

The Substantive Justice in Regional Elections: A Philosophical and Sociological Comparison of Asian, European, And African Countries

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Abstract

Substantive justice in regional elections, which focuses on election outcomes that reflect social justice, inclusiveness, and fair distribution of power, requires a contextual approach in Asia, Europe, and Africa to address the unique challenges of each region and create more inclusive and just political systems. This study aims to explore the philosophical and sociological understanding and application of the concept of substantive justice and its impact on political representation and inclusiveness in regional elections in Asian, European, and African countries. This study uses normative legal methods with legislative, conceptual, and comparative approaches to analyze the concept of substantive justice and its application in regional elections in Asia, Europe, and Africa, relying on qualitative analysis of primary, secondary, and tertiary legal materials. The results of the study show that substantive justice in regional elections focuses on outcomes that reflect social justice, equality, and inclusiveness, with highly contextual applications in Asia, Europe, and Africa. In Europe, this concept is influenced by John Rawls' theory of justice as fairness, with a proportional electoral system that is effective in representing the diversity of society. In Asia, values of social harmony and cultural plurality influence the implementation of substantive justice, although challenges such as money politics and social inequality remain significant. In Africa, the philosophy of Ubuntu encourages community solidarity, but obstacles such as corruption and ethnic conflict hinder its implementation. In general, affirmative action policies, ongoing reforms, and public education are needed to strengthen inclusiveness and political representation at the local level in various regions.

Keyword: Elections; Inclusivity; Justice, Representation; Substantive.

1. INTRODUCTION

Substantive justice in regional head elections is an important issue in the study of democracy and governance in various countries. This concept focuses on the results of the election process which should not only follow the applicable procedures, but also produce real social justice for the community.¹ Substantive justice emphasizes that election results should reflect a fair distribution of power, give voice to minority groups, and create equality in political opportunity.² This study aims to explore how substantive justice is applied in regional head elections in three continents with different political and social backgrounds:

1 Ervan Kus Indarto et al., "Election Dispute Resolution and Justice as Fairness: A Study of Regional Head Elections in Indonesia," *Jurnal Mengkaji Indonesia* 2, no. 2 (November 2023): 357–73, <https://doi.org/10.59066/jmi.v2i2.258>.

2 Sandra Fredman, "Substantive Equality Revisited," *International Journal of Constitutional Law* 14, no. 3 (July 2016): 712–38, <https://doi.org/10.1093/icon/mow043>.

Asia, Europe, and Africa. Through a philosophical and sociological approach, this study will reveal how different concepts and practices of substantive justice develop in each region.

Substantive justice has deep philosophical roots that are rooted in ideas about justice that have developed across cultures.³ In Europe, thinking about substantive justice is often associated with theories of distributive justice put forward by philosophers such as John Rawls.⁴ In *A Theory of Justice*, John Rawls conceptualizes justice as fairness, emphasizing two core principles: the equal basic liberties of all individuals, and the difference principle, which permits social and economic inequalities only if they benefit the least advantaged members of society. Applying these principles to the context of regional elections means ensuring that electoral systems protect fundamental political rights (such as the right to vote and run for office) equally for all, while also structuring the system in a way that uplifts marginalized and underrepresented groups.⁵

For instance, in European democracies like Germany and Sweden, the use of proportional representation systems reflects Rawls' first principle by ensuring equal political liberties through fair and inclusive electoral participation. These systems also align with the difference principle by facilitating better representation of minority and disadvantaged communities, thereby working to improve their political standing. In Indonesia and India, legal frameworks such as Law Number 10 of 2016 and the Representation of the People Act, 1951, incorporate quotas and anti-discrimination provisions aimed at enhancing the political participation of women and marginalized groups. While these measures are rooted in Rawlsian ideals, practical challenges such as money politics, social stratification, and identity-based polarization often hinder their full realization.

Similarly, in African countries like Rwanda and Kenya, affirmative action policies and gender quotas in electoral laws attempt to realize substantive equality. Rwanda's 30% minimum quota for women in political institutions is a direct application of the difference principle, ensuring that historically excluded groups gain meaningful access to political power. Nonetheless, persistent issues such as ethnic conflict and corruption highlight the tension between normative justice ideals and real-world conditions.⁶ Overall, operationalizing Rawls' principles in regional election systems requires more than legal guarantees; it necessitates robust institutional support, civic education, and social reforms that actively dismantle structural barriers, ensuring both formal equality and substantive empowerment.

In Asia, the concept of justice is often rooted in traditional values that prioritize social harmony and balance.⁷ In Confucian philosophy, for example, justice is seen as an essential component in maintaining social balance and morality in society. This concept emphasizes the importance of harmonious relationships and collective responsibility in

3 Melissa S. Creary, "Bounded Justice and the Limits of Health Equity," *Journal of Law, Medicine & Ethics* 49, no. 2 (June 2021): 241–56, <https://doi.org/10.1017/jme.2021.34>.

4 Emil Andersson, "Distributive Justice, Social Cooperation, and the Basis of Equality," *Theoria* 88, no. 6 (December 2022): 1180–95, <https://doi.org/10.1111/theo.12433>. suggested by John Rawls in his *A Theory of Justice* (1971)

5 Isah Musa Yusuf and Mansur Sulaiman Shugaba, "CONTEXTUALIZING JOHN RAWLS' THEORY OF SOCIAL JUSTICE IN NIGERIA'S DEMOCRACY," *Journal of Political Discourse* 2, no. 2 (2024).

6 Jennie E. Burnet, "Women Have Found Respect: Gender Quotas, Symbolic Representation, and Female Empowerment in Rwanda," *Politics & Gender* 7, no. 3 (September 2011): 303–34, <https://doi.org/10.1017/S1743923X11000250>.

7 Li Lin, Peter Ping Li, and Hein Roelfsema, "The Traditional Chinese Philosophies in Inter-Cultural Leadership," *Cross Cultural & Strategic Management* 25, no. 2 (April 2018): 299–336, <https://doi.org/10.1108/CCSM-01-2017-0001>.

creating justice.⁸ In India, the Hindu philosophical tradition emphasizes the concept of Dharma, which involves the individual's moral responsibility towards the community and the fair treatment of all living beings.⁹ Africa, with its diverse cultures and local traditions, has a concept of justice that is often collective and communal. The philosophy of Ubuntu, which emphasizes that "I am because we are," places the community at the center of the idea of justice.¹⁰ In this context, substantive justice focuses not only on the individual, but also on the welfare of the community as a whole. These principles underline the importance of solidarity, recognition of human dignity, and social responsibility in creating a just society.¹¹

