



# **SOME QUESTIONS ABOUT THE ELECTORAL SYSTEM FOR THE 2004 INDONESIAN GENERAL ELECTION ANSWERED**

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## **WHY CHANGE THE ELECTORAL SYSTEM USED AT THE 1999 ELECTION?**

There was a perception that representation was not being performed well, specifically that the people had little control over or links with their representatives. The electoral system was blamed by many for this, though in reality a combination of three systemic factors related to representation could be regarded as contributing to the perceived problems:

- § A closed system of candidate selection controlled by central party executives with little regard for local interests
- § Electoral districts from which in many cases very large numbers of representatives were elected – for the DPR, up to 82 from the one electoral district.
- § A closed list proportional representation system, by which the parties control which of their candidates take the representative positions which the party has won in each electoral district.

## **WHAT IS THE DATE FOR THE 2004 GENERAL ELECTION?**

Indonesia's General Elections Commission (KPU) has announced that general elections – elections for legislative assemblies at national, province and regency/city levels – will be held on Monday, 5 April 2004, which shall be a holiday.

These elections will be for the national Peoples Representative Assembly (DPR), the national Regional Representative Council (DPD) mandated by the constitutional amendments of 2001, and the Provincial and Regency/City Peoples Representative Assemblies (DPRDs)

The dates for two rounds of presidential elections are to be determined by the KPU in line with the requirements of the Law on Presidential Elections. The terms of the current President and Vice-President of Indonesia expire in October 2004.

## **WHAT IS THE SYSTEM OF REPRESENTATION TO BE USED AT THE 2004 GENERAL ELECTION?**

### **DPR/DPRDs**

Elections for the DPR and the DPRDs will be conducted using a form of Open-List Proportional Representation in new electoral districts.

The basic aim of a Proportional Representation system is to produce a representative body in which the proportion of seats won by each party closely reflects the proportion of the total vote that each party has obtained. The country as a whole may be a single constituency from which all representatives are elected, or there may be a number of regional or district constituencies – as in Indonesia - from which representatives are elected. The greater the number of constituencies used, the less likely it is that the composition of the representative body will fully mirror the overall proportions of the vote won by each party.

Open List Proportional Representation systems give voters control over both the number of seats each party wins in the representative body, and the candidates from those parties that will represent the voters by filling these seats. However, the detail of the system as adopted in Indonesia, has placed relatively strong restrictions on how much influence the voters have on which candidates, from the party of their choice, will be elected to represent them.

### **DPD**

General elections will include voting for the new Regional Representative Council (DPD), using a system known as Single Non Transferable Vote (SNTV). Voters will vote for one candidate only. The entire province is a DPD electoral district. Each province will elect four DPD representatives – the four highest vote winners in the province.

SNTV systems have interesting associated strategic issues for alliances of candidates. Candidate strategists must determine the ideal number of allied candidates to be nominated, and the ideal way to encourage supporters to vote for different candidates in order to maximize the number of like minded candidates elected.

### **WHAT ARE THE ELECTORAL DISTRICTS AND HOW ARE THEY DETERMINED ?**

#### **DPR/DPRDs**

For the 1999 general election, provinces were the electoral districts for the DPR and provincial DPRD elections, and regencies/cities the electoral districts for Regency/City DPRD.

For the 2004 general election there will be special electoral districts for the DPR and DPRD. Generally these will be smaller geographically, and elect fewer representatives, than at the 1999 election. This may (or may not) promote better links between the representatives and the people, depending on other factors such as how candidates are selected.

The KPU determines electoral district boundaries and the number of seats (that is, representatives to be elected) in each electoral district. To permit reasonable proportionality in awarding seats to successful political parties, the election law specifies that a range of between 3 to 12 representatives shall be elected in each DPR and DPRD electoral district. The greater the number of representatives elected, on average, from each electoral district, the more proportional overall the electoral system will be. The fewer the number elected from each district, on average, the more likely that the representatives elected will be concentrated in a smaller number of parties. Whether district magnitudes should tend more towards 3 or 12 is not further defined in the law, and the KPU's decisions in this regard will have a significant effect on future political relationships in Indonesia. The law also leaves it to the KPU to determine any other parameters for districting - for example recognition of geographic and human made features, cultural affinities, and transport/communication routes.

