A DISCOURSE ON AFFIRMATIVE ACTION AS A POLICY FOR INCREASING WOMEN'S ROLE IN INDONESIAN BUREAUCRACY

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The increasing number of women civil servants in the bureaucratic workforce in Indonesia was not followed by an increasing number of women structural officials, especially at the top level (high leadership position). Lack of women civil servants holding high leadership positions means that women's roles in decision-making in bureaucracy are lag behind men. Positive action such as affirmative action against women is one popular policy to address the lack of women in any other area (i.e. political area). However it is not a popular issue in bureaucracy. The focus of this study is to analyze and discuss whether affirmative action is needed in promoting women's roles in managerial and decision-making within the bureaucracy in Indonesia. Qualitative methods are used in data collection and analysis in this study. Interviews were conducted with key person related to civil service in central and local government's institutions, both in central and local government. Eight key persons interviewed came from the National Civil Service Agency, and Local Civil Service Agency of the Province of DIY and the Province of Bali. Some relevant literatures are reviewed to corroborate this analysis. The results of this study show two opposing opinions about affirmative actions against women in bureaucracy. On the one hand, affirmative action is needed as a policy to provide more opportunities for women to have roles in decision making in the bureaucracy. On the other hand, the policy of affirmative action is considered degrading the ability of women to compete with men in the achievement of their career. Some arguments underlie these two opposing opinions. One of them is culture.
Keywords: *affirmative action, women civil service, women career development.*

1. INTRODUCTION

The difference in social roles between men and women had consequences on its deference in workplace. This difference manifest itself in different ways in specific countries or sectors, but there are some similar broad patterns (United Nations, 2002). For example, women's political participation and their representation in decision-making structures lag behind men's. Participation of women in employment is increased in recent decades, both in the private and public sectors. But the increasing number of women in the workforce is not followed by increasing in the number of women occupying strategic positions. This issue occurs in every country with a different intensity.

As same as other country, Indonesia faced the lack of women upper position, although number of women in bureaucracy workforce is increasing for recent years (Table 1). The number of women civil service in bureaucracy is about 48.89 percent, but only few number that advance in upper position. Table 2 shows there are 314,879 civil services that occupy structural job. Only 29.76 percent of them are women civil services. Women representation in high leadership positions (upper echelon/ echelon I and II) is only 17.42 percent of all of civil service that occupy the high leadership position.

Table 1. The number of civil service in Indonesia by gender 2007 s.d. 2015

Year	Men		Women		Total
	Amount	Percent	Amount	Percent	
2007	2,292,555	56.00	1,774,646	44.00	**4,067,201**
2012	2,332,549	52.21	2,135,433	47.79	**4,467,982**
2013	2,260,608	51.82	2,102,197	48.18	**4,362,805**
2014	2,288,631	51.37	2,166,672	48.63	**4,455,303**
2015	2,319,334	51.11	2,218,820	48.89	**4,538,154**

(National Civil Service Agency/NCSA, 2016)

Table 2. The Number of Structural Job in Indonesia's bureaucracy (2015)

Level of Structural Job	Men		Women		Total	Percent
	Amount	Percent	Amount	Percent		
High Leadership Position (Main and Middle Level)	1,344	0.30	497	0.11	**1,841**	**0.42**
High Leadership Position (First Level)	23,913	5.39	4,831	1.09	**28,744**	**6.48**
Administrator	77,542	17.49	20,275	4.57	**97,817**	**22.07**
Supervisor	208,582	47.05	106,297	23.98	**314,879**	**71.03**
Total	**311,381**	**70.24**	**131,900**	**29.76**	**443,281**	**100**

(Source: Internal Data from the National Civil Service Agency/NCSA, 2016)

The lack of women in high leadership positions is related to career development practices in the bureaucracy. Career development as a part of management of the state civil apparatus regulated in Law number 5 of 2014 and Government Regulation Number 11 of 2017. Both regulations regulate the civil services career development based on merit system. According to section 72 of the Law number 5 of 2014, promotion of civil service (that is a part of career development) is conducted by comparing the objective of competence, qualifications and requirements needed by the agencies, the assessment of job performance, leadership, teamwork, creativity, and consideration of the assessment team performance of civil servants in Government Agencies, regardless of gender, ethnicity, religion, race and class. This statement means that in civil service career development in bureaucracy does not differentiate gender.

