

Women Migrant Workers in Overseas Elections: Where Are Their Voices, Aspirations, and Representation?

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Manuscript Chronology: received on 2 August 2024, revised on 26 November 2024, accepted on 31 December 2024

Abstract

The Overseas General Election deliberately neglects justice for Indonesian Female Migrant Workers (Perempuan Pekerja Migran Indonesia/PPMI). Structural layers of neglect occur from the formulation of regulations to their implementation. The economic contributions made by PPMI fail to be recognized by the state, as reflected in the fulfilment of their political rights during the general election. This article discusses the lost voices, aspirations, and political representation of PPMI due to poor Electoral District (Dapil) arrangements. The data in this article was gathered from 2024 monitoring activities conducted by Migrant CARE, an independent election monitoring organisation. The data was analysed using Nancy Fraser's political justice framework, which encompasses redistribution, recognition, and representation. The article identifies two interrelated issues: (1) problems in the arrangement of Electoral Districts for overseas elections that disrupt the connection between PPMI as constituents and both candidates and elected representatives; (2) the current Electoral District policies weaken state advocacy on issues faced by PPMI. This paper proposes and advocates for establishing a Special Overseas Electoral District to accommodate the voices, aspirations, and leadership of PPMI in politics in a meaningful way, thereby achieving representative political justice.

Keywords: PPMI, Overseas Election, Jakarta II Electoral District

Introduction

Indonesian Female Migrant Workers (PPMIs) always make up the highest percentage of migrant workers every year. The figures are never exact because data on Indonesian Migrant Workers (PMIs) is never accurate. This is because the PMIs data recorded by the government only includes: (1) those who are legally registered as migrant workers, and (2) those who are not legally registered but are eventually registered due to legal problems in the country of work. There are still many unregistered migrant workers. This is the hidden part, barely visible on the surface, like the iceberg phenomenon. However, according to data from the Ministry of Manpower, PPMIs account for 67 percent of the total number of migrant workers (Ministry of Manpower 2022). The state's neglect of one migrant data shows that migrant workers as an entity are often left out of the political process. Since the New Order era, PPMIs have been politicised in a spirit of pseudo-nationalism, organised by the state as heroes of foreign exchange. At the time, there was a massive feminisation of migrant workers. Indonesia made arbitrary diplomatic claims to receiving countries of female migrant workers,

stating that PPMIs were obedient, blind to rights and would never fight back (Susilo 2020).

According to the World Bank, more than nine million Indonesians are overseas migrant workers, accounting for almost 7 percent of Indonesia's workforce (World Bank 2017). The same source states that in East Asia, only China and the Philippines have more migrant workers than Indonesia. This shows that Indonesia is one of the largest migrant-sending countries in Asia. It is undeniable that overseas labour migration makes an important contribution to the Indonesian economy, both in terms of remittances and employment opportunities. Indonesia has a surplus of labour, as it is unable to accommodate most of its working-age population (Wisanggeni et al. 2024). High levels of open and hidden unemployment and low wages are the main drivers of international labour migration (World Bank 2017). As a result, overseas labour migration has become an important focus for Indonesian citizens, including women, to obtain employment.

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elections (Pemilu). This is evidenced by the lack of PPMI protection both at the political level and the absence of people's representatives in several cases of migrant women workers.

The issue of female migrant workers cannot be separated from the political issue of overseas general election. This is evidenced by the lack of PPMI protection both at the political level and the absence of people's representatives in several cases of female migrant workers. In cases such as trafficking in persons (TPPO), sexual violence, and the death penalty, the presence of people's representatives is almost non-existent. According to what our respondents told us during the monitoring, elected members of the legislature only come to meet them or PPMI community in the run-up to elections. The handling of PPMI issues is always assigned to the Consulate/ Embassy/Protection of Indonesian Citizens of the Ministry of Foreign Affairs, rather than to the people's representatives elected with the votes of the migrant workers themselves. On the one hand, the government has an executive function to protect migrant workers. However, the parliament (DPR) has an equally important responsibility, namely the supervisory function, which can be exercised to monitor the implementation of laws and government policies, for example, in TPPO cases, which is the greatest threat to migration. In fact, as mandated by the Presidential Decree, the DPR can monitor the performance of the TPPO Task Force. Moreover, the people's representatives have yet to voice their support for a policy of adequate social security for migrant workers. The protection of PPMI was not included in the legislative scheme that should have been pursued by the people's representatives, especially the representatives of Jakarta II electoral district as an overseas electoral district.

In the 1955 general election, the first election held since Indonesia's independence, Indonesian citizens living abroad had the opportunity to exercise their right to vote. According to the International Institute for Democracy and Electoral Assistance, Indonesia has joined 115 other countries in implementing the principle of allowing voting from abroad (Ellis et al. 2016). From 1955 to 2019, there has been no significant change, and it seems to have been simply implemented. This is evident from the absence of any attempts to reformulate the process of structuring electoral districts (Dapil). The only improvement made was to the method of overseas voting. This is inversely proportional to the high mobility and migration of citizens abroad. In the Indonesian context, the biggest face of voters in

Indonesian overseas elections is the women-majority Indonesian migrant workers.