Sociology plays an important role in understanding how substantive justice is applied in the context of regional head elections.¹² In Europe, established liberal democracies offer a framework within which substantive justice can be achieved through electoral systems designed to reflect the diversity and plurality of society. Many European countries, such as Germany and Sweden, use proportional representation systems that ensure that minority and marginalized groups receive adequate representation in government.¹³ In contrast, in many Asian countries, the challenges of substantive justice are often related to high ethnic and religious plurality. Indonesia, for example, as the largest democracy in Southeast Asia, faces challenges in creating a truly inclusive electoral system.¹⁴ Although a direct election system has been implemented, significant challenges remain, such as money politics and lack of equal access to political resources. Efforts to strengthen substantive justice are often hampered by political dominance by the majority group, which can marginalize ethnic and religious minority groups.¹⁵

In Africa, issues such as corruption, social inequality and ethnic conflict often act as barriers to achieving substantive justice in local elections. Although many African countries have adopted electoral reforms to increase transparency and accountability, structural challenges remain.¹⁶ In Nigeria, for example, efforts to create a fair electoral system have often been hampered by corrupt practices and political manipulation. In this context, substantive justice requires not only fair elections, but also broader social and economic reforms to address existing inequalities.¹⁷ These three continents offer rich examples of how substantive justice can be applied in different contexts. In Europe, well-designed electoral systems and strong democratic traditions have created an

8 Fuxing Ren, Jun Wang, and Wenming Lv, "Confucian Harmony and the Idea of Sustainable Development in Modern Society," *Trans/Form/Ação* 45, no. spe2 (2022): 37–58, <https://doi.org/10.1590/0101-3173.2022.v45esp2.p37>.

9 Rachana Bhangaokar and Shagufa Kapadia, "At the Interface of 'Dharma' and 'Karma': Interpreting Moral Discourse in India," *Psychological Studies* 54, no. 2 (June 2009): 96–108, <https://doi.org/10.1007/s12646-009-0018-1>.

10 BIRTE WRAGE, DENNIS PAPADOPOULOS, and JUDITH BENZ-SCHWARZBURG, "Ubuntu in Elephant Communities," *Journal of the American Philosophical Association* 10, no. 4 (December 2024): 814–35, <https://doi.org/10.1017/apa.2023.24>.

11 C. McCrudden, "Human Dignity and Judicial Interpretation of Human Rights," *European Journal of International Law* 19, no. 4 (September 2008): 655–724, <https://doi.org/10.1093/ejil/chn043>.

12 Amiruddin Amiruddin and Rizki Ramadani, "Judicial Activism in Regional Head Election Dispute: The Practice and Consistency of The Indonesian Constitutional Court," *Substantive Justice International Journal of Law* 6, no. 1 (June 2023): 56, <https://doi.org/10.56087/substantivejustice.v6i1.230>.

13 Melanie M. Hughes, "Electoral Systems and the Legislative Representation of Muslim Ethnic Minority Women in the West, 2000–2010," *Parliamentary Affairs* 69, no. 3 (July 2016): 548–68, <https://doi.org/10.1093/pa/gsv062>.

14 Lily Zubaidah Rahim, "Discursive Contest between Liberal and Literal Islam in Southeast Asia," *Policy and Society* 25, no. 4 (January 2006): 77–98, [https://doi.org/10.1016/S1449-4035\(06\)70091-1](https://doi.org/10.1016/S1449-4035(06)70091-1).

15 Firman Noor et al., "The Implementation of Direct Local Election (Pilkada) and Money Politics Tendencies: The Current Indonesian Case," *Politik Indonesia: Indonesian Political Science Review* 6, no. 2 (August 2021): 227–46, <https://doi.org/10.15294/ipsr.v6i2.31438>.

16 Ibrahim Abubakar et al., "The Lancet Nigeria Commission: Investing in Health and the Future of the Nation," *The Lancet* 399, no. 10330 (March 2022): 1155–1200, [https://doi.org/10.1016/S0140-6736\(21\)02488-0](https://doi.org/10.1016/S0140-6736(21)02488-0).

17 Pippa Norris, "The New Research Agenda Studying Electoral Integrity," *Electoral Studies* 32, no. 4 (December 2013): 563–75, <https://doi.org/10.1016/j.electstud.2013.07.015>.

environment in which substantive justice can be more easily achieved. The proportional systems used in many countries ensure that the voices of all segments of society are counted and represented in government. This creates a model in which substantive justice is an integral part of the democratic process. In Asia, achieving substantive justice in elections is complicated by cultural and religious plurality, along with distinct socio-political pressures.¹⁸ Indonesia and India are examples of countries with high ethnic and religious diversity, where efforts to create substantive justice must confront structural challenges such as economic inequality and inequities in access to education and public services. Electoral system reforms, such as the adoption of direct elections and quotas for women and minority groups, are efforts to create more inclusive and equitable systems. Africa offers a different context, where issues such as ethnic conflict, poverty, and weak democratic institutions are major obstacles to achieving substantive justice. In many African countries, substantive justice is often seen as an effort to create inclusiveness in governance and ensure that all ethnic and social groups have a voice in the political process. Efforts to strengthen substantive justice in Africa often involve deep institutional reforms, including strengthening the justice system, increasing transparency in government, and addressing deep social inequalities.¹⁹

By comparing practices in Asia, Europe, and Africa, we can see how substantive justice is applied in different contexts, as well as the challenges and opportunities faced by each region. The results of this study are expected to provide deeper insights into how substantive justice can be strengthened in electoral systems in various countries, as well as contribute to the development of more inclusive and equitable policies. Thus, substantive justice is not only about election results that are in accordance with the rules, but also about creating a political system that truly reflects social justice, inclusiveness, and welfare for all members of society. Although the concept of substantive justice has been widely discussed in the legal and political philosophy literature, research on its application in the context of regional head elections is still limited, especially in the cross-continental comparative approach. Most existing studies only focus on one particular region or examine justice from a procedural perspective, without exploring how election results can reflect social justice in a substantial way. In addition, sociological aspects in the application of substantive justice, such as the influence of cultural plurality, local values, and social structures, have not been explored in depth. This study fills this gap by offering a philosophical and sociological analysis of the application of substantive justice in Asia, Europe, and Africa. This research is urgently needed given the importance of creating more inclusive and just political systems in an increasingly pluralistic global context.

Each region presents distinct challenges to achieving substantive justice in elections. In Europe, debates often center on balancing diverse political ideologies and ensuring fair representation; in Asia, cultural plurality and social inequality pose significant barriers; while in Africa, corruption and ethnic tensions frequently undermine electoral reforms. A deeper understanding of how substantive justice operates in these contexts will not only contribute to theoretical discourse but also offer practical insights for designing elections that genuinely reflect the people's aspirations. This research aims to serve as a valuable reference for policymakers in developing fairer electoral systems at both local and international levels. By examining substantive justice from a cross-

¹⁸ Andrea J. Nightingale, "Power and Politics in Climate Change Adaptation Efforts: Struggles over Authority and Recognition in the Context of Political Instability," *Geoforum* 84 (August 2017): 11–20, <https://doi.org/10.1016/j.geoforum.2017.05.011>.