However, the phenomenon of the lack of women in high leadership positions shows that there is an inequality between men and women in career development in the bureaucracy. Due the problem of this inequality is not only caused by internal factors but also external factors, bureaucratic interventions in career development of women civil service are needed. The problem is what kind of intervention needs to be done.

Many policies had been taken to address the lack women in a structural position. One such policy is affirmative action. Affirmative action is a policy designed to deal proactively with the problems of discrimination and under-representation (Son Hing, et al, 2002). Firstly, affirmative action is defined as a determinant effort to ensure ethnic group that are significantly underrepresented in college and/or in the workplace are more equitably represented. For several years the definitions has been expanded to include women, people with disabilities and other group that have been historically underrepresented in college and/or workplace (Miller et al, 1997). However, studies on affirmative action based on gender are relatively fewer compared to studies on affirmative action based on race/ ethnicity (Frazer et al, 2015).

Affirmative action related to ethics, since attempting to create society and workplaces where individuals excluded in opportunities, based on ethnicity and gender (Soni, 1999). So that, as a policy, affirmative action is not absolute. Affirmative action policy will depend on the context that is society. Affirmative action policy took the form corresponding to the society in which it is.

Affirmative action policies in Indonesia were earlier prevalent in legislature. Affirmative action became an important issue prior to the 2004 elections with Law No. 12 of 2003. Section of 65 (1) of this act regulate that every political party as participants in election may nominate candidates for centre and local legislature by taking into account the representation of women at least 30 percent. Affirmative action in the bureaucracy began to be known since the enactment of Law No. 5 of 2014 concerning civil state apparatus. Section 132 of Law No 5 of 2014 stated that policy and management civil state apparatus that set out in this act are implemented with attention to the specificity of regions and citizens with disabilities. Nevertheless, Act No. 5 of 2014 doesn't regulate the affirmative action based on gender. That means that there is not affirmative action against women civil service. Affirmative action in the bureaucracy is still being debated, whether needed or not. This paper focuses on this issue, by presenting the question whether it is important to be made an affirmative action policy for women, particularly related to career development in Indonesia's bureaucracy.

1.1 Affirmative Action as Policy

Affirmative action was firstly appeared in the US as amendment to prevent discrimination against blacks in the late 19th century. Initially affirmative action was aimed more at racial and ethnic groups. Half a century later, affirmative action appears for women (Rai and Critzer, 2000). The past history of American values and attitudes toward race, ethnicity, and gender has produced a climate in which equal opportunities for minorities and women have often been severely limited. Efforts since the 1960s to combat these obstacles have led to greater public awareness and public policies such as affirmative action to expand equal employment opportunities for minorities and women within American society in both the public and private sectors (Rai and Critzer, 2000, p.134).

In its conceptual development, affirmative action is used in the context work organizations in managing diversity in workforce. When organization facing diversity in their workforce, they need policies and programs which can maximize the potential benefits of diversity, and minimize the adverse effects of diversity. One of the problems in managing diversity is the representation of each group in the organization. Kravitz (2008) suggest using affirmative action to increase representation of disadvantage group. According to Kranz (2002), the policy of affirmative action is a response to history of discrimination. Literally, affirmative action is the practice of "acting affirmatively": taking positive and specific steps to overcome the history and current practice of discrimination by having employers, schools, and government contractors make a special effort to include people of color and women in predominantly white and/or male workforces, student bodies, and businesses receiving government contracts (Kranz, 2002, p. 4)

Affirmative action occurs whenever an organization devotes resources (including time and money) to making sure that people are not discriminated based on their gender or ethnic group (Crosby and Iyer, 2006). According to Van-Jaarsveld (2000), affirmative action sometimes called positive action that aim to offer help to past sufferers of discrimination. related to equality, affirmative action is intended to restore diversity previously excluded on discriminatory practices. Thus it related to social justice and equality.

Furthermore, references on justice and equality are needed to define affirmative action (Van-Jaarsveld, 2000).

