



**CONSTITUTIONAL COURT
OF THE REPUBLIC OF INDONESIA**

**SUMMARY OF DECISION
FOR CASE NUMBER 169/PUU-XXII/2024**

Concerning

Representation of Women in Council Apparatus

- Petitioners** : 1. **Perkumpulan Koalisi Perempuan Indonesia untuk Keadilan dan Demokrasi (Indonesian Women’s Coalition for Justice and Democracy) (Petitioner I)**
2. **Perkumpulan Untuk Pemilu dan Demokrasi (Association for Elections and Democracy) (Petitioner II)**
3. **Kalyanamitra (Petitioner III)**
4. **Titi Anggraini (Petitioner IV)**
- Type of Case** : Material review of Law Number 7 of 2014 concerning the People’s Consultative Assembly, House of Representatives, Regional Representative Council, and Regional People’s Representative Assembly (hereinafter referred to as Law 17/2014) and Law Number 2 of 2018 concerning the Second Amendment to Law Number 17 of 2014 concerning the People’s Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional People’s Representative Assembly (hereinafter referred to as Law 2/2018) against the 1945 Constitution of the Republic of Indonesia (1945 Constitution)
- Subject Matter** : Article 90 paragraph (2), Article 96 paragraph (2), Article 103 paragraph (2), Article 108 paragraph (3), Article 114 paragraph (3), Article 120 paragraph (1), Article 151 paragraph (2), and Article 157 paragraph (1) of Law 17/2014 and Article 427E paragraph (1) letter b of Law 2/2018 are contrary to the 1945 Constitution of the Republic of Indonesia
- Verdict** : 1. To grant the entire petition of Petitioner I, Petitioner II, and Petitioner IV
2. To declare that Article 90 paragraph (2) of Law Number 17 of 2014 concerning the People’s Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional People’s Representative Assembly (State Gazette of the Republic of Indonesia of 2014 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 5568) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as, “The members of the Consultative Body shall be a maximum of 1/10 (one tenth) of the total number of members of the House of Representatives based on the balance of the number of members of each

faction, **by including female representation based on the balance and equal distribution of the number of female members in each faction** as determined by the plenary session.”

3. To declare that Article 96 paragraph (2) of Law Number 17 of 2014 concerning the People’s Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional People’s Representative Assembly (State Gazette of the Republic of Indonesia of 2014 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 5568) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as, “The number of commission members is determined in a plenary session according to the balance and equal distribution of the number of members in each faction, **by including female representation based on the balance and equal distribution of the number of female members in each faction** at the beginning of the House of Representatives membership period, the beginning of the session year, and at each session period.”
4. To declare that Article 103 paragraph (2) of Law Number 17 of 2014 concerning the People’s Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional People’s Representative Regional Assembly (State Gazette of the Republic of Indonesia of 2014 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 5568) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as, “The number of members of the Legislative Body is a maximum of 2 (two) times the number of commission members, which reflects the factions and commissions **by including female representation based on the balance and equal distribution of the number of female members in each faction.**”
5. To declare that Article 108 paragraph (3) of Law Number 17 of 2014 concerning the People’s Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional People’s Representative Regional Assembly (State Gazette of the Republic of Indonesia of 2014 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 5568) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as, “The composition and membership of the Budget Agency as referred to in paragraph (1) consists of members from each commission who are selected by the commission by taking into account the balance of the number of members and the proposals of the factions, **by including female representation based on the balance and equal distribution of the number of female members in each faction.**”
6. To declare Article 114 paragraph (3) of Law Number 17 of

2014 concerning the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional People's Representative Assembly (State Gazette of the Republic of Indonesia 2014 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 5568) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as, "The number of members of the Inter-Parliamentary Cooperation Agency shall be determined in a plenary session of the House of Representatives, based on the principle of proportional and equal distribution of the number of members from each faction, **by including female representation based on the balance and equal distribution of the number of female members in each faction.**"

