

A Decade of Democracy in Indonesia:

The 2009 Legislative Election

Report of International Election Observation Mission

The Asian Network for Free Elections (ANFREL)

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With contribution from ANFREL's field observers

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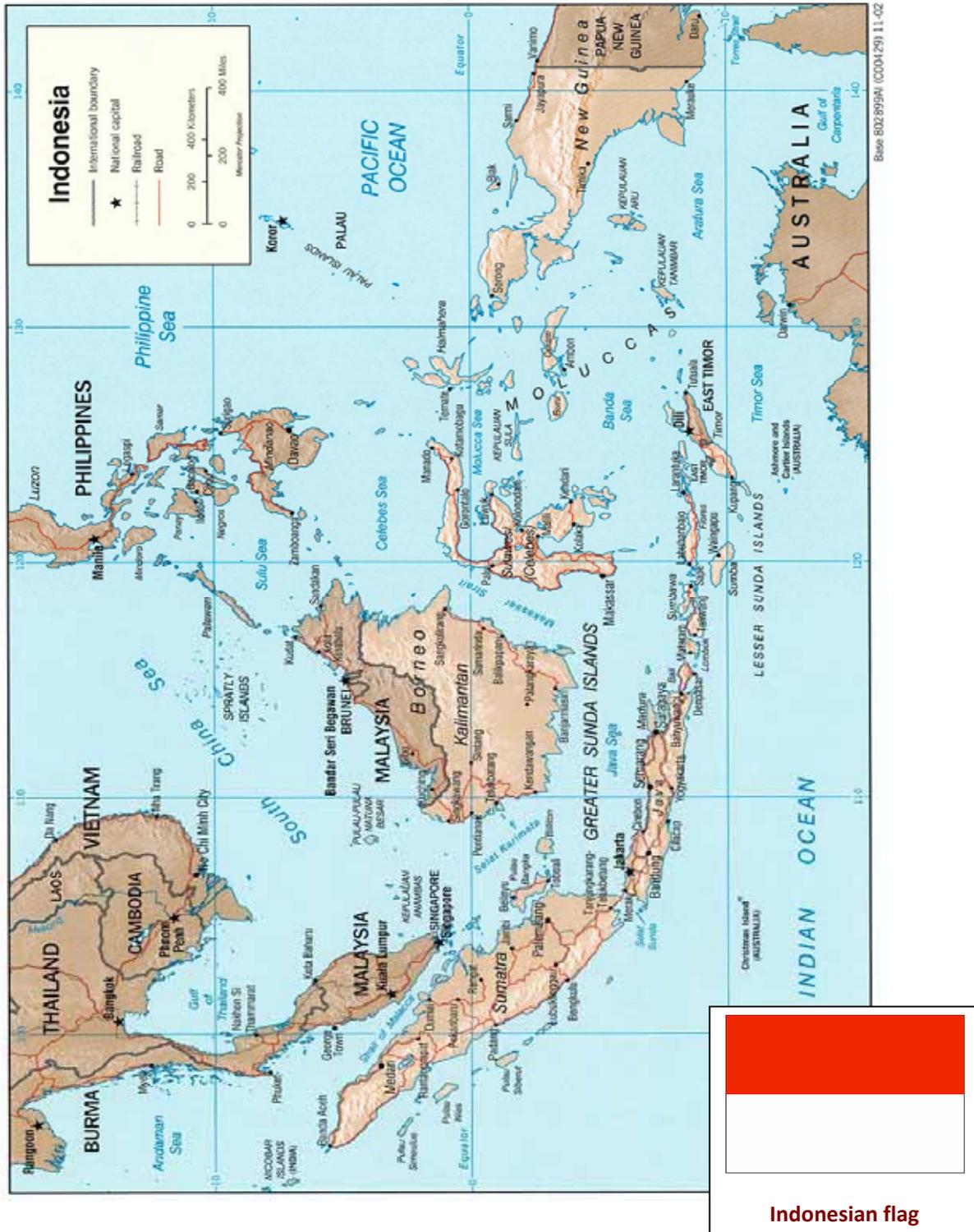
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Somri Hananuntasuk
Executive Director