For the DPR, electoral districts to elect 550 DPR representatives will be formed from provinces (in less populated provinces) or parts of provinces (in more populated provinces). The law requires that no province may have less representatives in the DPR than at the 1999 election, and that provinces created since the 1999 election must have a minimum of 3 representatives. Average population per DPR representative may vary between 325,000 (in less densely populated provinces) and 425,000 (in more densely populated provinces). It is not possible to fulfill all of these three requirements in all provinces, and the KPU will need to determine which requirement(s) would then take precedence. However impartially this is decided, the decision will advantage and disadvantage various political interests.

For Provincial DPRD, electoral districts for assemblies of between 35 and 100 members (depending on provincial population) will be formed by the KPU from individual regencies/cities or combinations thereof.

For Regency/City DPRD, electoral districts for assemblies of between 20 and 45 members (depending on regency/city population) will be formed by the KPU from individual sub-districts (*kecamatan*) or combinations thereof.

The preliminary population totals resulting from the collection of population data by the P4B project, in April 2003, will be used as the population basis for allocating seats within the DPR and the DPRD.

Determining electoral district boundaries will be a complex process. Depending on average district magnitudes adopted, there will be in the range of 1600 to 3200 electoral districts to determine. Whilst the KPU independently determines these boundaries, each will be subject to intense political debate. In many countries this process, on a much smaller scale, would take between 1-2 years. The KPU is intending to determine all electoral districts between mid-July and mid-October 2003. Districts must be determined in sufficient time for parties to select and nominate their candidates by end December 2003, to meet legal deadlines for a 5 April 2004 legislative election. .

### **DPD**

Each province is a separate electoral district for the DPD.

### **WHICH POLITICAL PARTIES MAY PARTICIPATE IN THE 2004 ELECTIONS?**

Political parties that meet the criteria to participate in the 2004 general elections may contest the DPR and all DPRD elections. Political parties do not contest the DPD elections: only individual candidates can participate in the DPD elections.

The new political laws establish higher qualification barriers for political parties to participate in general elections. Under the new Political Party Law, all parties must newly register with the Ministry of Justice and meet requirements to demonstrate a wide organizational scope. Additionally, under the new General Election Law, political parties

that contested the 1999 general elections and seek to compete at the 2004 general elections must either:

- Hold 2% of DPR seats, or 3% of DPRD seats in half of the provinces, or 3% of DPRD seats in half of the regencies/cities; OR
- Merge with a party meeting the above criteria; OR
- Amalgamate so as to collectively meet the above criteria; OR
- Form a new party entirely and meet the requirements for parties that did not contest the 1999 elections.

A party that did not contest the 1999 election may compete in 2004 if – in addition to meeting requirements of registration with the Ministry of Justice – the party has:

- Executive committees (and permanent offices) in 2/3 of the provinces and 2/3 of the regencies/cities in those provinces, AND
- Party members numbering 1000 members or 1/1000<sup>th</sup> of the population (whichever is the smaller) in each regency/city where the party is organized, as evidenced by membership cards.

### **WHO MAY BE A CANDIDATE AND HOW ARE CANDIDATES SELECTED?**

Candidates may be nominated only for one elected body and only in one electoral district.

Following a period in which any errors in the nomination of candidates may be corrected, candidate lists for DPR/DPRD and candidates for DPD are to be finalized by election commissions no later than 2 months prior to Election Day.

An Indonesian citizen of 21 years of age or older is qualified to be a candidate if: domiciled in Indonesia, educated at least to High School Diploma level, fluent in Bahasa Indonesia, registered to vote, loyal to Pancasila and the Constitution, and believing in God. Persons who are mentally disabled, or who do not have the physical capacity to discharge their duties if elected, are barred from nomination as candidates, as are those under final sentence for a crime punishable by five or more years imprisonment.

There are additional candidacy provisions for DPR/DPRD and DPD candidates.

### **DPR/DPRD Candidates**

Candidates for DPR/DPRD must be members of political parties, and be nominated by their party in a 'democratic and open' process.