The formal principles of justice demand equality, such as equality in resource distribution (Van-Jaarsveld, 2000). Everyone has the same opportunity, so the task of the state is to ensure equality for all groups of people to get opportunity. In other words, it is realizing the equal opportunity for everyone. Affirmative action has the same goal with equal opportunity. Difference between them is that affirmative action is more proactive (Burstein 1994, cited by Crosby et al, 2006), while equal opportunity is passive. Conversely, equal opportunity is a policy that is passive that will not tolerate if found discrimination. Meanwhile organization can use affirmative action in order not only to subvert, but also to avert discrimination (Crosby and Cordova, 1996, cited by Crosby and Iyer et al, 2006).

Van-Jaarsveld (2000) assumed the justification of affirmative action. Justification of affirmative action can be found in the principles of justice and equality. Utilitarian justice describe as comparison between the right of individual and the right of society. Utilitarian justice gives permission for individual's right to equal treatment to be qualified by what should be the best for society, while common sense justice demands from society a correction of previous discrimination practices (Van-Jaarsveld, 2000, p.7).

Equality is subjective for individual equality should be offered without the need to demand it. Individual differences should not be seen as similarity. Equal treatment means that treatment originated in the attribute of uniqueness.

As a policy, affirmative action still debated. Supporters of affirmative action argue that discrimination still persists and that special efforts to overcome it are still necessary. Opponents of affirmative action argue either that discrimination no longer exists or that affirmative action programs are not the appropriate remedy for it (Kranz, 2002). Affirmative action does not always bring the results as expected. Equity which is expected to be achieved through the reduction of discrimination would produce other equity, such as inequity for people who have competences that should be eliminated due to be filled by quota representation of certain groups.

In the context of modern organization, practices of affirmative action faced with the application of the principles of merit system. The merit principle that also referred to as the equity principle, is a distributive justice rule that prescribes that an individual's relative outcomes (Son Hing et al, 2002). Affirmative action policy and merit system are still debated due the opposite their principles (Son Hing et al, 2002; Capehart et al, 2009). As assumed by Son Hing et al (2002) that people who strongly endorse the merit principle and believe that outcomes should be given to those most deserving oppose affirmative action policy that violate this principle. According to Son Hing et al (2002) some form of affirmative action construed as violating the merit principle. Supporters and opposition often debate affirmative action with different definitions. Supporters view affirmative action as merit-upholding policies while the opposition thinks of affirmative action as merit-violating policies (Reyna et al., 2005). That debated show that as a policy, affirmative action relatively difficult to implemented due debate of the supporter and the opposition of affirmative action.

1.2 Gender-based Affirmative Action
One of the objectives of policy that promotes equality is to reduce job segregation by gender - tendency distinction between the types of jobs men and women (French and Strachan, 2015). One of these policies is affirmation action that based on gender. Compared to affirmative action based on race and ethnicity, relatively few studies have examined people's attitudes towards gender-based affirmative action (Frazer et al, 2015). According to Frazer et al (2015) gendered based affirmative action is a set of institutionally implemented policies and programs that aim to (1) improve levels of representation for historically marginalized groups, (2) reduce existing inequalities, and (3) eradicate discriminatory practices.

Some forms of affirmative action, such as preferential treatment programs, consider target-group status in the selection criteria and thus might allow for the hiring of a less qualified target-group member (e.g., a woman or visible minority) over a more qualified man (Son Hing et al, 2002). Affirmative action based on gender can manifest in the form of quotas for women. In the institution that elected by society, such as legislature, council, etc, this issue were common. Gender quota reflects the legitimacy of the normative principle of women's equality in public life. Democratic ideals of women's full representation and participation have indeed gained traction. Over the past two decades, quotas have extended beyond

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legislatures to public institutions, such as cabinets and executive agencies, and to state advisory councils, sub-national governments, labor union directorates, and corporate boards (Franceschet and Piscopo, 2013).

Furthermore Franceschet and Piscopo (2013) argue that increasing number of women quotas signal indicates that the power of the state to promote equality and the empowerment of women, not only in the political arena, but also in society.

The quota diffusion occurs through both "broadening" and "deepening." Broadening means the application of quotas beyond elected offices. Colombia, for instance, applies a 30 percent gender quota to positions in the "top hierarchy" of the executive branch at national and sub-national levels of government. Niger applies a 25 percent gender quota to all positions within the public administration, from cabinet posts to high school principals (Franceschet and Piscopo, 2013, p. 311). Deepening means the process wherein quotas' initial percentage has risen, as percentages below parity now seem insufficient for achieving women's full inclusion (Franceschet and Piscopo, 2013, p.312).

