cause of oppression of women. For societies that embrace patriarchal culture, men are in a more dominant position and power than women. According to society, women are weaker than men. This patriarchal culture occurs in family life, society, and state. According to Muhadjir (2005: 166), this culture results in discrimination, marginalization, and violence against women. The patriarchal culture that still occurs in society makes the position of OAP women have not received the same opportunity, namely as members of the DPRPapua. In the living environment, patriarchal culture is not visible, but it can be felt clearly.

Gender differences are not a problem, but the problem is that social constructs built into patriarchal cultures cause injustice between men and women. Gender injustice can be exemplified, for example, subordination or numbering. That is the belief that one sex is more important than the other. In addition, there is a *baRu* image of individuals or groups that does not correspond to existing empirical reality. For example, a woman labeled as a housewife whose job is only to take care of housework. While doing politics, doing business or working is more labeled to men. This can harm women because of discrimination.

The representation of OAP women in the DPRPapua institution still separates a number of legal problems and social problems, namely Patriarchal culture which affects the way men view women, including influencing the frame of mind in the formulation of legal provisions

to regulate and protect the human rights of citizens, including the political rights of OAP women in the DPRpapua institution.

4. Conclusion

Based on the results of the discussion of research issues that have been described in the discussion chapter, it can be concluded:

- a. The level of representation of Indigenous Papuan Women in the membership of the Papuan Provincial People's Representative Council for the 2019-2024 period based on the election results is 3 (three) people and those appointed within the framework of Special Autonomy Papua are 1 (one) person so that all of them are 4 (four) people from 69 (sixty-nine). The composition of women's representation still displays no partiality and deviation from women's political rights caused by (i), the Election Law only lists a quota of at least 30% (thirty percent) of women registered as Central Administrators in the party and not as a guarantee of membership process in the DPRPapua institution. (ii), the Papua Special Autonomy Law only provides general arrangements including in the Regulation on the Appointment of Members of the House of Representatives for the 2019-2014 period which only uses the formulation of the sentence "must pay attention to women's representation" in the selection process. Neither the Papua Special Autonomy Law nor the Perdasus for the Appointment of Members of the DPRPapua provide legal certainty and guarantees of rights protection in the form of certainty of quota percentage of OAP women's representation in the DPRPapua membership institution appointed within the framework of Special Autonomy Papua in the DPRPapua institution. The substance of the Election Law, the Papua Special Autonomy Law and the Perdasus for the Appointment of Members of the DPRPapua which regulates women's political rights in the legislature are laws and regulations that contradict the 1945 State Constitution of the Republic of Indonesia and the provisions of Article 46 of the Human Rights Law because they do not provide legal certainty and guarantees of protection of the political rights of OAP women as representatives in the DPRPapua institution which is carried out through the mechanism of Elections and Appointments.
- b. OAP women in the DPRPapua institution only number 4 (four) people out of 69 (sixty-nine) DPRPapua members. The low level of representation of OAP women in the DPRPapua institution is caused by (i), weak regulations in laws and regulations governing elections which only include a quota of at least 30% (thirty percent) registered as Central Administrators in the party and not as a guarantee of membership process in the DPRPapua institution. (ii), community culture, especially patriarchal culture in indigenous Papuans who hold the view that women are not leaders in the family and cannot be equated with men. Because he is not a leader in the family so he is not given more opportunities to become a leader in state institutions, namely the DPRPapua institution. This shows that the level of equality of political rights between women and men, especially the representation of OAP women in the DPRPapua institution, is strongly influenced by cultural aspects of society.

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