¹⁹ Mario J. Azevedo, "The State of Health System(s) in Africa: Challenges and Opportunities," 2017, 1–73, https://doi.org/10.1007/978-3-319-32564-4_1.

continental perspective, this study sheds light on how social justice can be advanced in regional elections, ultimately strengthening democracy and political stability. Based on the background explanation above, the author is interested in conducting a study entitled “Substantive Justice in Regional Head Elections: A Philosophical and Sociological Comparison of Asian, European, and African Countries”. The formulation of the problem in this study is:

1. How is the concept of substantive justice in regional head elections understood and applied philosophically and sociologically in Asian, European, and African countries?
2. What is the impact of the application of substantive justice on political representation and inclusivity in regional head elections in various countries in Asia, Europe, and Africa?

This study employs a normative legal research method, commonly known as library research, which emphasizes theoretical and conceptual analysis of legal sources, including statutory texts, jurisprudence, legal doctrines, and scholarly literature. While normative legal research traditionally focuses on the articulation and interpretation of legal norms, this study goes further by operationalizing the concept of *substantive justice* in the context of regional head elections. Substantive justice is conceptualized not merely as legal compliance or procedural fairness, but as the achievement of equitable electoral outcomes that enhance political participation, particularly among marginalized groups, ensure policy responsiveness to diverse social needs, and improve the quality of representation. These dimensions serve as preliminary indicators for evaluating substantive justice in electoral systems.

To achieve this, the study adopts a multi-pronged approach aligned with the normative legal method. The legislative approach examines relevant electoral laws and regulations in selected countries to assess the formal provisions that facilitate or hinder substantive justice. The conceptual approach delves into legal and political philosophy to clarify the theoretical underpinnings of substantive justice, contrasting it explicitly with procedural justice, which emphasizes fair processes rather than outcomes. Here, the analysis is enriched by engaging with Rawlsian theories of justice as fairness, communitarian perspectives that prioritize collective well-being and social harmony, and decolonial critiques that expose structural inequities embedded in electoral systems, especially in postcolonial contexts.

Furthermore, a comparative approach is employed to analyze how different legal systems operationalize substantive justice across Asia, Europe, and Africa. This comparison is grounded not only in legal texts but also in the sociopolitical realities that shape electoral practices in diverse cultural and historical settings. By situating substantive justice within this broader theoretical and comparative framework, the research aims to provide a more comprehensive and context-sensitive understanding of how law can advance genuinely inclusive and equitable electoral processes.

The sources of legal materials in this study consist of three main categories.²⁰ Primary legal materials include laws, constitutions, and court decisions relevant to regional head elections in the countries studied. Secondary legal materials include books, scientific journals, articles, and other literature that discuss the concept of substantive justice, legal theory, and comparative legal studies. Tertiary legal materials such as legal encyclopedias, legal dictionaries, and legal indexes are used to complement the information and provide clearer definitions related to the concepts used in the study. Data collection techniques in this normative legal research are carried out through library research.²¹ Data were collected by reviewing various legal documents such as laws and regulations, scientific

20 Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2020).

21 Sugiyono, “Metode Penelitian Kuantitatif, Kualitatif, Dan R&D,” *Bandung: CV. Alfabeta*, 2019.

journals, books, and other legal sources relevant to the research topic. This process involves searching, collecting, and filtering relevant legal materials for further analysis. The data analysis technique in this study uses qualitative analysis that is descriptive and evaluative.²² The collected data were systematically analyzed to understand how the concept of substantive justice is applied in various legal and social contexts in the countries studied. Comparative analysis was also used to explore differences and similarities in the application of substantive justice in Asia, Europe, and Africa. The data were analyzed by identifying patterns, relationships, and contradictions between legal theory and practices that occur in the field, and linking them to the theoretical framework that has been established in this study. With this approach, the study is expected to provide a comprehensive understanding of the application of substantive justice in regional head elections and provide academic contributions to the development of legal theory and more just and inclusive election practices.

2. ANALYSIS AND DISCUSSION

2.1. The Concept of Substantive Justice in Regional Head Elections: Philosophical and Sociological Perspectives in Asia, Europe, and Africa

Substantive justice in the context of regional elections refers to the realization of deeper, outcome-oriented fairness that transcends procedural legality. It emphasizes not only the legitimacy of electoral processes but also their capacity to generate inclusive and equitable political representation. In practical terms, substantive justice demands measurable indicators such as the proportional representation of historically marginalized groups (e.g., ethnic minorities, women, indigenous communities), accountability in policy outcomes that reflect the needs of diverse constituencies, and mechanisms that enable equitable access to candidacy and political influence. For instance, the presence of quotas, gender balance mandates, and anti-discrimination clauses within electoral laws are tangible metrics of this justice.²³

Philosophically, John Rawls' theory of justice as fairness rooted in liberal individualism offers a foundational approach to substantive justice. Rawls insists on the equal distribution of primary goods and the prioritization of the least advantaged through the "difference principle." In electoral terms, this would advocate for systems that empower disenfranchised voters and ensure fair representation. However, Rawlsian justice assumes a universalist and largely individual-centered framework, which some critics argue inadequately addresses cultural and communal contexts that define political participation in much of the Global South.²⁴

In contrast, communitarian approaches, often reflected in Asian and African political traditions, emphasize the collective good, social cohesion, and moral responsibility within community networks. Justice, in this view, is deeply embedded in cultural narratives and social practices evident in the Confucian emphasis on harmony or Ubuntu's ethic of mutual care. These perspectives resist the abstraction of liberalism, highlighting instead the situated, relational nature of justice. A decolonial critique further deepens this divergence by exposing how Western-centric legal and political norms often undermine

22 Lexy J. Moleong, *Metodologi Penelitian Kualitatif* (Bandung: PT Remaja Rosdakarya, 2017).

23 Dodi Jaya Wardana, Sukardi, and Radian Salman, "The Concept of Special Courts in the Settlement of Regional Head Election Cases in Indonesia," *Justitia: Jurnal Hukum* 6, no. 2 (2021), <https://doi.org/https://doi.org/10.30651/justitia.v6i02.9718>.

24 Robert S. Taylor, "Rawls's Defense of the Priority of Liberty: A Kantian Reconstruction," *Philosophy & Public Affairs* 31, no. 3 (July 2003): 246–71, <https://doi.org/10.1111/j.1088-4963.2003.00246.x>.

indigenous political agency.²⁵ Decolonial theorists argue for pluralistic, localized electoral designs that honor traditional governance structures, communal identity, and epistemic sovereignty.