7. To declare that Article 120 paragraph (1) of Law Number 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional People's Representative Assembly (State Gazette of the Republic of Indonesia of 2014 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 5568) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as, "The House of Representatives determines the composition and membership of the Honorary Council, which consists of all factions, taking into account the balance and equal distribution of the number of members of each faction, **by including female representation based on the balance and equal distribution of the number of female members in each faction** at the beginning of the House of Representatives' membership period and the beginning of the session year."
8. To declare that Article 151 paragraph (2) of Law Number 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional People's Representative Assembly (State Gazette of the Republic of Indonesia of 2014 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 5568) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as, "The maximum number of Domestic Affairs Agency members is 25 (twenty five) people based on the proposal of the commission and faction based on the balance and equal distribution of the number of members of each faction in the commission, **by including female representation based on the balance and equal distribution of the number of female members in each faction** as determined in the plenary session of the House of Representatives."
9. To declare that Article 157 paragraph (1) of Law Number 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional People's Representative Assembly (State Gazette of the Republic of Indonesia of

2014 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 5568) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as, “The House of Representatives determines the composition and membership of special committees based on the balance and equal distribution of the number of members in each faction, **by including female representation based on the balance and equal distribution of the number of female members in each faction.**”

10. To declare that Article 427E paragraph (1) letter b of Law Number 2 of 2018 concerning the Second Amendment to Law Number 17 of 2014 concerning the People’s Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional People’s Representative Assembly (State Gazette of the Republic of Indonesia of 2018 Number 29, Supplement to the State Gazette of the Republic of Indonesia Number 6187) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as, “the leadership of the commission, Legislative Body, Budget Agency, Inter-Parliamentary Cooperation Agency, Honorary Council, and Domestic Affairs Agency consists of 1 (one) chairperson and a maximum of 4 (four) deputy chairpersons, who are appointed from and by the members of the commission, Legislative Body, Budget Agency, Inter-Parliamentary Cooperation Agency, Honorary Council, and Domestic Affairs Agency based on the principle of deliberation for consensus and proportionally according to the balance of the number of members of each faction **by including at least 30% (thirty percent) female representation.**”
11. To order this decision to be published in the State Gazette of the Republic of Indonesia as appropriate
12. To declare that the petition of Petitioner III is inadmissible

Date of Decision : Thursday, October 30, 2025

Overview of Decision :

The Petitioners are Perkumpulan Koalisi Perempuan Indonesia untuk Keadilan dan Demokrasi (Indonesian Women’s Coalition for Justice and Democracy) (hereinafter referred to as the Indonesian Women’s Coalition, as Petitioner I), Perkumpulan Untuk Pemilu dan Demokrasi (Association for Elections and Democracy) (hereinafter referred to as Perludem, as Petitioner II), Kalyanamitra (as Petitioner III) declaring itself as a legal entity in the form of a Foundation that fights for law and democracy. Meanwhile, Titi Anggraini (as Petitioner IV) declaring herself as an individual Indonesian citizen who also fought for law and democracy.

With respect to the Court’s authority, because the petition concerns a constitutionality review of statutory norms, *in casu* review of the norms of Article 90 paragraph (2), Article 96 paragraph (2), Article 103 paragraph (2), Article 108 paragraph (3), Article 114 paragraph (3), Article 120 paragraph (1), Article 151 paragraph (2), and Article 157 paragraph (1) of Law 17/2014 and Article 427E paragraph (1) letter b of Law 2/2018 against the 1945 Constitution of the Republic of Indonesia, the Court has the authority to hear the petition *a quo*.