Since the general election during the New Order era, Dapil Jakarta II has included Indonesian citizens living abroad. This consideration was based on the fact that overseas voters are under the jurisdiction of the Ministry of Foreign Affairs, which has offices in Central Jakarta and South Jakarta (Siregar 2022). This policy has not been revised to date, despite the increasing complexity of migration issues and the fact that migrant workers are increasingly disconnected and distant from the electoral representation that should be a strong driver for their voices and rights. This paper aims to show the impact of overseas electoral policy, particularly the electoral district (Dapil) policy, on the voices, aspirations, and political representation of female migrant workers.

Research Methods

This paper is based on data gathered from the process of participatory overseas monitoring of the 2024 General Election, conducted directly by the authors as independent election observers certified by the General Election Supervisory Agency (Bawaslu) under the auspices of Migrant CARE. The monitoring focused on four countries, namely Kuala Lumpur, Singapore, Hong Kong, and Taiwan. The diverse outcomes of the monitoring also aimed to capture women's experiences in channelling their political rights as Indonesian citizens abroad. The authors are independent observers of Indonesian overseas elections under Migrant CARE, who have been certified by Bawaslu since 2009, 2014, 2019, and 2024. The monitoring process that we carried out included the following stages: (1) pre-voting by checking the accuracy of the Permanent Voters List (DPT) of migrant workers; (2) voting by coming to the monitoring sites in four countries; (3) post-voting by advocating and following up on the findings of alleged violations and electoral crimes from our monitoring.

The data collected was analysed qualitatively from a feminist perspective, using Nancy Fraser's perspective as an analytical tool for political justice. Nancy Fraser emphasises the importance of economic, cultural and political justice, namely redistribution, recognition, and representation (Mudzakkir 2022). Nancy Fraser is a left-wing feminist who has successfully developed a theoretical formulation to explain what justice is by analysing it from the perspective of injustice. For Fraser, the politics of recognition play a role in supporting justice, and the issue of recognition is also intertwined with the experiences of migrant workers, who have lost

their political legitimacy. On this basis, the dimension of political representation becomes important in problem-framing and decision-making (Fraser 2010). Building on this idea, this paper aims to narrate and reflect on how PPMIs are marginalised in different policy mechanisms. The constitutional rights of PPMIs should be guaranteed regardless of their class or social status. In reality, however, these rights are often denied due to the condition of having a nationality outside the territory of a country.

Using the analytical knife of Fraser's feminist political justice, this paper aims to show how the voices,

aspirations, and political representation of PPMIs are marginalised by the policies of Dapil Jakarta II, namely Central Jakarta, South Jakarta, and Overseas. Not wanting to be trapped in the dualism of recognition and redistribution, i.e., only in the economic and cultural dimensions, Fraser then introduced the politics of representation as a dimension of justice. The politics of representation is then developed alongside the politics of recognition and the politics of redistribution. Fraser goes on to discuss a 'frame' that can produce justice. The premise of this 'frame' is the nation-state (in the Westphalian sense). Fraser argues that injustice arises from this 'frame' itself (Mudzakkir 2022).

Table 1. Analytical Framework of Justice Based on Fraser's Concept

The domain of justice	Conditions for parity of participation	Forms of social differentiation	Forms of injustice	Remedies
Economy	Objective conditions	Class	Maldistribution	Redistribution
Culture	Intersubjective conditions	Status	Misrecognition	Recognition
Politics	Public politics conditions	Citizenship	Marginalisation/ Misrepresentation	Inclusion

Source: Mudzakkir (2022)

This theory will be used as a tool to analyse the impact of the current Dapil policy for overseas voters on the political rights of migrant workers, especially PPMIs. This article also attempts to calculate the ratio of seats to population in accordance with Law No. 7/2017 on General Elections, which reinforces the urgency of creating separate overseas electoral districts as a solution to the political representation of PPMIs. Through the determination of special overseas electoral districts, meaningful representation of PPMIs should be encouraged, as PPMIs themselves truly understand the issues they face.

Indonesia's Overseas Elections Journey

General elections, as the implementation of democracy and the mandate of the Constitution, give citizens the right to elect representatives to their executive and legislative institutions, including for citizens living abroad. The ideas and arguments for holding overseas elections are based on the democratic principle of universal suffrage. The central idea is that everyone has the right to participate in elections to direct, representative state bodies because the formal and legal equality of all citizens is guaranteed by law and the Constitution (Ellis et al. 2016). The guarantee of political rights for citizens living abroad is the same

as the guarantee of political rights in other special situations, such as illness, access for the disabled, or citizens in correctional institutions.