Under List Proportional Representation systems, a party submits a list of candidates for each electoral district. Political parties must submit lists of candidates for nomination to the relevant election commission (KPU) at national, provincial and regency/city level. Each party may nominate a number of candidates up to 120% of the number of representatives to be elected in each electoral district. There is no specified minimum number of

candidates on a candidate list. Political parties are encouraged, but not required, to nominate at least 30% women candidates on their candidate list in each electoral district.

The KPU intends announcing the official candidate lists on 28-29 January 2004

Each party is free to determine the order of the candidates' names on each of its candidate lists. The relevant level of the KPU holds a lottery to determine the order in which the parties, with their candidate lists, appear on the ballot paper.

### **DPD Candidates**

Constitutionally, candidates for the DPD must be 'individuals'. In practice this means that a DPD candidate cannot be nominated by a political party, though s/he can be a member of a political party. The law does not prevent a political party supporting DPD candidates.

DPD candidates are required to have lived in the province in which they are nominated for at least three consecutive years prior to nomination or for ten years cumulatively since age of 17. DPD candidates nominate themselves, though they must have the support of a specified number of the population of the province - between 1000 and 5000 registered voters, depending on the provincial population – evidenced by signatures/ID card copies.

DPD candidates who are members of the Civil Service, National Armed Forces (TNI) or the Indonesian Police Force (Pol-RI) must resign from those positions. For the 2004 elections, DPD candidates may not have held an administrative position in a political party from, at the latest, June 12 2003 - three months after the enactment of the General Election Law (for future elections, for four years prior to nomination).

The KPU intends announcing the official candidates for the DPD on 17-18 December 2003

### **WHAT WILL THE BALLOT PAPER LOOK LIKE?**

The KPU determines the size, type, colour and layout of the ballot papers, how and where in Indonesia they are printed, and how they are distributed.

### **DPR/DPRDs**

The party names and symbols of the political parties contesting the electoral district are listed on the ballot in an order determined by lottery held by the KPU. The name of each candidate in the list of candidates for that party for that district is listed in a column under the relevant party's symbol, in an order determined by the party.

### **DPD**

The names of each individual DPD candidate will appear on the ballot paper next to his/her photograph. It is not defined in the law how the order of the candidates on the DPD ballot paper will be determined.

## HOW WILL VOTERS VOTE?

Voter will be assigned to a voting station in their local area, to a maximum of 300 voters. Each voting station will have its own unique voters register of people eligible to vote in the area covered by the voting station (normally this would mean resident in that area).

There are provisions for voters to vote from overseas - at Indonesian missions or by post - for the DPR only, from special voters registers. The KPU has yet to determine for which DPR electoral district(s) overseas voters will vote.. There are also provisions for a voter to vote in Indonesia at a voting station other than the one in his/her local area. This could be a very complex process, and how it will work has yet to be defined by the KPU.

Voters with physical disabilities may be assisted to vote by a person of their choice.

After voting, voters are marked in a special way so that they can be detected if they attempt to vote again in this election. The KPU will define in a regulation how this will be done – most likely by dipping a finger in special ink.

### **DPR/DPRDs**

Voters must choose one party and **may** (but need not) also choose one candidate on a party's candidate list. The law does not yet specify that this must be a candidate from the candidate list of the party for which they voted.

Voters vote by punching a hole through the symbol of the party of their choice and by punching a hole through the name of the candidate of their choice.

### **DPD**

Voters must choose one candidate only. Voters vote by punching a hole by the name of the candidate of their choice.

## HOW AND WHERE ARE VOTES COUNTED?

Votes are counted at each voting station on the night of the election. The KPU will determine by regulation the method of counting the votes.

For the DPR, the number of votes for each party, and the number of votes for each candidate on each party's candidate list, will be totaled at each voting station. Care will need to be taken in counting and totaling votes for individual candidates. These are likely to be in total less than the number of valid ballot papers counted, as many voters will only vote for their preferred party (and may be encouraged to do this). Thus, an alternative method of reconciling total candidate votes will need to be implemented, to ensure that votes for all candidates have been recorded accurately.

For the DPD, the number of votes for each candidate will be totaled in each voting station.

Voting result reports from each voting station are then aggregated at successive levels of election committee – sub-district, regency/city, province and national, up to the relevant level of the election. Only the result sheets are checked and amalgamated at each of these successive levels – the ballots themselves are not rechecked.