A critical comparison reveals that while Rawlsian justice provides a valuable normative benchmark for fairness and redistribution, it requires significant contextual adaptation to achieve relevance in non-Western settings. Communitarian and decolonial paradigms, though more culturally grounded, must also grapple with the risk of reinforcing exclusionary traditions if not aligned with human rights and democratic inclusivity. Thus, a synthesis of these frameworks one that combines universal aspirations for fairness with local cultural legitimacy offers the most promising path toward achieving substantive justice in regional elections across diverse global contexts.²⁶

This study discusses how the concept of substantive justice is understood and applied in Asian, European, and African countries through a philosophical and sociological approach, as well as how relevant laws and regulations play a role in supporting or hindering the implementation of such justice. In Europe, the concept of substantive justice is heavily influenced by political and legal philosophy that has developed along with the journey of democracy on this continent. John Rawls' conception of "justice as fairness," as outlined in *A Theory of Justice*, emphasizes that justice should go beyond mere procedural adherence and ensure that social institutions enable all individuals to pursue opportunities on an equal footing. This includes the distribution of rights and resources in a way that guarantees fair equality of opportunity, particularly for marginalized or minority groups. When applied to regional elections, this ideal calls for electoral systems that are not only procedurally democratic but substantively just ensuring inclusiveness and equitable representation across all segments of society.²⁷

In Europe, several countries appear to closely align with Rawlsian ideals through proportional representation systems designed to reflect the pluralistic nature of society. For example, Germany's and Sweden's electoral systems ensure that political minorities receive adequate representation, enhancing democratic inclusivity. These systems embody Rawls' principles by actively mitigating structural inequalities and providing real political agency to diverse groups. However, challenges remain, especially in the underrepresentation of immigrant populations, which suggests partial deviation from Rawlsian fairness in practice.

In contrast, many Asian countries present a more complex relationship with Rawls' principles. While laws such as Indonesia's Law No. 10 of 2016 explicitly support political inclusivity and equality, systemic barriers like money politics, political dynasties, and socio-economic inequalities limit genuine access to political participation for all. Similarly, in India, despite constitutional guarantees and quota systems aimed at uplifting historically marginalized groups, the intersection of caste, religion, and economic status continues to restrict equal access to political power. These cases highlight a divergence from Rawls' concept of fair equality of opportunity, where legal provisions exist but practical implementation remains inconsistent.

African nations, while embracing communal philosophies like Ubuntu that stress collective well-being and social solidarity, often struggle with institutional weaknesses, corruption, and ethnic tensions that obstruct fair and inclusive elections. Countries such as Rwanda have made notable strides in achieving gender representation through quotas,

25 Motsamai Molefe, *An African Philosophy of Personhood, Morality, and Politics* (Cham: Springer International Publishing, 2019), <https://doi.org/10.1007/978-3-030-15561-2>.

26 Sunaryo Sunaryo, "Konsep Fairness John Rawls, Kritik Dan Relevansinya," *Jurnal Konstitusi* 19, no. 1 (March 2022): 001, <https://doi.org/10.31078/jk1911>.

27 Edor J. Edor, "John Rawls's Concept of Justice as Fairness," *PINISI Discretion Review* 4, no. 1 (December 2020): 179, <https://doi.org/10.26858/pdr.v4i1.16387>.

thus partially aligning with Rawlsian ideals. However, the persistent underrepresentation of ethnic minorities and youth, as well as ongoing electoral manipulation in countries like Nigeria and Kenya, underscores the gap between normative commitments to fairness and their realization in political systems.

In sum, while each region incorporates elements of Rawls' vision in their electoral frameworks, substantial gaps persist in ensuring that all individuals regardless of socio-economic status, ethnicity, gender, or religion have a fair opportunity to influence and participate in democratic processes. Bridging this gap requires not only legal reform but also cultural shifts, institutional strengthening, and robust civic education to create systems that genuinely reflect Rawls' commitment to justice as fairness.

Legislation in many European countries is designed to uphold substantive justice by ensuring fair representation and political inclusivity. In Germany, the *Bundeswahlgesetz* (German Election Law) employs a proportional representation system that allocates parliamentary seats based on the percentage of votes each party receives. This system ensures that various political ideologies and social groups are adequately represented in decision-making processes, preventing the dominance of a single political force. Similarly, in Nordic countries such as Sweden, proportional representation is deeply embedded in the electoral framework, reinforcing the principles of inclusiveness and equal political participation. These mechanisms are rooted in the European philosophical tradition of social contract theory, particularly the ideas of Rousseau and Habermas, which emphasize participatory democracy and the legitimacy of political authority through public discourse. Despite these frameworks, challenges remain, such as the underrepresentation of immigrant communities and rising nationalist sentiments, which threaten the balance of substantive justice in elections.

In Asia, the application of substantive justice in elections is deeply intertwined with traditional values that emphasize social harmony and communal interests over individual rights. For instance, in China and other East Asian countries influenced by Confucianism, justice is perceived not only as a means of ensuring fairness but also as a mechanism for maintaining social stability. This perspective affects the electoral process, where state control and collective interests often take precedence over Western-style liberal democracy. In Indonesia, substantive justice in regional head elections is legally recognized through Law Number 10 of 2016 concerning Regional Head Elections. This law promotes democratic participation and inclusivity, allowing diverse candidates to compete in elections. However, in practice, the system is often undermined by money politics, patronage networks, and the disproportionate influence of dominant political elites. The persistence of these issues highlights the gap between legal provisions and their real-world implementation, raising concerns about whether elections truly reflect the aspirations of all societal groups. Marginalized communities, such as indigenous peoples and religious minorities, frequently struggle to gain political representation due to socio-economic disparities and structural biases within the electoral system.²⁸

In Africa, substantive justice in elections is frequently challenged by systemic corruption, ethnic conflicts, and weak institutional frameworks. Many African nations have adopted electoral laws that seek to ensure fairness, yet their enforcement often remains inconsistent. For example, in Nigeria, the Electoral Act provides legal provisions to promote free and fair elections, yet electoral violence and vote-buying remain pervasive issues. The philosophical discourse on justice in African political thought, particularly within the *Ubuntu* framework, emphasizes community-based governance and collective decision-making. However, the reality of electoral practices often contradicts these ideals,

28 W. Zhang, *The Right to Development*, ed. Wei Zhang (Brill | Nijhoff, 2019), <https://doi.org/10.1163/9789004364455>.

as power struggles among ethnic factions and political elites overshadow the principles of inclusivity and fairness. In Kenya, the implementation of devolution through the 2010 Constitution aimed to enhance democratic participation at the regional level, yet ethnic divisions and allegations of electoral fraud continue to undermine the credibility of local elections.