In the international legal framework, the political rights of migrant workers are recognised in the 1990 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. Articles 31 and 45 of the Convention guarantee the right to participate in public affairs of their State of origin, including to vote and to be elected (Ellis et al. 2016). International and national legal frameworks have guaranteed migrant workers the right to vote. However, a serious issue is how the governance of the overseas electoral system can be responsive to migrant workers, who demographically make up the majority of overseas voters.

Indonesia's first overseas election was held in 1955, during the Old Order era, when Indonesia had only been independent for 10 years. The 1955 election was held during the period of Parliamentary Democracy and took place twice, on 29 September and 15 December 1955. The first ballot was to elect members of the DPR, and the latter was to elect members of the Constituent Assembly. The 1955 election was based on the principles of honest, general, and equal periodic election, held by secret ballot or in a manner that also guarantees freedom of expression. This was guaranteed by Article

35 of the Provisional Constitution of the Republic of Indonesia.

Overseas elections during the New Order era were held five times in 1977, 1982, 1987, 1992, and 1997. The elections were based on the principles of direct, general, free, and confidential (LUBER). Indonesia's next overseas election was held in 1999, marking the beginning of the democratisation of elections during the reform period. This election adopted the principles of direct, general, free, confidential, honest, and fair election (LUBER JURDIL). The 1999 election was conducted by the General Elections Commission established by the President, which consisted of 48 members from political parties and 5 government representatives (KPU Bau Kota 2014).

The 2004 election saw significant changes due to the amendment of the 1945 Constitution. There were at least three implications for the conduct of overseas elections: (1) the establishment of an election organiser in Indonesia, namely the General Elections Commission (KPU), which is national, permanent, and independent; (2) the holding of presidential and vice-presidential election directly by the Indonesian people; and (3) the holding of election for members of the Regional Representative Council.

During the 2004 general election, the KPU became an independent state institution in order to provide more comprehensive and adequate working tools for the organisation of overseas elections. Law No. 12/2003 on General Elections for Members of People's Representative Council (DPR), Regional Representative Council (DPD), and Regional People's Representative Council (DPRD) and Law No. 23/2003 on General Elections of President and Vice-President stipulate that the conduct of overseas elections shall be conducted by the Overseas Election Committee (PPLN). The PPLN is established by the KPU and based at Indonesia's diplomatic missions, while the Overseas Voting Organising Team (KPPSLN) is formed by the PPLN and based at the Overseas Polling Station (TPSLN). In the 2004 general election, postal voting was also used when Indonesian citizens were unable to vote at the TPSLN.

After the 2004 general election, the 2009 general election was the second overseas election with two polls: the House of Representatives election on 9 April 2009 and the presidential and vice-presidential elections on 9 June 2009. There were improvements and clarifications to the roles of the PPLN and KPPSLN, including more complete and comprehensive registration requirements. A new voting method, the

drop box, was also available in Malaysia and the Middle East for the 2009 general election. This method aimed to facilitate and solve the problem of access difficulties in collecting ballot papers due to the location and geographical distance between voters and the TPSLN. This method is often described as an evolution of the postal method.

There was also a new policy introduced for the 2014 overseas election in the form of early voting, which meant that overseas voting took place earlier than domestic voting. In terms of the arrangements, there was no significant difference from the previous implementation. It was just that the voting time abroad was earlier than in the country. However, counting still took place at the same time as in the country.

In subsequent developments, the 2019 general election saw significant changes as a result of the Constitutional Court's decision No. 14/PUU-XI/2013, which ruled that the general elections would be held simultaneously for the legislative and executive branches. This means that the election for members of the DPR, DPD, Provincial DPRD, and District/ City DPRD, as well as for the President and Vice-President, will be held at the same time. It was not held at different times, as was the case in the 2004, 2009, and 2014 elections. In addition to the changes to the simultaneous voting model, the name of the ballot boxes for overseas elections (dropbox) was changed to Mobile Ballot Boxes (KSK).

In the 2024 overseas general election, there were no improvements or policy changes from the previous election. However, the KPU ignored a Constitutional Court ruling regarding the arrangement of Dapil, which should have been an opportunity to make more serious improvements in the representation of overseas voters through the determination of a special overseas Dapil. Dapil Jakarta II is no longer relevant because it is unlikely that elected DPR members will deal with issues ranging from the Ciliwung River to the problems of Indonesian citizens around the world.

On the other hand, the KPU, as the worst elections organiser in the history of the reform, seems to bow only to the big political parties and even dares to override women's voices, especially in fulfilling the quota of at least 30 percent of women's representation on the list of candidates for the DPR and DPRD elections, as mandated by Article 245 of Law No. 7/2017 on General Elections. As a result of the KPU's neglect, the Coalition of Societies Concerned with Women's Representation (KMPKP) noted that there were 267 lists of permanent

candidates submitted by political parties for the 2024 DPR elections that did not meet the minimum 30 percent representation of women (MK RI 2024). More worryingly, the conduct of overseas elections was not free from problems of injustice, which will be discussed in the next section.