Indonesian Map



Source : <http://ikhwanalim.files.wordpress.com/2009/03/peta-indonesia.jpg>

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Abbreviation

Bawaslu (Badan Pengawas Pemilu)	National Election Supervisory Body
BPP (Bilangan Pembagi Pemilihan)	Quota Seat Number, determine by calculation of valid votes divide by seat allocation in each electoral constituency
CETRO	Centre for Electoral Reform
DPR (Dewan Perwakilan Rakyat)	The People's Representative Council in National Level
DPRD I (Dewan Perwakilan Rakyat Daerah) Propinsi	The People's Representative Council in Provincial Level
DPRD II (Dewan Perwakilan Rakyat Daerah) Kab/Kota	The People's Representative Council in Regency/municipality or district level.
DPRA (Dewan Perwakilan Rakyat Aceh)	The People's Representative council in Province of Aceh.
DPD (Dewan Perwakilan Daerah)	The Regional Representative Council
Desa	Village
JPPR (Jaringan Pendidikan Pemilih Rakyat)	People's Voter Education Network
KPU (Komisi Pemilihan Umum)	National Election Commission
KPUD (Komisi Pemilihan Umum Daerah)	Provincial and Regency/Municipal election Commission
KIP (Komite Independen Pemilihan)	Provincial Election Commission in Aceh ¹
KIPP Indonesia (Komite Independen Pemantau Pemilu)	Indonesian Independent Committee for Elections Monitoring
KPPS (Kelompok Panitia Pemungutan suara)	Polling Officer Committee
Kabupaten (Kab)	Regency/District
Kotamadya (Kota)	Municipality/City
Kecamatan	Sub-district
Kelurahan	Village in town/municipality area.
MK (Mahkamah Konstitusi)	Constitutional Court
MPR (Majelis Permusyawaratan Rakyat)	The People's Consultative Assembly (Upper House)
PPK (Panitia Pemilihan Kecamatan)	Ad-hoc election commission in sub-district level
PPS (Panitia Pemungutan Suara) di tingkat Desa/Kelurahan	Ad-hoc election commission in village/Kelurahan level
Panwaslu (Panitia Pengawas Pemilu)	Election Supervisory Committee in provincial, district and sub-district as subordinate of BAWASLU
Propinsi	Province
PERPPU (Peraturan Pemerintah Pengganti UU-Undang)	Government regulation in lieu of the current laws.
POLRI (Polisi Republik Indonesia)	Indonesian Police
RW (Rukun Warga)	Community group consisted RTs
RT (Rukun Tetangga)	Community group consisted household
TPS (Tempat Pemungutan suara)	Polling Station Unit
TNI (Tentara Nasional Indonesia)	Indonesian National Army
UUD 1945(Undang-Undang Dasar 1945)	Constitution 1945
UU (Undang-Undang)	Laws

¹ Exclusively the Elections Commission in Aceh (Nanggore Aceh Darussalam) have different name called KIP and existing in Provincial level and Kab/Kota.

Executive Summary

The April 9 2009 polls marked another important chapter in the annals of Indonesia's long and an undeniably attention-grabbing history. The elections were held in the face of growing criticisms regarding mismanagement by the National Election Commission (KPU), though the process was by and large peaceful and smooth.

The glitches notwithstanding, what is important to note was that there was an overall sense that people have been allowed to have their say. This assumes enormous significance as anything less could threaten the process of democratic consolidation in Indonesia.

However, there are several areas that perhaps require review and reform before the presidential election which is slated for July 8 this year. An important concern which was raised by ANFREL observers was the preparation of the voter list, and the tremendous logistical problems starting from the registration process to the distribution of voter invitation letters. This process needs to be reviewed as it led to disenfranchisement of many voters besides being a subject of much discussion and public criticism both during the pre and post election periods.

The other pertinent issues to note are the lack of sufficient training of election officials, especially those managing polling stations, which provided sufficient room to some political parties and a section of the civil society to question the whole process. Some even used these indicators to raise doubts about the legitimacy of the election. The fact that a number of complaints have been registered by the Bawaslu/Panwaslu regarding either inefficient management by polling officials or misuse of power, has led many stakeholders to question the entire election management mechanism. Meanwhile, the mixing-up of ballots in as many as 159 cases has been registered as of April 12th,² and has been termed the most glaring poll irregularity by the Bawaslu.

Other issues that need to be addressed are excessive reliance on television for campaigning by the bigger political groups, derisory implementation of the law on campaign finance, and the use of children during campaign periods. To this effect, the Panwaslu's role assumes great

² The Jakarta Post, "Ballot mix-up makes up most of election violations", Sun, 04/12/2009 3:42 PM

significance as it can monitor such cases and determine whether it is tantamount to electoral fraud or not.

Electoral complaints and allegations of violence or intimidation must be pursued through the appropriate legal mechanisms in a timely manner. This election is an opportunity for the political parties and people of Indonesia to move forward together towards a new era of democracy and development.