According to study of Wang and Kelan (2013), women quota extends to businesses institution. Their study evaluated the 40 percent quota for women directors on corporate boards, that changes the likelihood of women being appointed to top leadership roles as board chairs or corporate CEOs. The study of Wang and Kelan (2013) find that the gender quota has had a positive impact on the number of female board chairs and female CEOs, indicating that the gender quota in Norway has not only increased gender equality within the boardroom but also had spill-over effects on top leadership positions (Wang and Kelan, 2013, p. 463).

2. RESEARCH METHODOLOGY

This study was conducted using qualitative method. This method is used to meet the researcher's needs to get information about the perception and attitude against affirmative action for women in bureaucracy. Data collection based on in-deep-interview, using face-to-face or telephone interview. All the interviews were conducted individually, so as enable the participants can share their experiences, argument or perception as open as possible. Interviews were conducted against civil service in structural and functional position in the central and local government. Avoiding bias, participants are women and men civil service. In-deep-interview also conducted toward key person of Local Civil Service Agency and National Civil Service Agency that related to civil service management. The data of this study also based on secondary data that support the argument of this study.

3. FINDING AND DISCUSSION

Data analysis is conducted descriptive analysis. Participant divided into two groups that are (1) civil service that occupy structural and functional position in central and local government institution; (2) stakeholder that responsible for the civil service management and gender empowerment. According to interview's results from the first group of participant, there are differences in perception of affirmative action program based on gender.

Part of participant agrees with the policy of affirmative action, and the other part assumes that affirmative action for women is not necessary. Most of participant considers the policy of gender based affirmative action as a policy of women quotas in institution. Affirmative action was not only considered provide quotas for women to occupy strategic position but also empower women civil service to be able to compete with men in career development. However, affirmative action was not only considered provide quotas for women to occupy strategic position but also empower women civil service to be able to compete with men in career development.

Support for the gender based affirmative action is based on the argument that affirmative action for women can accelerate the empowerment of women, especially in public areas. While the increasing number of women occupying strategic positions in the bureaucracy, the more policy that responsive to gender development. As stated by participants who support affirmative action that stated if there is no government (bureaucracy) intervention in empowering women in bureaucracy, gender equality only became a slogan. Some participants of this study argue if the legislative institutions can apply a quota for women, it should be in bureaucracy, due the bureaucracy also has strategic role in policy making related to governance and development.

Some of participants argue that affirmative action is needed due the gender reason that along with other reasons for affirmative action, such as specific region. As denoted by participant from National Civil

Service Agency, that affirmative action for women sometimes is needed for women from the specific region, in order to accelerate the empowering women in this region. Other reasons that support affirmative action for women in bureaucracy are personal characteristic of women, such as women naturally are different from men, especially in terms of career development. Therefore, it is required a different treatment, especially for women in their career development on structural position in an organization that dominated by men.

Nevertheless, affirmative action empirically has not become a policy that can support women in their career. Meanwhile theoretically, women career development naturally is different with men (Galos, 1989; Mavin, 2001). Pattern of career development in public organization tends to be traditional, that be depicted in the linear movement of career paths, where the individual is engaged in a predictable way to follow the pattern of organizational structure, through a series of jobs that give prestige and a higher remuneration. This pattern is appropriate for men, but does not always suitable to be applied on women employees, who need flexibility in their career due the multiple role of woman. It is an inequity (injustice) to 'force' women to follow the masculine career path. Women are often forced to out of career fast track, while to be able to perform the role in their family. So it can be said that career patterns in the bureaucracy tend to be masculine.

Women who can reach the higher leadership positions are women who have the capability and characteristics of the work as well as men. As noted a participant who had occupy the high leader position in local government, that to reach an higher position in bureaucracy, female civil servant must have work harder, high commitment, engage in informal network, high spirit competition, etc. Unlike men who tend to have its characteristics, women who naturally and culturally have multiple roles (work, family and especially culture role in society who still have strong cultural characters such as Balinese society in Indonesia), must spend more energy to perform their multiple roles. Not all women can do it. Therefore sometimes women are often forced to be out of a career path while to be able to perform the role in the family. This finding support previous research conducted by Mavin, that women tend to have a 'competitive disadvantage' in their career advancement. The elaboration of the opinion that agreed to the affirmative action for women in the bureaucracy came from the opinion that socially and culturally in certain countries such as Indonesia, women are required to perform multiple roles.