Overseas elections are a very important platform for Indonesian democracy and the global development of democracy. In the midst of the ongoing democratic malaise in all parts of the world (Insdiyastutik 2020), Indonesia should be an example of spreading democracy by organising the largest one-person, one-vote (OPOVOV) elections in the world. The implementation of minimum democratic practices in the form of organising elections is very important for women. Through the OPOVOV system, women have an equal voice to fight for women's issues. For PPIMs, this is even more important because it relates to their physical experiences as women and as migrant workers.

As a guarantee of the implementation of political representation as envisaged in Fraser's theory of justice, Indonesia already has an instrument in the form of a guarantee of citizens' constitutional rights that are not limited to Indonesian territory in the conduct of Indonesian elections abroad. However, it is important to look at its implementation to see whether PPIMs, as citizens who have made significant economic contributions, are able to realise their aspirations or are marginalised through the implementation of inadequate political representation.

Electoral Districts Arrangement Principles

International IDEA, through its book "Electoral Justice: The International IDEA Handbook", defines electoral justice as a mechanism that exists in a particular country, local, regional, or international community to ensure that every action, procedure, and decision related to the electoral process is in accordance with the legal framework for protecting or restoring electoral rights, and allows its citizens to believe that their electoral rights are guaranteed and not violated, to file complaints, to participate in processes, and to receive a fair decision (IDEA 2010). One of the ways to support the implementation of this electoral justice is through the good structuring of electoral districts/Dapil.

International IDEA states that the purpose of voting and the establishment of special overseas Dapil is the realisation of the principle of universal suffrage, especially in relation to other democratic electoral

principles; the maintenance of the rule of law; a real increase in political participation; an increase in the legitimacy of the democratic system; and an effective contribution to democratic consolidation (Ellis et al. 2016). The Dapil arrangement is essentially an attempt to require 'engineering' as a consequence of the electoral system adopted by a country (Perludem 2007). There are five principles of redistricting, which Lisa Handley (2007) identifies as follows: *first*, the principle of impartiality, which means that the arrangement must be done in a non-partisan, independent, and professional manner; *second*, the principle of equality; which means that the arrangement of Dapil must be limited in the sense that the population must be equal in order to give voters equal voting power; *third*, the principle of representation, which means taking into account the existence of a cohesive community determined by factors such as the administrative boundaries of a residential area or geographical elements; *fourth*, the principle of non-discrimination, which emphasises the avoidance of discrimination on the basis of race, colour, language, religion or related status; and *fifth*, the principle of transparency, which means that the principle of Dapil arrangement must be transparent so that the public is informed (Handley 2007).

In addition to the principles of redistricting offered by Handley (2007), there are principles based on Law No. 7/2017 on General Elections, stipulated in Article 185, namely (1) the principle of equal value of votes, i.e., the "price" of a parliamentary seat from one Dapil is equal to the "price" of a parliamentary seat from another Dapil; (2) the principle of adherence to a proportional electoral system, so that the percentage of the number of seats obtained by each political party is equal to the percentage of valid votes obtained in the general election; (3) the principle of proportionality, by paying attention to the equality of seat allocation among Dapil to maintain consideration of the allocation of seats in each Dapil; (4) the principle of regional integration by taking into account the integrity and integration of the region, geographical conditions, transport facilities, and accessibility aspects; (5) the principle of being in the same area, which means that a Dapil may consist of one or more subdistricts and/or parts of subdistricts, which must be completely covered by a Dapil in the province; (6) the principle of continuity, which means that the determination or formation of a Dapil shall take into account the determination of the Dapil in the previous most recent election, unless there is a change in population that causes the allocation of seats in a Dapil to exceed the maximum limit and/or to fall below

the minimum limit, there is an expansion of the area, and the Dapil that is created is contrary to the applicable principles of Dapil arrangement.

Considering several principles of the regulation of electoral districts from Law No. 7/2017, the arrangement of overseas Dapil in Indonesia does not meet a number of the above principles. In terms of equal vote value and proportionality, Dapil Jakarta II, which consists of Central Jakarta with 1,049,314 and South Jakarta with 2,235,606 (BPS 2024), has a fantastic population. In addition, there are diaspora areas abroad covered by Dapil Jakarta II, with a population of 4,694,484, according to documented aggregate data (KPU 2024b).

In terms of migrant workers, according to World Bank data (2017), there are at least nine million Indonesian migrant workers around the world. This does not, of course, include the growing number of Indonesian students. The determination of Dapil, which is based on population, certainly has an impact on the allocation of parliamentary seats. Dapil Jakarta II, which covers three regions, has a total of 7 seats. Meanwhile, Dapil Jakarta I, which only includes East Jakarta with a total population of 3,066,074 in 2023 (BPS 2024), was allocated 6 seats according to KPU Regulation No. 6/2023. Based on this data, there is a clear injustice in the representation of Indonesian citizens living abroad who are part of Dapil Jakarta II compared to Indonesian citizens who are part of Dapil Jakarta I.