With respect to legal standing, the Court is of the opinion that Petitioner I is a private legal entity which, based on its vision, goals, and mission, has carried out training, mentoring, education, and studies aimed at realizing gender equality and justice and protecting women's rights. In this case, Mikewati Vera Tangka as Secretary General [*vide* Evidence P-1] pursuant to the Articles of Association/Bylaws of Petitioner I has the right to represent Petitioner I in submitting the petition *a quo*. Furthermore, the Court is of the opinion that Petitioner II is a private legal entity which, pursuant to its Deed of Establishment, has carried out activities including promoting legal regulations and participating in the monitoring of and providing input regarding elections [*vide* Evidence P-2]. In this case, Khoirunnisa Nur Agustyati as Chairperson and Irmalidarti as Treasurer pursuant to the Deed of Establishment of Petitioner II are entitled to represent Petitioner II to submit the petition *a quo*. Then, the Court is of the opinion that Petitioner III is a private legal entity [*vide* Evidence P-3] which, pursuant to its Articles of Association, carries out activities including policy advocacy in the field of women's rights and the development of women's movements. However, in submitting the petition *a quo*, Petitioner III was represented only by Listyowati as Chairperson and not jointly with another administrator, and therefore did not fulfill the provisions of Article 18 number 1 of the Articles of Association of Petitioner III [*vide* Evidence P-5]. Due to the failure to fulfill the relevant formal requirements, the Court is of the opinion that Petitioner III does not satisfy the formal requirements relating to the qualifications of a legal entity entitled to submit a petition for judicial review of a law to the Court, accordingly, Petitioner III does not have legal standing to act as a Petitioner in the petition *a quo*. Meanwhile, Petitioner IV is an individual Indonesian citizen, as evidenced by her Resident Identity Card [*vide* Evidence P-6], who carries out activities related to female representation in legislative institutions.

As set out in the qualifications above, Petitioner I, Petitioner II, and Petitioner IV have outlined their constitutional rights to advance themselves in collectively fighting for their rights and to receive facilities and special treatment as guaranteed under Article 28C paragraph (2) and Article 28H paragraph (2) of the 1945 Constitution of the Republic of Indonesia. Such rights are considered to be actual or at least potential and, according to reasonable reasoning, can be assured to occur as a result of the enactment of the norms of Article 90 paragraph (2), Article 96 paragraph (2), Article 103 paragraph (2), Article 108 paragraph (3), Article 114 paragraph (3), Article 120 paragraph (1), Article 151 paragraph (2), and Article 157 paragraph (1) of Law 17/2014, and Article 427E paragraph (1) letter b of Law 2/2018. The alleged loss of constitutional rights arises from the enactment of the norms *a quo*, which has resulted in the domestication, distortion, and neglect of the principles of gender justice for women in parliament, as a consequence, the various activities and efforts that have been continuously carried out by Petitioner I, Petitioner II, and Petitioner IV to fight for women's involvement in the political sphere have become futile and meaningless. Accordingly, it has also been established that there is a causal relationship (*causal verband*) between the alleged loss of constitutional rights of Petitioner I, Petitioner II, and Petitioner IV and the enactment of the norms of Article 90 paragraph (2), Article 96 paragraph (2), Article 103 paragraph (2), Article 108 paragraph (3), Article 114 paragraph (3), Article 120 paragraph (1), Article 151 paragraph (2), and Article 157 paragraph (1) of Law 17/2014, and Article 427E paragraph (1) letter b of Law 2/2018. Therefore, if the petition *a quo* is granted by the Court, the alleged constitutional loss as described will no longer or at least will not occur. Thus, regardless of whether or not the constitutionality issue of the norms being petitioned for review is proven, the Court is of the opinion that Petitioner I, Petitioner II, and Petitioner IV (hereinafter referred to as the Petitioners) have the legal standing to act as Petitioners in the petition *a quo*.