### **WHICH VOTES ARE VALID ?**

For the DPR, a ballot is valid if has been signed by the chair of the voting station, and contains

- (a) a punching mark on the symbol of one political party only , OR
- (b) a punching mark on the symbol of one political party only and a punching mark on one candidate only

For the DPD, a ballot is valid if it has been signed by the chair of the voting station, and contains a punching mark in front of the name of one candidate only

### **HOW ARE THE WINNING CANDIDATES DETERMINED ?**

#### **DPR/DPRDs**

The winning candidates for each electoral district for the DPR and DPRD are determined in a two stage process:

- § *First*, the number of seats each party has won in the electoral district, is determined
- § *Second*, the candidates from each party that are to be assigned to the seats the party has won, are determined.

#### ***How Are Seats Allocated To Political Parties In Each DPR/DPRD Electoral District?***

The method that will be used for allocating seats to political parties in each electoral district is called the *Largest Remainder* method. This is one of two basic methods of seat allocation under Proportional Representation systems, and is generally the simplest to apply. This method requires that for each electoral district, a *QUOTA* be determined (in Indonesia called a BPP).

There are a number of different ways of determining such a quota. The method to be used in Indonesia is called a HARE quota. It is calculated by dividing the number of valid votes in the electoral district by the number of representatives to be elected from the district

Thus, if there are 20,000 valid votes in an electoral district, and 10 representatives to be elected, the quota is  $20000/10 = 2000$ . (see example on page 9).

Using the *Largest Remainder* method, seats are allocated to political parties in two stages.

*First*, the number of full quotas received by each political party is determined. This is calculated by dividing the number of votes each party received by the quota for the electoral district and taking the whole number resulting from this calculation. This number of full quotas is the initial allocation of seats to the party in that electoral district. Using the example on page 9, for each block of 2000 votes a party receives, it automatically receives an initial allocation of one seat. If a party receives 5000 votes, it receives an initial allocation of 2 seats ( $2000 \times 2 = 4000$ )

*Second*, if all the seats in the district have not been allocated to political parties in this initial round, any seats left to be allocated are allocated in rank order of each party's remaining votes – that is, the number of votes left over after subtracting from each party's total vote the full quotas that party received.

In the case of the example on the next page of the political party with 5000 votes, its remainder is 1000 – its total votes of 5000 less the 2 full quotas ( $2000 \times 2 = 4000$ ) it received. If there are, as in the example on page 9, 3 seats not allocated by full quotas, these seats go to the parties with the three highest ranked numbers of remaining votes. Mathematically, a party cannot receive more than 1 additional seat in this second round allocation of seats.

The total of first and second round seat allocations is the total number of seats each political party wins in the electoral district.

### **When Will the Count of DPR and DPRD Votes Be Completed?**

The KPU expects that the results of counting and aggregation of votes will be officially announced by end April 2004 and seat allocations to parties completed by 8 May 2004.

**DETERMINATION OF RESULTS**  
**LIST PROPORTIONAL REPRESENTATION**  
**10 REPRESENTATIVES TO BE ELECTED**  
**LARGEST REMAINDER METHOD - USING HARE QUOTA**

**Total Valid Votes:** **20000**

**QUOTA (BPP): (valid votes/seats) = (20000/10) = 2000**

<b>PARTY</b>	<b>VOTES</b>	<b>FULL QUOTA SEATS</b>	<b>REMAIND ER</b>	<b>ADDED SEATS</b>	<b>TOTAL SEATS</b>	<b>% OF SEATS</b>	<b>% OF VOTE</b>
<b>A</b>	<b>5000</b>	<b>2</b> <b>(2000 X 2</b> <b>= 4000)</b>	<b>1000</b>	<b>0</b>	<b>2</b>	<b>20%</b>	<b>25.0%</b>
<b>B</b>	<b>480</b>	<b>0</b>	<b>480</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2.4%</b>
<b>C</b>	<b>1300</b>	<b>0</b>	<b>1300</b>	<b>1</b>	<b>1</b>	<b>10%</b>	<b>6.5%</b>
<b>D</b>	<b>2220</b>	<b>1</b> <b>(2000 x 1</b> <b>= 2000)</b>	<b>20</b>	<b>0</b>	<b>1</b>	<b>10%</b>	<b>11.1%</b>
<b>E</b>	<b>7500</b>	<b>3</b> <b>(2000 x 3</b> <b>= 6000)</b>	<b>1500</b>	<b>1</b>	<b>4</b>	<b>40%</b>	<b>37.5%</b>
<b>F</b>	<b>3500</b>	<b>1</b> <b>(2000 x 1</b> <b>= 2000)</b>	<b>1500</b>	<b>1</b>	<b>2</b>	<b>20%</b>	<b>17.5%</b>
<b>TOTAL</b>	<b>20000</b>	<b>7</b>		<b>3</b>	<b>10</b>	<b>100%</b>	<b>100.0%</b>