The size of the population naturally correlates with the size of the KPU's permanent voter list (DPT). Dapil Jakarta II has a total DPT of 4,346,875: 830,352 in Central Jakarta and 1,766,049 in South Jakarta (KPU 2024a), and 1,750,474 overseas (KPU 2024b). The authors highlight the decline in the number of overseas DPTs from 2,049,791 in 2019 (KPU 2019) to 1,766,049 in 2024. This situation shows that there is a serious problem with the data collection carried out by the government as the sole provider of migration data and the KPU as the actor organising the elections.

In terms of the principle of territorial integrity, the same area coverage of Dapil Jakarta II does not reflect this principle at all. The problems abroad and in Central and South Jakarta certainly have a different complexity. There are issues of congestion, air pollution and public transport fares that are often at the heart of problems in Jakarta that are not borne by or part of the problems of Indonesian citizens abroad. Meanwhile, the right to decent work, the shadow of the TPPO, and sexual violence, exacerbated by the loss of political representation, are key issues felt by PPIMs as Indonesian

citizens living abroad. Not surprisingly, the aspirations of PPIMs, who represent the majority of the overseas population, have been lost as a result of the neglect of this principle. Through poor electoral arrangements, political representation in justice, according to Fraser, will be difficult to achieve. Fraser emphasises that the concept of representation is often interpreted only as a process that produces political decisions, neglecting the membership aspect (Fraser 2010). The flaws in the Dapil arrangement have marginalised PPIMs as a meaningful representation of political participation.

The Impact of Electoral Policy and Dapil Determination

In recent decades, issues related to the political rights of migrant workers have gained attention and relevance in the academic and international political agenda (Akmal & Madda 2022). It should be noted that in the political struggle, the voice of migrant workers came from the European hemisphere in 1977 in relation to the legal status of migrant workers. This instrument became the first international political basis. This instrument specifically recognises the political rights of migrant workers and their right to vote and stand for election in their country (Ellis et al. 2016). The next major achievement in the recognition of the political rights of migrant workers was the publication of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. The Convention was adopted by the UN General Assembly in December 1990 and entered into force in July 2003.

The adoption of this Convention also marked a more serious effort to create an international legal instrument to recognise the political rights of migrant workers. This international demand can also be interpreted as a widespread human rights demand at the time. The Convention also recognises the right to participate in public affairs of their State of origin, which includes the right to vote and to be elected at elections of that State. In the Indonesian context, the exercise of political rights by citizens living abroad is even explicitly guaranteed in Article 27(1) of the 1945 Constitution of the Republic of Indonesia. The article states: "All citizens shall be equal before the law and in government and shall uphold the law and government without exception."

The global democratisation movement around the demand for a guarantee of voting rights for migrant workers can be seen in at least two ways: first, migrant workers can maintain and strengthen their sense of

belonging to a political community of the State of origin. Second, migrant workers can also engage in mutual movement efforts, which Fraser refers to as recognition, redistribution, and especially political representation (Mudzakkir 2022). The result of these two activities is the establishment of a relationship between voters and those who represent them as active agents in the formulation of state policies, which naturally have a perspective on migrant workers, especially PPIMs.

The conduct of Indonesia's overseas general elections seems to be based on the principle of simply holding them without considering whether the implementation and impact of representation is adequate or not. This affects the perspective of voters, the majority of whom are PPIMs. Based on the random interviews we conducted with PPIMs, it was found that they do not know the track record of their candidates at all and may vote randomly.

"I don't know many of the candidates, I just look at the ballot papers, but I know a few artists who are running" (S 2024, Interview 14 February).

This opportunity was seized by celebrities running for the Dapil Jakarta II. In the 2024 election, Uya Kuya and Once Mekel were the top overseas vote-getters. During our monitoring, Uya Kuya came at the time of polling in Kuala Lumpur, which had the largest DPT, to gain votes, causing extraordinary crowds. We interpreted this phenomenon as an electoral offence and reported it to Bawaslu, but our report was not registered.

The disconnect between voters and candidate lists has also led to a high level of money politics and vote trading in some areas. In Kuala Lumpur, in particular, political party and candidate brokers engaged in money politics, eliminating dialogue and prioritising voter mobilisation on polling day. Electoral conditions in Kuala Lumpur, with inadequate crowd control, led to weak monitoring. This made it easy for the brokers, most of whom were men, to carry out their mission of providing a business card of one of the candidates in exchange for 100 ringgits with a video proof of vote. A lack of oversight, combined with various instances of fraud, led to a re-run of the overseas elections in Kuala Lumpur. This followed the conviction of all PPLN members by the Central Jakarta District Court for allegedly falsifying and manipulating data (Helmi 2024).