A more nuanced examination of regional electoral practices reveals the complexities and inconsistencies in applying philosophical principles of justice within actual democratic processes. While theoretical frameworks such as Rawlsian fairness in Europe, Confucian harmony in Asia, and Ubuntu collectivism in Africa serve as guiding ideals, their real-world implementation often falls short due to entrenched socio-political challenges. In Europe, proportional electoral systems theoretically support inclusive governance, yet migrant communities and ethnic minorities continue to face underrepresentation despite their significant demographic presence. Similarly, in Asia, legal provisions encouraging inclusivity are frequently undermined by cultural hierarchies, dynastic politics, and economic disparities, particularly impacting women and indigenous groups. African electoral systems, while philosophically grounded in communal justice, are often compromised by corruption, ethnic conflict, and systemic inequality, limiting the political voice of youth and minority populations. Through qualitative data analysis, it becomes evident that structural barriers ranging from financial constraints to discriminatory norms persistently hinder vulnerable groups from participating fully in the democratic process. Bridging this gap between philosophical ideals and electoral realities demands not only legal reform but also societal transformation through civic education, affirmative action, and the strengthening of democratic institutions. By critically analyzing these regional disparities, this study contributes to a deeper understanding of how substantive justice can be meaningfully embedded in electoral design to ensure political representation truly reflects the diversity and aspirations of all citizens.²⁹

In India, the world's largest democracy, the application of the concept of substantive justice is often tested in the context of extremely high religious and ethnic diversity. The Representation of the People Act, 1951, which is the mainstay of governing elections, was designed to ensure a fair, transparent and inclusive electoral process and provide equal opportunity for all citizens to participate in governance.³⁰ However, while the law provides a legal basis for democratic elections, significant challenges remain, particularly with regard to identity politics that emphasize religious, caste, and ethnic factors, which often shape electoral patterns and political choices. In addition, inequalities in access to political resources, such as expensive campaigns and the influence of dominant political parties, exacerbate the gap in political influence between more powerful and marginalized groups, ultimately hindering the achievement of substantive justice for all Indians. In Africa, the concept of substantive justice is often rooted in traditional and communitarian values. The philosophy of Ubuntu, which originated in South Africa, emphasizes solidarity and human connection. The principle of "I am because we are" underlies many social and political practices in Africa.³¹ In the context of local government elections, substantive justice means ensuring that the electoral process is not only fair to individuals, but also strengthens social cohesion and community well-

29 Jared, "V Political Process : Public Opinion, Attitudes, Parties, Forces, Groups and Elections / Vie Politique : Opinion Publique, Attitudes, Partis, Forces, Groupes et Élections," *International Political Science Abstracts* 73, no. 6 (December 2023): 878–912, <https://doi.org/10.1177/00208345231218241>.

30 Pragya Singh, "Electoral Reforms in India: Comparative Analysis with U.S.A. & U.K.," *SSRN Electronic Journal*, 2013, <https://doi.org/10.2139/ssrn.2361595>.

31 C Ewuoso and S Hall, "Core Aspects of Ubuntu: A Systematic Review," *South African Journal of Bioethics and Law* 12, no. 2 (December 2019): 93, <https://doi.org/10.7196/SAJBL.2019.v12i2.679>.

being. Countries such as Nigeria and Kenya have adopted various electoral reforms to increase transparency and inclusiveness. The 1999 Nigerian Constitution, for example, provides for the Independent National Electoral Commission (INEC) which is tasked with ensuring that the electoral process is fair and transparent.³² However, in practice, there are still major challenges such as corruption and political manipulation that hinder the achievement of substantive justice.

In Kenya, electoral reforms stipulated in the Elections Act, 2011 aimed to create a more inclusive and fair electoral process. However, ethnic conflict and social inequality remain significant obstacles to creating election outcomes that truly reflect substantive justice.³³ Comparing the application of substantive justice in Asia, Europe, and Africa shows how the concept is influenced by the social, political, and cultural contexts of each region. In Europe, strong and stable democratic traditions have created electoral systems that allow for inclusiveness and fair representation. Countries such as Sweden and Germany have adopted proportional electoral systems, which ensure that all social groups, including minorities, receive equal representation. In Asia, the challenges of substantive justice are more complex, especially due to the high cultural and religious plurality. Indonesia and India are examples of countries where this plurality influences the electoral process.³⁴ Despite efforts to strengthen substantive justice through electoral reforms, challenges such as identity politics, social inequality, and the dominance of majority groups remain significant obstacles. In Africa, substantive justice challenges are more related to structural issues such as corruption, ethnic conflict, and weak democratic institutions. Countries such as Nigeria and Kenya have adopted reforms to increase transparency and accountability in electoral processes, but the implementation of substantive justice still faces a number of obstacles, including deep social and economic inequalities.³⁵

To deepen the comparative analysis of substantive justice in regional elections across Asia, Europe, and Africa, it is essential to employ consistent analytical dimensions such as campaign regulations, access to media, electoral system design, representation of marginalized groups, and political education. These dimensions provide a structured lens to assess how different regions approach the realization of inclusive and equitable electoral processes. In Europe, substantive justice is supported by robust legal frameworks and proportional representation systems, particularly in countries like Germany and Sweden, which foster inclusiveness and fair political representation. Campaign regulations in these countries are designed to limit the influence of money and ensure equal media access, although challenges persist regarding the representation of migrant communities. In Asia, while some countries have introduced affirmative action measures and legal frameworks promoting inclusivity such as Indonesia's Law No. 10 of 2016 barriers like money politics, unequal media access, and dominance by political elites continue to hinder fair representation, particularly for women and ethnic minorities. Campaign financing remains a critical issue, often skewing competition in favor of wealthier candidates or established dynasties. Meanwhile, Africa faces significant structural hurdles such as weak institutional oversight, corruption, and ethnic tensions. Despite progressive measures like gender quotas in Rwanda and Kenya's

32 J. Tochukwu Omenma, "Courts' Involvement in the Electoral Process and Their Impact on Improving Election Quality in Nigeria," *Politeia* 38, no. 1 (August 2019), <https://doi.org/10.25159/2663-6689/4377>.

33 University of Johannesburg, "Terms of Reference Preparation : Terms of Reference," no. July (2018): 1–20.

34 Endri Endri, "INDONESIAN LEGAL PLURALISM FOR STATE ADMINISTRATIVE JUDGES: BETWEEN CHALLENGES AND OPPORTUNITIES," *Jurnal Hukum Peratun* 3, no. 1 (February 2020): 19–34, <https://doi.org/10.25216/peratun.312020.19-34>.