With respect to the subject matter of the petition, the Court is of the opinion that, in order to ensure female representation within the Council Apparatus, practices must be adopted to prevent the concentration of female representation in certain Council Apparatus. In fact, the evidence shows that certain commissions have very few female members, as a greater number of female members are placed in commissions in the fields of social affairs, child protection, and women's empowerment. Therefore, in order for the positions within the Council Apparatus to reflect balanced female representation, the Court is of the opinion that

concrete mechanisms and steps must be established, both institutionally and politically. With respect to this matter, there are 2 (two) measures that may be implemented. *First*, the House of Representatives may implement strict internal rules (such as the Rules of Procedure of the House of Representatives), requiring each faction to assign female members to each Council Apparatus in accordance with their respective capacities. If a faction has more than one representative in a Council Apparatus, at least 30% (thirty percent) of those representatives must be women. In addition, the factions within the House of Representatives (DPR) play an important role, as the members of the Council Apparatus are determined by each faction. This step may be taken through the establishment of gender-affirmative internal policies by the factions. In this context, in assigning members to the Council Apparatus, each faction must pay due regard to the balance and equal distribution of the number of female members in each commission. *Second*, the factions should also regulate fair rotation and distribution, so that female members are not placed solely in commissions in the fields of social affairs [*vide* petition revision p. 60], child protection, and women's empowerment, but are also assigned to commissions in the fields of economics, law, energy, defense, and other sectors. The Consultative Body of the House of Representatives also plays an important role in conducting periodic evaluations of the composition of the Council Apparatus, as well as in providing recommendations for adjustments where there are gender disparities among factions or commissions. Therefore, the Court is of the opinion that the regulations concerning the Council Apparatus, including members of the Consultative Body, members of the Commissions, members of the Legislative Body, members of the Budget Body, members of the Inter-Parliamentary Cooperation Agency, members of the Honorary Council, members of the Domestic Affairs Agency, and members of special committees, must "include female representation based on the balance and equal distribution of the number of female members in each faction." Thus, the Petitioners' arguments regarding the unconstitutionality of the norms of Article 90 paragraph (2), Article 96 paragraph (2), and Article 103 paragraph (2), Article 108 paragraph (3), Article 114 paragraph (3), Article 120 paragraph (1), and Article 151 paragraph (2) of Law 17/2014 is legally justifiable.

Furthermore, the Court is of the opinion that the existence of proportional female representation in the leadership of the Council Apparatus brings a perspective of gender equality and justice into the policy-making process by the lawmakers. However, the filling of leadership positions within the Council Apparatus is conducted through the election of members of the Council Apparatus in a single package based on faction proposals through deliberation and consensus, without due regard to female representation of at least 30% (thirty percent). As a result, the implementation of female representation is increasingly neglected. Under the current regime of the Law on the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional People's Representative Assembly, any member of the Council Apparatus may nominate himself or herself as a candidate for leadership of the Council Apparatus based on the principle of deliberation and consensus. If the outcome of such consensus does not select women, it may give rise to a situation in which women are dominated by men. This condition makes it difficult to implement female representation in the filling of leadership positions within the Council Apparatus. Therefore, the absence of a quota provision requiring at least 30% (thirty percent) female representation in leadership positions of the Council Apparatus is unconstitutional. On the other hand, the said regulation provides fair legal certainty, as the 30% (thirty percent) formula for women is measurable and its implementation is clearer. Therefore, the Court is of the opinion that the Petitioners' argument regarding the unconstitutionality of the norm of Article 427E paragraph (1) letter b of Law 2/2018 is legally justifiable.

Accordingly, the Court subsequently passed down a decision, the verdict of which states as follows:

1. To grant the entire petition of Petitioner I, Petitioner II, and Petitioner IV.
2. To declare that Article 90 paragraph (2) of Law Number 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, the Regional

Representative Council, and the Regional People's Representative Assembly (State Gazette of the Republic of Indonesia of 2014 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 5568) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as, "The members of the Consultative Body shall be a maximum of 1/10 (one tenth) of the total number of members of the House of Representatives based on the balance of the number of members of each faction, **by including female representation based on the balance and equal distribution of the number of female members in each faction** as determined by the plenary session."