There are serious issues related to the aspirations of PPIMs that go unheard or are even considered outside the focus of the work of elected candidates after the election. The disconnect between the electorate

and their representatives is evident in the way PPIMs constantly have to confront and defend their own cases, especially when it comes to policies and working conditions in destination countries. In 2012, PPIMs organised a massive action in Hong Kong in solidarity with workers across the country to protest against poor working conditions, long hours, and low wages. Eni Lestari, one of Migrant CARE's good friends working in Hong Kong, led the action under the auspices of the Asian Migrants Coordinating Body and exposed the Hong Kong government's deliberate denial of equal benefits to Asian migrant workers.

The problems continued with the findings of an investigation, which found that inappropriate working conditions were still experienced by PPIMs in Hong Kong in 2017. The findings mentioned that many PPIMs still lived below the standard of living, slept in closets, and had no privacy due to the high property prices in Hong Kong (Bess 2017). The recurrence of the deteriorating condition of PPIMs seems to demonstrate what Fraser says about the failure to achieve real political justice, leading to misrepresentation and non-inclusive conditions. The disconnect of political representation is evident when PPIMs have to struggle with their own national spirit as Indonesian citizens in the face of the Hong Kong government as a destination country that does not properly provide for their rights. In fact, the representatives, elected every five years, should take on the responsibility of being the political representation of PPIMs in order to make their demands heard through Government-to-Government.

The Creation of Special Overseas Electoral Districts: A Bid

There are six principles in the determination of Dapil, including the principles of equal value of votes, adherence to a proportional electoral system, proportionality, regional integration, being in the same area coverage, cohesiveness, and continuity. These principles are enshrined in Article 185 of Law No. 7/2017 on General Elections. Dapil Jakarta II should again be seen as the result of the determination of electoral districts that do not comply with the above principles. Dapil Jakarta II covers Central Jakarta, South Jakarta, and overseas. So far, representation has been an important point in which voters can seek to collect promises from elected representatives on the basis of their respective constituencies, but of course, this cannot be done by PPIMs.

The wrong arrangement of Dapil has led to the loss

of political interest of PPMIs as Indonesian citizens who have the same political rights. There is a problem of unclear political representation for PPMIs, resulting in a decrease in their political participation (Yoni 2019). There are at least two current views on the arrangement of Dapil. Firstly, PPMIs, especially from regions such as West Java, East Java, Central Java, NTT, NTB, and others, believe that PPMIs do not deserve to vote for legislative candidates from Dapil Jakarta II. They stated that their votes must be channelled to their regions because PPMIs come from these regions, and the candidates they elect are expected to develop their regions. Secondly, the arrangement of special overseas electoral districts that seriously allocate seats and attention to the majority of voters, especially PPMIs.

An application for special overseas electoral districts was submitted to the Constitutional Court (MK) by the Indonesian Diaspora Network in 2013. The application was rejected and declared an open legal policy. In the Constitutional Court decision number 2/PUU-XI/2013, the Constitutional Court stated that “the concept of creating electoral districts that do not include overseas electoral districts is an open legal policy that does not

contradict the 1945 Constitution”. Although the petition was rejected by the Court, the decision still opens up possibilities for further advocacy through legislative channels or lawmakers (legislative review).

The legislator’s legal policy is based on two concepts. *Firstly*, whether the Dapil for the representation of migrant workers is linked to the respective regions where PPMIs reside, or *secondly*, by providing special seats through special overseas Dapil. The first concept has the consequence that it is not feasible or adequate, and requires energy and time for the PPLN to identify and distribute votes from each migrant worker’s province of origin. These consequences include an increased budget for ballot paper printing, coordination and a high potential for human error. In this paper, the authors make several arguments for the importance of considering the second concept, namely the creation of special overseas electoral districts.

The concept of special overseas seats has been adopted in several countries. The following countries have political representation for overseas voters in the legislature:

Table 2: Data on Overseas Electoral Seats in Some Countries

No.	Country	Overseas Electoral Seats	Total Seats
1.	Algeria	8	389
2.	Angola	3	220
3.	Cape Verde	6	72
4.	Ecuador	6	130
5.	Italy	12	630
6.	Columbia	1	166
7.	Croatia	6	152
8.	Mozambique	2	250
9.	Panama	6	130
10.	Portugal	4	230
11.	France	12	331

Source: IDEA (2010)

In Constitutional Court Decision No. 2/PUU-XI/2013, the applicant explained that the Philippines, which has similar characteristics to Indonesia in that it has a very large number of migrant workers, has provided special representation in its parliament for its citizens living abroad since the 2004 general election. The profile of the country’s 7 million overseas Filipinos was the background for the birth of the Overseas Absentee Voting Law (Republic Act (RA) No. 9189), which was enacted on 17 February 2003. Through this adequate

political representation, there are several lessons we can learn from the Philippines in recognising its migrant workers. *First*, pre-departure protection through community education programmes. *Second*, support during employment, ranging from access to legal aid, insurance, to training in the destination country. *Third*, empowerment on return by maximising economic access for migrant workers’ participation in policy-making (ILO 2006).