35 Nkosingiphile Mkhize, Sobongile Moyo, and Sipho Mahoa, "African Solutions to African Problems: A Narrative of Corruption in Postcolonial Africa," *Cogent Social Sciences* 10, no. 1 (December 2024), <https://doi.org/10.1080/23311886.2024.2327133>.

constitutional reforms, implementation often falters due to limited access to media for opposition groups and inadequate civic education. Nonetheless, community-oriented philosophies like Ubuntu offer a cultural foundation for inclusive governance. By applying these consistent dimensions, it becomes evident that while each region adopts different strategies reflective of its socio-political context, shared challenges around enforcement, resource inequality, and structural discrimination persist. Addressing these issues through coherent policy design, strengthened democratic institutions, and civic engagement is key to advancing substantive justice in local elections globally.³⁶

2.2 The Impact of Substantive Justice Implementation on Political Representation and Inclusivity in Regional Head Elections in Asia, Europe, and Africa

Substantive justice is a principle that seeks to ensure a fair distribution of rights, opportunities, and outcomes in society. This concept focuses not only on procedures or processes that appear formally fair, but also on outcomes that reflect diversity and provide real benefits to all parties.³⁷ In the political context, especially regional head elections, substantive justice is important to create an inclusive representation system. This aims to ensure that every individual, regardless of gender, ethnicity, religion, or social status, has an equal opportunity to participate in the political process and be fairly represented.³⁸

In various regions of the world, such as Asia, Europe, and Africa, the implementation of substantive justice in regional head elections has different impacts. This is influenced by the legal framework, socio-cultural conditions, and political dynamics in each region.³⁹ This discussion examines how the principle of substantive justice is applied in these three regions, highlighting its impact on political representation and inclusivity and the underlying legislation. Asia is a highly complex region with ethnic, religious and cultural diversity. Amidst this diversity, the creation of substantive justice is essential, with a particular focus on strengthening the role of minority groups and women who have traditionally been marginalized in politics. These countries have sought to address inequality by implementing policies that encourage greater political participation for these groups, whether through political quotas, affirmative action policies or systemic changes that are more responsive to the needs of underserved communities.

However, this process is not easy, as it is often hampered by a range of structural, social, and political factors that exacerbate existing inequality. For instance, in Indonesia, the dominance of political dynasties continues to hinder equal access to leadership positions, with studies showing that approximately 146 out of 261 regional elections in 2020 featured candidates from political family networks, limiting opportunities for newcomers and marginalized groups. Similarly, in India, despite constitutional provisions to ensure representation, the intersection of caste-based politics and economic disparities still restricts electoral participation for lower-caste communities. Data from the National Election Study 2019 found that Dalits and tribal groups faced higher barriers to voter registration and candidacy due to social discrimination and financial constraints.⁴⁰

36 Innan Sasaki and Sofiane Baba, "Shades of Cultural Marginalization: Cultural Survival and Autonomy Processes," *Organization Theory* 5, no. 1 (January 2024), <https://doi.org/10.1177/26317877231221552>.

37 Zhongmin Wu, "Procedural Justice," in *Why Is Social Justice Possible?* (Singapore: Springer Nature Singapore, 2024), 151–62, https://doi.org/10.1007/978-981-97-5380-2_8.

38 Ade Irma Suryani and Dodi Jaya Wardana, "Legal Aspects of Women's Political Participation in a Gender Perspective," *JURNAL USM LAW REVIEW* 7, no. 3 (December 2024): 1967, <https://doi.org/10.26623/julr.v7i3.10634>.

39 Etienne Lwamba et al., "Strengthening Women's Empowerment and Gender Equality in Fragile Contexts towards Peaceful and Inclusive Societies: A Systematic Review and Meta-analysis," *Campbell Systematic Reviews* 18, no. 1 (March 2022), <https://doi.org/10.1002/cl2.1214>.

40 Andrzej Klimczuk and Delali Adjoa Dovie, *Bridging Social Inequality Gaps - Concepts, Theories, Methods, and Tools*, ed. Andrzej Klimczuk and Delali A. Dovie, vol. 21, Sustainable Development (IntechOpen, 2024), <https://doi.org/10.1002/9781119888888.ch21>.

In Africa, financial and institutional limitations often reinforce electoral inequality. A 2022 report by Transparency International highlighted that in Kenya, electoral candidates from lower-income backgrounds struggle to compete due to the high cost of political campaigns, where winning a gubernatorial seat can require millions of dollars in funding. This economic barrier disproportionately affects women and younger candidates, reducing diversity in political representation. Moreover, in Nigeria, despite the enactment of the *Not Too Young To Run Act* in 2018, which lowered the minimum age for political candidacy, youth participation remains low due to entrenched patronage networks and party dominance by older elites.⁴¹

Even in Europe, where electoral systems are generally more structured, challenges persist in ensuring substantive justice. For example, while Germany's proportional representation system promotes inclusivity, migrant communities remain underrepresented in political decision-making. A 2021 study by the German Federal Office for Migration and Refugees found that only 8 % of Bundestag members had a migration background, despite migrants comprising over 26 % of the population. This gap reflects deeper socio-political challenges, including language barriers, cultural integration issues, and the reluctance of traditional parties to field diverse candidates.⁴² These examples illustrate how structural inequalities whether economic, social, or institutional continue to shape electoral outcomes, often limiting the realization of substantive justice. Addressing these challenges requires comprehensive electoral reforms, targeted policy interventions, and increased civic engagement to ensure fair representation across different social groups.

In India, the concept of substantive justice is implemented through a reservation system, which provides quotas for Scheduled Castes (SCs), Scheduled Tribes (STs), and Other Backward Classes (OBCs). This policy is stipulated in Article 243D of the Indian Constitution and applies to local elections, including local government elections.⁴³ The quotas were intended to address historical discrimination against marginalized groups and ensure their participation in political decision-making. The impact has been significant. For example, in some parts of India, leaders from SCs and STs have started playing a significant role in local governance. However, the policy has also faced criticism, including allegations that the quotas provide symbolic representation without giving real power to the groups represented. In addition, there have been tensions between the majority and minority groups who see the policy as a form of reverse discrimination.⁴⁴ Law Number 10 of 2016 concerning Regional Head Elections reflects the principle of substantive justice by emphasizing the representation of women and minority groups. Several provisions within this law aim to ensure that the regional head election process is inclusive and fair for all segments of society.

One of the provisions that embody substantive justice is Article 7, Paragraph (2), Letter e, which states that every candidate for regional head must meet the requirement of not being involved in discriminatory practices that contradict the principles of justice and equality. This provision ensures that individuals with a history of discriminatory behavior cannot run for office, thus promoting leaders who are expected to represent

doi.org/10.5772/intechopen.1001812.

41 Acemoglu, "IV Political Process : Public Opinion, Attitudes, Parties, Forces, Groups and Elections / Vie Politique : Opinion Publique, Attitudes, Partis, Forces, Groupes et Élections," *International Political Science Abstracts* 71, no. 4 (August 2021): 542–82, <https://doi.org/10.1177/00208345211038643>.

42 Maarja Luhiste, "Party Gatekeepers' Support for Viable Female Candidacy in PR-List Systems," *Politics & Gender* 11, no. 1 (March 2015): 89–116, <https://doi.org/10.1017/S1743923X14000580>.

43 Vinay Sitapati, "Reservations," in *The Oxford Handbook of the Indian Constitution* (Oxford University Press, 2017), 720–41, <https://doi.org/10.1093/law/9780198704898.003.0040>.

44 David Mosse, "Caste and Development: Contemporary Perspectives on a Structure of Discrimination and Advantage," *World Development* 110 (October 2018): 422–36, <https://doi.org/10.1016/j.worlddev.2018.06.003>.

all groups in society without bias or exclusion. Additionally, Article 7, Paragraph (6) specifically accommodates women's participation in regional head elections by encouraging their involvement in the nomination process. Although the law does not explicitly set a gender quota, this provision serves as a legal basis for efforts to increase the number of women in local politics. In practice, this regulation aligns with other affirmative policies aimed at strengthening women's positions in regional governance.