So that women naturally have competitive disadvantage in their career development. According to affirmative action supporters (usually gender fighters), in its conditions, governmental intervention is needed to support women's careers, including affirmative action policies for women.

Although some participants support the affirmative action policy for women, most of participants argue that affirmative action for women are not needed in bureaucracy. Opposition of affirmative action based on argument that in the recent years, women civil service have capabilities and competences to compete with men civil service in the selection for the positions, both structurally and functionally. In addition, women have equal opportunity to occupy strategic positions in the organization.

Several participants linked the opening of wide opportunities for women to occupy structural positions in bureaucracy with the concept of merit system. As noted by participant from National Civil Service Agency that after entering the reform era, in which the management of civil service based on the merit system, there is no discrimination in the selection and promotion of structural positions. Selection was based on test capabilities and competencies. So that there are no more obstacles for women civil service to compete with men in selection and promotion to structural position due the implementation of civil service management that based on merit system.

The elaboration of the notion of the unnecessary of affirmative action for women in the bureaucracy came from the opinion that affirmative action contradictory with the merit system principles. After the enactment of Law No. 5 of 2014 on the State of Civil Officials, civil service career development based on merit system. According to Law No. 5 of 2014, merit system is defined as *"policy and management apparatus that are based on qualification, competence, and performance in a fair and equitable manner, regardless of their political background, race, color, religion, origin, gender, marital status, age, disability or disability condition"*. Related to the promotion and selection for structural positions, especially the upper echelon or high position leader, Law No. 5 of 2014 stipulates that:

"The placement of the high leadership position (main and middle level) conducted openly and competitively among civil service by taking into the requirements of competence, qualifications, rank, education and training, office track record, and integrity as well as the requirements of other positions in accordance with the provisions of the legislation" (Law 5/2014, section 108 subsection (3))

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This regulation ensures that there will be no discrimination in the selection and promotion of structural positions. Civil service that meets the requirements of the position, have the same opportunity to participate in the selection.

Commitment and consistency to the merit system in the civil service career development is considered sufficient to guarantee their equality and justice (equity) for civil service. And this means no more need for affirmative action policies for women. If the merit system has been applied consistently, affirmative action policies will possibility lead to new problems of injustice or inequity. For example, the case of candidates who meet the requirements and have the appropriate competence to the position, just because defeated by quotas, thus eliminated. This finding suggested the previous research that conducted by Son Hing et al (2002) that proposed that some form of affirmative action may be construed as violating the merit principle.

The results of this study also indicate that the policy of affirmative action for women is not always seen as policies that support women's empowerment. As stated by some participants that affirmative action policy precisely it contains the assumption that women civil service don't have the capability and competence as well as men civil services. As an example of policy of quota for women mean that women do not have the capability and competence to compete with men. This is means the degrading the ability of women civil service.

Findings of this study confirm that the policy of affirmative action for women is not a simple policy. It is difficult to implement some form of affirmative action. The results of implementation of this policy are not always as expected. The result could be the opposite of the expected. As an example of the quota against women may occur would lead to new injustices for potential candidates, or that the women feel unappreciated capabilities. This finding suggested the previous researches that identified two group namely supporter of affirmative action and opposition of affirmative action.

4. CONCLUSSION

The aim of this study is to analyze whether it is important to be get affirmative action policies for women civil service, particularly related to career development in a structural position in Indonesia's bureaucracy. Findings of this study show that there are two groups, the support and opposition of affirmative action for women civil service. Each group's argument has theoretical and empirical justification. Therefore the important of the policy of affirmative action for women is still debated between its supporter and opposition.

The study recommended for policy maker in civil service to first making a feasibility study before formulating policy of affirmative action for women. It is needed to be analyzed firstly, whether the policy of affirmative action for women is urgent to be formulated. For the case of Indonesia's government, the linkages with the specificities of the region need to be considered. For example, policy that is prioritizing women from underdeveloped regions.

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