The Constitutional Court, in its decision No. 80/PUU-XX/2022, ordered a reorganisation of the number of seats allocated to each Dapil and deleted Appendices III and IV on the creation of Dapil from Law No. 7/2017. The Constitutional Court decided to fully return to the KPU the power to determine electoral districts, which had previously been exercised by the legislators, namely the DPR and the government, as part of the electoral phase.

However, it is unfortunate that the KPU did not implement the Constitutional Court's decision to rearrange the electoral districts for the 2024 general election due to opposition from many political parties in the DPR (Perludem 2023). Whereas in its decision, the Court clearly ruled that the Dapil design annexed to Law No. 7/2017 has no binding force. This means that in the 2024 general election, with the same electoral districts, the voices of PPMs as citizens were still marginalised and neglected. Dapil arrangement is particularly important as the excuse of the capital area and the premises of the Ministry of Foreign Affairs in Central and South Jakarta is no longer relevant, logical or realistic due to the relocation of the capital to the archipelago capital (IKN) in East Kalimantan.

The urgency of creating Special Overseas Dapil has become very urgent after the ratification of the relocation of the capital city, and its ratification cannot be delayed any longer. The KPU must immediately implement the Constitutional Court Decision No. 80/PUU-XX/2022, as the existing Dapil regulation in Law No. 7/2017 is not applicable. Ignoring the decision of the Constitutional Court also means ignoring the Constitution, which threatens the constitutionality of the elections and the fulfilment of the political rights of the citizens affected by the decision. The arrangement of Dapil must absolutely fulfil the principles of popular sovereignty and elections that are honest, fair, direct, general, free, and confidential (Perludem 2023).

The next election organiser must immediately complete the things that the KPU failed to do in arranging Dapil, especially for overseas Dapil. Dapil Jakarta II is very unrepresentative and does not favour migrant workers who have the status of citizens even though they are outside the territory. The Dapil system, in the form of the creation of overseas electoral districts, is the answer to the lack of political representation for female migrant workers to achieve the justice offered by Fraser. Dapil arrangement is one of the three main components of the electoral system, along with the electoral formula and the voting method (Sprague 1968), making it an inseparable part of political rights.

In addition, the Dapil arrangement is also gaining momentum in line with the National Long-Term Development Plan 2025-2045 in Law No. 59/2024, which states that the development of Indonesian democracy is directed towards the realisation of a substantive democracy that fulfils the mandate of the people. Substantive democracy will be implemented through the following policy directions: (i) Strengthening democratic institutions by improving the quality of elections, such as the codification of the Law on General Elections and the Law on Election of Governors, Regents and Mayors, the role of accountable political parties through the revision of the Law on Political Parties, responsive representative institutions, and quality media and press; (ii) Improving the quality of equality and freedom in society; and (iii) Mainstreaming *Pancasila* into the life of society, nation, and state; (iv) Strengthening inclusiveness and preventing the use of identity politics; v) Strengthening equitable, fair, sovereign and accountable public communication to increase public trust and participation; and (vi) Increasing active community participation in policy formulation, implementation, and monitoring of development, including through the expansion and protection of civic space to strengthen the sustainability of civil society's role in advocacy, empowerment, and social control.

The mandate to codify the Law on General Elections and the Law on the Election of Governors, Regents, and Mayors, as stipulated in Law No. 59/2024, should be a medium used by lawmakers to realise the idea of overseas elections and voting mechanisms that are more inclusive and credible for all Indonesian citizens living abroad, including ensuring the governance of overseas elections that are not vulnerable to fraud or manipulation.

The choice of the electoral system must not be at the expense of the fulfilment and protection of the constitutional rights of citizens living abroad. The legal considerations of the Constitutional Court's decision No. 114/PUU-XX/2022 stipulate that, in this case, if the current system is improved in the future, the legislator must, among other things, take several things into account: (1) not to change the electoral system too often, in order to achieve certainty and stability in the choice of an electoral system; (2) the possibility of making changes must still be placed in the context of perfecting the current electoral system, in particular to remedy the weaknesses identified in the conduct of elections; (3) possible changes must be made well

in advance of the stages of holding elections, so that there is sufficient time to carry out simulations before the changes actually take effect; (4) possible changes must still maintain a balance and continuity between the role of political parties as stipulated in Article 22E(3) of the 1945 Constitution and the principle of popular sovereignty as stipulated in Article 1(2) of the 1945 Constitution; and (5) if changes are made, they must still involve all groups that have an interest in the holding of elections by applying the principle of meaningful participation.