Furthermore, Article 42 regulates campaign mechanisms, emphasizing that every candidate must adhere to democratic principles, human rights, and guarantee equal political participation. This provision ensures that candidates are not merely competing for office but also bear a moral and legal responsibility to ensure that all societal groups have an equal opportunity to participate in the elections. In terms of representation, Article 47, Paragraphs (1) and (2) establish limitations and transparency in campaign funding. This provision seeks to reduce the influence of money politics, which often hinders candidates from marginalized groups, including women and ethnic or religious minorities, who may lack the financial resources to compete with dominant groups. By enforcing this regulation, the law aims to create a fairer electoral competition in regional elections.⁴⁵

Moreover, Article 187, Paragraphs (3) and (4) imposes criminal sanctions on acts of intimidation or coercion that may hinder voter participation, particularly among minority groups. In several regions, indigenous communities and religious minorities frequently face political pressure or even threats of violence that prevent them from freely exercising their voting rights. By including these legal sanctions, the state seeks to protect vulnerable groups from discriminatory electoral practices. Although various provisions in Law Number 10 of 2016 reflect aspects of substantive justice, challenges in implementation remain a significant obstacle. The dominance of political elites, patriarchal social norms, and money politics continue to hinder more inclusive representation in regional head elections. Therefore, beyond the existing regulations, further steps are needed, including affirmative policies and strengthening election supervisory institutions, to ensure that substantive justice is genuinely realized in every stage of regional head elections in Indonesia. One important aspect of this regulation is the encouragement to increase women's participation in regional head nominations. The government and political parties are encouraged to nominate women in strategic positions.⁴⁶

However, in practice, the participation of women and minority groups in regional head elections is still low. In the 2020 Pilkada, only a few women were successfully elected as regional heads. Cultural factors and the dominance of local political elites are the main obstacles. In addition, minority groups, especially indigenous peoples and small religious groups, often face indirect discrimination that limits their opportunities to compete on an equal footing.⁴⁷

In the Philippines, the application of substantive justice is reflected in the decentralization and regional autonomy efforts that provide greater opportunities for local communities to be involved in decision-making at the government level. Legal frameworks such as the Local Government Code of 1991 serve as a foundation for supporting the participation of marginalized groups, including indigenous peoples,

45 Hamjad Hamjad, M. Galang Asmara, and Roro Cahyowati, "Impact of Campaign Regulations on Electoral Freedom," *Indonesian Journal of Law and Economics Review* 19, no. 1 (January 2024), <https://doi.org/10.21070/ijler.v19i1.998>.

46 Hak Denny Mim Shot Tanti, *REKONSTRUKSI REGULASI PERSYARATAN CALON KEPALA DESA YANG BERBASIS NILAI KEADILAN* (Semarang: Universitas Islam Sultan Agung, 2024).

47 Inggar Saputra and Nisa Wening Asih, "Kepemimpinan Perempuan Dan Pilkada Serentak," *Arist* 5, no. 1 (2017), <https://doi.org/http://dx.doi.org/10.24269/ars.v5i1.424>.

women, and other vulnerable groups, in local political and development processes. This approach is designed to create a more inclusive government, where the needs and aspirations of local communities can be better accommodated.⁴⁸ However, the implementation of this principle is not free from serious challenges, such as widespread corruption practices and the strong influence of political dynasties that often dominate local government structures. These political dynasties often hinder substantive reforms and make it difficult to create truly fair and equal representation, thus hampering the main goal of decentralization, namely the equal empowerment of local communities. Europe, as a region known for its strong democratic tradition, has a unique and progressive approach to implementing substantive justice rooted in the principles of equality and respect for human rights. The main focus in this region lies in efforts to ensure gender equality, where the rights of women and men are protected and pursued equally in various aspects of life, including politics, economics, and social. In addition, the protection of minority groups, both in ethnic and religious contexts, is an important priority, which is realized through non-discrimination and inclusion policies.⁴⁹

The European Union, as a supranational entity that plays a major role in the harmonization of policies between its member states, reinforces this commitment through the Charter of Fundamental Rights of the European Union, which explicitly supports the principle of non-discrimination and inclusive political participation. This Charter is not only a legal basis, but also reflects the universal values embraced by Europe, creating an environment where individual rights are respected regardless of gender, ethnicity, religion or other identity, and promoting diversity as a strength in building a just and democratic society.⁵⁰ France is one of the progressive countries in adopting substantive justice through gender equality policies. The French Electoral Code requires political parties to nominate an equal number of men and women in local elections.⁵¹ This policy has resulted in a significant increase in women's representation in local government. However, challenges remain. In some areas, especially in rural areas, patriarchal culture still acts as a barrier for women to actively participate in politics. In addition, this gender equality policy has not fully covered ethnic minority groups, who often face discrimination in the political process.⁵² Sweden uses a proportional representation system to ensure diversity in local government candidate lists. Political parties in the country have a moral obligation to nominate individuals from a variety of social backgrounds, including women and minority groups. The system has been successful in increasing inclusivity, with many women and individuals from immigrant groups involved in local government.⁵³

However, although Sweden is considered a model of success in the implementation of substantive justice, some minority groups, especially from the Muslim community, still face structural barriers in achieving equal political representation.⁵⁴ Africa is a

48 Hasanul Mulkan and Serlika Aprita, *Hukum Otonomi Daerah* (Jakarta: Mitra Wacana Media, 2023).

49 Lwamba et al., "Strengthening Women's Empowerment and Gender Equality in Fragile Contexts towards Peaceful and Inclusive Societies: A Systematic Review and Meta-analysis."

50 Carolin Funke and Dennis Dijkzeul, "Institutionalizing a New Understanding of Disability in Humanitarian Action at the International Level," 2025, 27–42, https://doi.org/10.1007/978-3-031-53809-4_3.

51 Suryani and Wardana, "Legal Aspects of Women's Political Participation in a Gender Perspective."emphasizing the problem of the gap between regulation and implementation in legal practice in Indonesia, as well as the obstacles faced by women in achieving an equal position in politics".

52 Anak Agung Mia Intenilia, "Analyzing Patriarchy, Political Participation, and Active Citizenship in ASEAN," *Intermestic: Journal of International Studies* 5, no. 1 (November 2020): 12, <https://doi.org/10.24198/intermestic.v5n1.2>.

53 Melanie M. Hughes, Pamela Paxton, and Mona Lena Krook, "Gender Quotas for Legislatures and Corporate Boards," *Annual Review of Sociology* 43, no. 1 (July 2017): 331–52, <https://doi.org/10.1146/annurev-soc-060116-053324>.