3. To declare that Article 96 paragraph (2) of Law Number 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional People's Representative Assembly (State Gazette of the Republic of Indonesia of 2014 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 5568) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as, "The number of commission members is determined in a plenary session according to the balance and equal distribution of the number of members in each faction, **by including female representation based on the balance and equal distribution of the number of female members in each faction** at the beginning of the House of Representatives membership period, the beginning of the session year, and at each session period."
4. To declare that Article 103 paragraph (2) of Law Number 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional People's Representative Assembly (State Gazette of the Republic of Indonesia of 2014 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 5568) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as, "The number of members of the Legislative Body is a maximum of 2 (two) times the number of commission members, which reflects the factions and commissions **by including female representation based on the balance and equal distribution of the number of female members in each faction.**"
5. To declare that Article 108 paragraph (3) of Law Number 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional People's Representative Assembly (State Gazette of the Republic of Indonesia of 2014 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 5568) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as, "The composition and membership of the Budget Agency as referred to in paragraph (1) consists of members from each commission who are selected by the commission by taking into account the balance of the number of members and the proposals of the factions, **by including female representation based on the balance and equal distribution of the number of female members in each faction.**"
6. To declare Article 114 paragraph (3) of Law Number 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional People's Representative Assembly (State Gazette of the Republic of Indonesia 2014 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 5568) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as, "The number of members of the Inter-Parliamentary Cooperation Agency shall be determined in a plenary session of the House of Representatives, based on the principle of proportional and equal distribution of the number of members from each faction, **by including female representation based on the balance and equal distribution of the number of female members in each faction.**"

7. To declare that Article 120 paragraph (1) of Law Number 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional People's Representative Assembly (State Gazette of the Republic of Indonesia of 2014 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 5568) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as, "The House of Representatives determines the composition and membership of the Honorary Council, which consists of all factions, taking into account the balance and equal distribution of the number of members of each faction, **by including female representation based on the balance and equal distribution of the number of female members in each faction** at the beginning of the House of Representatives' membership period and the beginning of the session year."
8. To declare that Article 151 paragraph (2) of Law Number 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional People's Representative Assembly (State Gazette of the Republic of Indonesia of 2014 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 5568) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as, "The maximum number of Domestic Affairs Agency members is 25 (twenty five) people based on the proposal of the commission and faction based on the balance and equal distribution of the number of members of each faction in the commission, **by including female representation based on the balance and equal distribution of the number of female members in each faction** as determined in the plenary session of the House of Representatives."
9. To declare that Article 157 paragraph (1) of Law Number 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional People's Representative Assembly (State Gazette of the Republic of Indonesia of 2014 Number 182, Supplement to the State Gazette of the Republic of Indonesia Number 5568) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as, "The House of Representatives determines the composition and membership of special committees based on the balance and equal distribution of the number of members in each faction, **by including female representation based on the balance and equal distribution of the number of female members in each faction.**"
10. To declare that Article 427E paragraph (1) letter b of Law Number 2 of 2018 concerning the Second Amendment to Law Number 17 of 2014 concerning the People's Consultative Assembly, the House of Representatives, the Regional Representative Council, and the Regional People's Representative Assembly (State Gazette of the Republic of Indonesia of 2018 Number 29, Supplement to the State Gazette of the Republic of Indonesia Number 6187) is contrary to the 1945 Constitution of the Republic of Indonesia and does not have binding legal force if it is not interpreted as, "the leadership of the commission, Legislative Body, Budget Agency, Inter-Parliamentary Cooperation Agency, Honorary Council, and Domestic Affairs Agency consists of 1 (one) chairperson and a maximum of 4 (four) deputy chairpersons, who are appointed from and by the members of the commission, Legislative Body, Budget Agency, Inter-Parliamentary Cooperation Agency, Honorary Council, and Domestic Affairs Agency based on the principle of deliberation for consensus and proportionally according to the balance of the number of members of each faction **by including at least 30% (thirty percent) female representation.**"
11. To order this decision to be published in the State Gazette of the Republic of Indonesia as appropriate.
12. To declare that the petition of Petitioner III is inadmissible.