Hence, amendments to electoral laws and efforts to implement the special overseas electoral districts must continue to be made through a participatory process that does not exclude stakeholders with a direct interest in the matter. Legislators must ensure that representatives of migrant workers' organisations and civil society organisations concerned with the fulfilment and protection of migrant workers' rights are involved in the process of drafting electoral law.

In addition to creating special overseas electoral districts that are separate and distinct from Dapil Jakarta II or other electoral districts in the country, the quality of overseas elections must also be improved by regulating the updating of voter data, which is continuously done by the KPU, and by involving other agencies that have access to data on Indonesian citizens abroad as well as data on the entry, exit and movement of Indonesian citizens abroad. Overseas voters registered to vote by postal ballot should be determined by direct application by the voter or by request and not unilaterally decided by the PPLN as happened in the 2024 Kuala Lumpur election, which resulted in data inaccuracies and manipulation, leading to the recommendation for a revote. For this reason, the KPU must open a special channel to facilitate voter registration by mail, accompanied by widespread and massive socialisation and dissemination of information. Voters who do not register will be registered with the TPSLN.

As an innovation and development of electoral services, the KPU can seriously develop overseas voting using the e-voting method. The implementation of e-voting must also be accompanied by the fulfilment of cumulative requirements as stated in Constitutional Court Decision Number 147/PUU-VII/2009, namely (1) it does not violate the principles of direct, general, free, confidential, honest, and fair; (2) the country applying the e-voting method must also be ready in terms of

technology, financing, human resources, and software; and (3) the readiness of the people in the country concerned and other necessary requirements.

Closing

PPMI does not receive electoral justice in Indonesia's electoral system. To date, Indonesia's General Election Law has not provided special electoral districts (Dapil) for the growing number of Indonesians living abroad. In a narrow sense, "where else does the state guarantee the political rights of migrant workers, the majority of whom are women, other than in the five-year electoral agenda?" This five-year political agenda seems to have long abandoned migrant workers, but this year's implementation is the worst in the history of the reform. Not only are they deliberately excluded, but their votes are often manipulated and used as political bargaining chips.

Adequate political representation to support justice for citizens must be inclusive and include female migrant workers as active subjects of citizenship. The lack of feminist perspectives and the siding with migrant workers not only harms migrant workers themselves but also the quality of substantive democracy. The realisation of perspectives in the conduct of elections can take the form of the inclusion of female migrant workers as KPPSLN or PPLN. The lack of their participation as organisers can actually be seen as an attempt to marginalise them, as the majority of overseas voters are female migrant workers.

For too long, state policies have failed PPMIs. Efforts to realise the political rights of PPMIs have been inadequate due to poor and chaotic electoral systems that do not take into account the aspirations of Indonesian citizens abroad. There has been a long gap in the political representation of migrant workers in channelling their voices and aspirations. PPMIs, as the most vulnerable object in the migration system, should be given the right to have a voice so that their protection abroad and at home can be optimally fulfilled.

The disconnect between the aspirations of PPMIs and their representation in the electoral and political process is evident in the findings of Migrant CARE's monitoring, particularly in the 2024 elections. Indonesia's elections continue to discriminate against and marginalise PPMIs, relegating them to the lowest class of citizens.

Therefore, in an effort to get out of the dark alley of the marginalisation of PPMIs in the context of electoral

democracy practices, the KPU as an election organising actor must immediately implement the mandate of the Constitutional Court as contained in its decisions No. 14/PUU-XI/2013 and No. 80/PUU-XX/2022. Constitutional Court Decision No. 80/PUU-XX/2022 explicitly states that Annexes III and IV of Law No. 7/2017 on General Elections are unconstitutional. For this reason, the arrangement of Dapil must be implemented immediately, with one of the main issues being the existence of special overseas electoral districts.

Special electoral districts for Indonesian citizens abroad demonstrate the fulfilment of the principle of structuring electoral districts, the implementation of adequate political representation for PPMIs, as well as a guarantee of the fulfilment of the constitutional rights of PPMIs to exercise their political rights as Indonesian citizens who are equal before the law and the government, as stipulated in Article 27(1) of the 1945 Constitution of the Republic of Indonesia.

The arrangement of Dapil and the allocation of special seats through the Special Overseas Dapil is not only an agenda for the political representation of PPMIs but also a political tool for PPMIs to strengthen women's leadership at the legislative level. It is important for the government and policymakers to consider this as a suggestion and recommendation for Indonesia's future overseas election policy. Through this policy, the hope of having more Eni Lestari, who can more meaningfully express their aspirations and become political representatives for PPMIs at the legislative level, is no longer something impossible to achieve. Special overseas electoral districts/Dapil will be a new political arena that will not only enliven the celebration of democracy through elections but also teach how to channel democracy and meaningful voices. In this way, the political representation of PPMIs can be adequately implemented within Fraser's framework of justice.

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