54 Heidi Safia Mirza and Ross Warwick, "Race and Ethnic Inequalities," *Oxford Open Economics* 3, no. Supplement_1 (July 2024): i365–452, <https://doi.org/10.1093/oec/odad026>.

region that faces significant challenges in creating inclusive political representation, where factors such as a history of colonialism that created artificial borders, long-standing internal conflicts, and sharp socio-economic inequalities often hinder the process of building substantive justice. A history of colonialism that exacerbates ethnic and religious tensions, coupled with political instability that often leads to civil war or authoritarian rule, create significant difficulties in achieving equitable representation for all levels of society. However, despite these challenges, some African countries have taken progressive steps to create more inclusive political systems, including reforms in local elections and fairer regulations that provide opportunities for minority groups and women to participate in the political process. These steps, while incomplete, demonstrate a commitment to building more representative and equitable governance, even though the complex social and political context remains a significant obstacle to achieving this.⁵⁵

Rwanda is an example of a country that has successfully implemented substantive justice through affirmative action policies. Under Rwanda's Electoral Law, a 30 % quota is set for women in political institutions, including local leaders. This policy makes Rwanda one of the countries with the highest female representation in the world. Today, women play a significant role in political decision-making, both at the local and national levels.⁵⁶ Rwanda's success in increasing women's representation in politics is often considered a prime example of substantive justice. However, the country still faces challenges in terms of under-representation of ethnic minority groups in formal political structures.⁵⁷ Nigeria and Kenya, as two large countries in Africa, have attempted to implement affirmative action policies to increase the representation of marginalized groups, but the challenges in implementation are enormous. In Kenya, the country's constitution provides for gender quotas in political institutions to ensure women's representation, but these policies are often hampered by widespread corruption, the dominance of political elites, and a deep-rooted patriarchal culture that inhibits structural change. Meanwhile, in Nigeria, high ethnic diversity adds complexity to the political challenges, with rivalries between ethnic groups sometimes making it difficult to create a system that is truly inclusive and equitable for all groups. While the intentions of these affirmative action policies are good, the political and social realities in both countries show that implementing these policies will still take time and significant effort to overcome the existing structural barriers.⁵⁸

A comparison of Asia, Europe, and Africa shows that the implementation of substantive equity plays an important role in increasing political representation and inclusiveness, although each region faces different challenges. In Asia, affirmative action approaches such as gender quotas and representation of marginalized groups have made significant progress, but are hampered by persistent cultural biases, requiring further efforts to address social and political barriers. In Europe, while gender equality has made significant progress, the issue of minority representation, especially ethnic and racial, still requires special attention to achieve greater inclusiveness. Meanwhile, in Africa, structural challenges related to poverty, education, and social inequality often hinder progress, but many countries have shown significant progress in increasing women's

55 Adamaagashi Izuchukwu Prince et al., "The Intersection of Economic Inequality and Political Conflict in Africa: A Comprehensive Analysis," *INTERNATIONAL JOURNAL OF SOCIAL SCIENCES AND MANAGEMENT RESEARCH* 9, no. 6 (September 2023): 69–87, <https://doi.org/10.56201/ijssmr.v9.no6.2023.pg69.87>.

56 Gretchen Bauer and Jennie E. Burnet, "Gender Quotas, Democracy, and Women's Representation in Africa: Some Insights from Democratic Botswana and Autocratic Rwanda," *Women's Studies International Forum* 41 (November 2013): 103–12, <https://doi.org/10.1016/j.wsif.2013.05.012>.

57 Bauer and Burnet.

58 Adebunola Okedele, "Women, Quotas, and Affirmative Action Policies in Africa," in *The Palgrave Handbook of African Women's Studies* (Cham: Springer International Publishing, 2021), 449–63, https://doi.org/10.1007/978-3-030-28099-4_80.

representation in political institutions, reflecting more rapid progress on gender issues. Overall, despite variations in the implementation and outcomes of substantive equity policies, all three demonstrate that affirmative action and inclusive policies can have a positive impact on increasing representation and equality in political systems.

Lessons from Rwanda and Sweden's successes demonstrate the importance of strong policy design and consistent implementation. Gender quotas, proportional representation, and transparency in the political process are key to creating an inclusive political system. To strengthen the implementation of substantive justice in local elections, several steps can be taken:

1. Strengthening Regulations. Countries need to adopt stronger laws to support inclusivity, such as gender quotas and protection of minority groups.
2. Increasing Political Education. Public education on the importance of substantive justice and the political rights of all individuals should be expanded.
3. Strict Law Enforcement. Governments need to ensure that affirmative action policies are implemented consistently and free from political manipulation.
4. Transparent Oversight. Independent oversight mechanisms should be strengthened to monitor the implementation of inclusive policies.

The application of substantive justice in local elections has a significant impact on political representation and inclusivity, although results vary across regions. The successes in Rwanda and Sweden show that with the right affirmative action policies and consistent implementation, structural and cultural barriers can be overcome. However, this success requires strong political commitment, transparency, and ongoing public education. With these steps, inclusive political representation can be realized around the world.

3. CONCLUSION

This study has illuminated the multifaceted nature of substantive justice in regional elections across Asia, Europe, and Africa by weaving together philosophical ideals and sociological realities. Drawing from diverse normative frameworks Rawlsian fairness in Europe, communitarian harmony in Asia, and Ubuntu collectivism in Africa the research underscores that justice in electoral systems cannot be universally defined through a singular lens. While European countries like Germany and Sweden have operationalized Rawls' principles through proportional representation and gender quotas, thereby enhancing inclusiveness, challenges such as the underrepresentation of ethnic minorities remain. In Asia, traditional values rooted in Confucian and Hindu philosophies drive the emphasis on social balance and collective responsibility. Yet, deeply entrenched structures like money politics, dynastic power, and religious pluralism often obstruct equitable participation. Africa presents a distinctive model where traditional norms like Ubuntu promote communal welfare, but systemic corruption and ethnic tensions continue to impede truly inclusive governance. This comparative approach shows that despite differing contexts, the consistent thread across regions is the gap between legal frameworks promoting fairness and their imperfect realization in political practice.

Consequently, the realization of substantive justice in regional elections demands more than the enactment of inclusive legislation it requires holistic, context-sensitive reform that bridges the normative ideals of justice with socio-political realities. Such reform must address institutional fragility, economic inequalities, and cultural hierarchies that prevent marginalized communities from gaining political agency. Affirmative action policies, civic education initiatives, transparent campaign financing

regulations, and independent oversight bodies are essential to promote meaningful inclusivity. Moreover, successful examples from Rwanda and Sweden demonstrate that where political will aligns with robust policy design and implementation, substantive justice can significantly reshape representation. Ultimately, the research concludes that embedding justice within electoral systems is a dynamic, ongoing process one that must be continually adapted to the evolving demands of pluralistic societies. Only by synthesizing philosophical frameworks with local cultural legitimacy can societies hope to design electoral systems that reflect the true diversity and aspirations of their people.

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