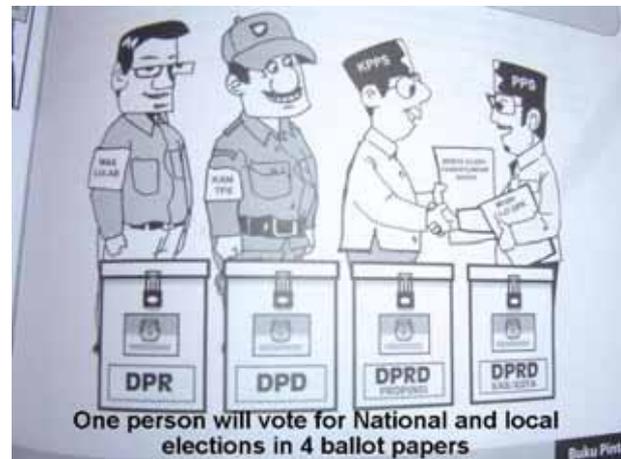


A crucial factor that has become a hotly debated issue in Indonesia is the preparation of the voters list for the general election. In fact most of the post election related developments have been surrounding controversies pertaining to an alleged manipulation of the voters list.

Threats of frauds in the voters list cast a doubt of uncertainty on the integrity of the polls, though there were no major disturbances to the polling process owing to this. However, complaints regarding manipulation in the official voters' lists have mounted and it continued to be a talking point during the run-up to the election.

Further new election regulations which were enacted to make for a more efficient political system have come in for close scrutiny by Indonesian intellectuals and civil society groups. The new rules have been made to reduce the number of political parties in Parliament. There are about 38 national political parties, and six local parties in Aceh contesting at the Aceh provincial level only. To be able to enter Parliament the parties have to pass a national threshold of 2.5 per cent of the total national vote. Moreover, the new rules provide that parties or coalitions with minimum 20 per cent of the votes or 25 per cent of the seats can field presidential candidates.

There have been concerns that this system would benefit mostly big national parties whereas smaller parties would not pass the threshold. Moreover, the other reason for concern is that a sizeable percentage of the population will be unrepresented in the parliament if candidates and parties fail to make the threshold.



Furthermore, the ‘open list with popular vote’ system which was introduced following revision of the electoral laws No. 10/2008 article 214 was done with an intention to make the process of seat allocation fairer. The open list system provides the voter with a choice in that it contains the name of candidates as well as the party, making it compulsory for the voter to choose either a candidates or political party or combination of both of his or her choice, failing which the vote will be regarded as invalid. But in the case of the regional representative (DPD) the vote has to go to only the candidate.

These changes were meant to encourage voters to vote directly for a candidate and to make for a more transparent system whereby a party’s power to choose and pick close aides for seats at the national and regional level would be reduced. The idea is also to promote the “popular votes system,” which allows individuals who get the most votes to get a fair chance to get seats in Parliament. In the old closed list system, voters had limited choice that is they could vote for only a party or a candidate. But it was the party prerogative to decide on matters relating to seat allocation.

As for election management, though there were innumerable logistical challenges, there are perhaps not sufficient reasons to doubt the credibility of the process. Overall, from the pre election period to Election Day no major unrest or disturbance was witnessed. During the pre election period most of the campaigns were conducted in a peaceful manner. Most parties undertook an oath to hold peaceful rallies during the 20-day campaign period.



There were no major incidents of violence expect for in Aceh where cases of threats and voter intimidation were reported. However, the KPU was well assisted by the police, which deployed several thousand men all across the country to contain possible election related violence.

The cooling period too passed off peacefully, except for some incidences of arson and intimidation in parts of Aceh.³ The prohibitions on campaigning during the cooling period were followed and almost all political parties removed their campaign materials from public places.

On Election Day the overall environment was congenial in most polling stations. The only real issue of concern was perhaps the inordinate delay that was witnessed in the opening process in many polling stations besides lack of consistency in managing time. While some polling stations extended the voting time up to 2:00 pm to make up for lost time, others closed at 12:00 noon. Many polling stations opened exactly on time at 7:00 am.

³ The cases were recorded in Aceh Bireuen. The candidate affected is Drs. Tgk. H. Zahary Sulaiman. Affected persons and parties have registered police complaints. ANFREL observers verified the facts of the incidents with the concerned authorities and the affected people.