### ***How Are Candidates Assigned To Seats Won By Political Parties In Each DPR/DPRD Electoral District***

Once it has been determined how many seats a political party has won in an electoral district, the KPU can then determine which candidates on the party's candidate list for that district will fill the seats the party has won. This is likely to be a three stage process, though the details have yet to be determined by the KPU.

*First*, votes for candidates from political parties that have not won any seats in the electoral district are excluded from further examination.

*Second*, the votes for individual candidates from each political party that has won a seat are examined, separately for each party. The votes received by each candidate are compared to the *QUOTA* (BPP) used to allocate seats to parties in that electoral district. If a candidate has received a number of individual votes equal to or greater than this quota, he/she is eligible to be *considered* to be assigned to one of the seats won by that party. The candidates whose personal votes equal or exceed the *QUOTA* (BPP) are ranked in order of votes, highest to lowest, and allocated to the number of seats won by the party according to this ranking.

*Third*, if a political party has won more seats in an electoral district than the number of its candidates that have equalled or exceeded the *QUOTA* (BPP), then any remaining seats are allocated to candidates from that party according to the party's ranking of candidates on its initial candidate list for the election in that district.

An example of a seat assignment to a party's candidates in an electoral district is on page 11

Using this method, it is likely that few candidates will be assigned to seats on the basis of the personal vote they receive. The split of personal votes between more candidates than there are seats to be won, and the likelihood that many voters will opt to vote only for a party of their choice, will make it difficult for candidates to obtain the *QUOTA*. Most candidates are still likely to be assigned to seats on the basis of their high position on the party's list of candidates – even though they may not have polled as many personal votes as other candidates lower down the list. It will be relatively less difficult for a candidate to be elected on his/her personal vote

- § The greater the number of representatives to be elected from an electoral district (and hence the lower the quota) and/or
- § The higher the proportion of the total vote received by the candidate's party

### **When Will the Election Results be Known?**

The KPU expects that determination and announcement of successful DPR and DPRD candidates will be completed by 17 May 2004.

### ASSIGNMENT OF CANDIDATES TO SEATS WON BY A PARTY

Number of Seats in District: 10  
 Maximum Number of Candidates For Each Party 12  
 Total Valid Votes: 20000  
 Quota: (votes/seats) =  $(20000/10) = 2000$

	PARTY VOTES	SEATS
PARTY A	5000	2

PERSONAL VOTES	ELECTED ON PERSONAL VOTE	ELECTED DUE TO POSITION ON PARTY LIST
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Candidate 1
Candidate 2
Candidate 3
Candidate 4
Candidate 5
Candidate 6
Candidate 7
Candidate 8
Candidate 9
Candidate 10
Candidate 11
Candidate 12
TOTAL

200		X
80		
110		
50		
50		
2100	X	
1010		
40		
230		
10		
10		
2		
3902	1	1

#### ***How Is A Candidate Determined To Have Won A Seat In The DPD?***

In each province, the KPU determines the number of votes province-wide for each candidate, and ranks them in numerical order, highest to lowest. The four candidates with the highest totals of votes are elected to represent the DPD in that province.

Those candidates ranked fifth to eighth are selected as reserve representatives. These reserves would be appointed, in order of ranking, to fill any vacancy in the DPD from that province, if any of the initially elected candidates failed to complete his/her term of office.

The KPU expects to announce the result of the DPD election by 30 April 2004, and announce the candidates elected to be members of the DPD members by 17 May 2004.