Voters were comfortable with the use of ‘contreng,’ (using a pen mark to cast the vote), most knew how to use it and there were less invalid ballot papers than speculated. Another finding that could assume significance was that prisoners had the right to vote.⁴



Closing polling stations and counting the votes took more time than voting in most polling stations. Though there were cases of inconsistencies in many polling stations, overall the polling officials were efficient and polls were conducted in accordance with KPU election regulations.

The post election period was marked by protests from a few political parties, NGOs and civil society groups, particularly in the capital Jakarta. The target of these protests were the inconsistencies witnessed, which were mostly logistical errors such as the mixing of ballot papers and unregistered voters that were reported from the different electoral districts of Indonesia, and which did not have a major impact on the integrity of the polls. The recapitulation process witnessed some degree of confusion mostly at the level of the Kecamatan (sub-district) owing to mix-ups during the recounting process. However, the official count was completed within the deadline of May 9, 2009.

In so far as the media is concerned it was generally free to observe the election process. There is no reason to believe that the media did not play a neutral role. In most cases the media’s role seemed to be unbiased. Moreover, media was allowed full freedom of expression and most of the cases of aberration or significant developments during the election process were reported.

⁴ In Prison LAPAS Cipinang, East-Jakarta, all 2448 prisoners could vote except new and outgoing inmates. In Aceh Bireuen only a few prisoners could vote as many did not have the A-5 invitation letter, owing mainly due to the oversight of the local KPUD and the census department.



Meanwhile, the general impression that emanated from this election was that while women were competing in a very open system, their position continues to be disadvantaged, owing to several reasons. Some of these include, lack of popularity, money power, and voters in most cases preferring to vote for male candidates.

There are certain provisions in the election law that provides women the opportunity for equal participation in politics. For instance Law No. 10/2008 requires all political parties to allocate 30 per cent quota for women candidates on political party lists. Furthermore, the so-called “Zipper” system, adopted by the Parliament (DPR) which requires political parties to include at least one woman among three candidates throughout the party list proposed by the party also creates sufficient conditions for women’s active participation in parliament. However, the Constitutional Court (MK, Mahkamah Konstitusi) ruling that parliamentary seats should be assigned based not according to political party lists but according to the number of votes each candidate receives contradicts and dampens the spirit of both the quota and the zipper system and could possibly prevent women from getting seats even if their names are on the party list.

The zipper system should be encouraged as it embodies the principle of affirmative action in so far as women’s active participation in politics is concerned.

During the observation, several disadvantages factor for women to win the seat were raised and concluded as follow:

- People may not vote for female candidates for several reasons.⁵

⁵ Women candidates interviewed in Aceh Bireuen were of the opinion that people do not vote for women. Similar views were expressed by Mrs. Linda Paninsies, a consultant of NGS Bilateral project, about women in politics in Yogyakarta Province.

- From a cultural perspective people are always believed to consider women as not having the ability to handle political work and that they should do work at home and take care of family.
- Since the system permits voters to choose the party and the candidate at the same time for DPR and DPRD, it creates more competition among the candidates inside the party. Male members in the same party will not support female candidates because the latter are seen as ‘internal rivals,’ who could push them out of the race for seats.
- Political parties are obligated by law to enlist female candidates but they often do not sincerely support their candidature.
- Majority vote system does not create sufficient space for women to get seats in the Parliament, especially while competing for equal opportunity with their male counterparts.

Interaction with election stakeholder in the mission, ANFREL proposes that the zipper system as provided by Law (No. 10/2008) should be applied for the purposes of seat allocation while the Constitutional Court could review its decision of majority vote on women. Further women and men should have separate seat allocations and it should not be according to the number of votes received. In other words a certain quota for women is created regardless of the votes they poll.



There is a need to accept this kind of provision in order to encourage women to get into politics or reserve seats for women as is the case in Bangladesh may be adopted. Half of the population in Indonesia is women but only 11.3 percent of seats at House of Representatives (DPR) belong to women in the year 2004-2009⁶.

⁶ TAPOL, Election Update, issue 4, February 2009. “Women in Parliament: Quotas and Beyond” by Adriana Sri Adhiati.

The system of quota for women should be promoted for a number of years until enough women get into politics and are confident to work hand in hand with men. However, men must also be confident about their female counterparts, so that they do not undermine their capacity and ability. This is a case of positive development which could be used in local and national elections though it may not be used as permanent system. However, it can be ever lasting provided it is preferable to the country that uses it. In this context, the present system needs to be contextualized from the perspective of an open list system where the quota for women is more secure as the intention would be to increase women's chances of active participation in parliamentary politics.

A number of concerns regarding the management of the election were raised as follow:

- Delay in opening of polling stations prevented many, especially farmers and fishermen who had to go to work, from casting their votes.
- Ballot boxes were of poor quality and unevenly made which caused problems, as ballot papers could not be inserted into the boxes in some cases, resulting in damage to the ballot paper and delay in the voting process. In some other polling stations the polling staff decided to continue the balloting by opening the ballot boxes so as to make the process easier.
- The proper procedures of voter identification- thumbprint, signature and finger checking, as well as verification of the invitation letter against the available voters list before balloting as a safeguard- were not followed. In a number of polling stations it was found that voters were only required to present their invitation letter to vote.⁷
- Lack of adequate cover for voters in some polling stations to uphold their secrecy while casting their ballots. The size of the ballot papers was another challenge.
- The possibility of mistakes during the counting process cannot be ignored considering that it was an extremely time consuming process.
- Isolated cases of 'soft intimidation,' and 'booth capture,' raise doubts about the neutrality of polling officials and the security machinery.⁸
- Monetary and other forms of incentives. For instance, in most cases of distribution of money by political parties during socialization, gifts like T-shirts with names of parties

⁷ The KPPS in most polling stations visited took little interest in comparing the names of voters with the available voters list.

⁸ Cases of intimidation to voters in Plimbang village, Blang Kota in Bireuen Aceh, Lhokseumawe as well as voting under duress in Aceh Besar and Sabang were observed by ANFREL observers.

imprinted on them, food, clothes (scarf and sarong); water pump, carpets for mosque, musical instrument, television sets, free transport, money for gasoline and sometimes money attached to candidates' name cards.⁹

The recommendations concerning different aspects of the election system are given at the end of the report. However, a few of the key recommendations which explain the need for long term electoral reforms are listed below:

1. A comprehensive census needs to be conducted for preparing an accurate and acceptable voters list.
2. It is important to modernize the system by computerizing the nationwide population database. People in all islands and remote areas can be identified in collaboration with local organizations, civil society and officials. It should be a national agenda.
3. The voter list should not be under the supervision of The Home Ministry. The structure of elections-related bodies should be reviewed and compared to the structure that had been used in 2004.
4. Indonesian citizens should be able to obtain only one ID card. It should be illegal to hold more than one card. The bureau of statistics should be called back to assist in revising the list. Government must call those who hold double or multiple IDs to return their cards to local administration and choose only one address for permanent official contact. Sanction on duplication of ID card can take in to force.
5. Actualize opportunity for women in politics. Indonesia should amend the law to set up a quota system for female candidates in the party list and consider counting female votes separately from male votes.
6. Use the translucent ballot boxes (semi-transparent) for long term use to pursuit International standard and fulfill transparency criteria.
7. Use serially numbered plastic security seals to replace the padlocks in order to avoid irregularities.
8. Consider adding elections and electoral observation-related material to the school curriculum and encourage university students to become domestic observers.

⁹ Areas where such cases were recorded include Kalimantan Tengah, West Halmahera and Ternate, and a few places in Aceh and Jakarta.

Political Overview



from www.upi.com



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The process of democratization in Indonesia has been a subject of immense interest and fascination amongst students of comparative politics, foreign diplomats and policy makers. A number of factors have contributed towards this growing interest in this fragmented equatorial archipelago that houses about 17,000 islands. For instance the process of democratic consolidation¹⁰ at various levels that has been supplemented by the formation of a democratic civil society has played a crucial role in making Indonesia an exemplary case of rapid democratic transition in the Third Wave of Democratization¹¹ in Asia. The Islamic nature of Indonesia and its ability to develop and sustain democratic institutions, perhaps the only Islamic country which has managed to do so, has added to the growing interest. Indonesia remains the only country in Southeast Asia to be rated “Free” in *Freedom in the World*, Freedom House’s annual survey of political rights and civil liberties.¹²

In fact Indonesia is among the last countries in Southeast Asia that embarked into democracy that is after the fall of the authoritarian Suharto led regime in 1998. But during the last eleven years the country has steadily progressed towards democratization alongside political decentralization. Incidentally Indonesia’s transformation into the third largest democratic country in the world was preceded by a successful administration of general elections in 1999 and the first direct presidential election in 2004. Some experts have described the developments

¹⁰ Democracy is consolidated when a reversal to authoritarianism is impossible. For some, democracy is consolidated when it is made stable, vibrant, efficient and accountable. At any rate, it is a complex process and the factors contributing to democratic consolidation include structural and cultural dimensions. Please refer to ‘The Role of Civil Society in Democratic Consolidation in Asia,’ Suchit Bunbongkarn. www.apcss.org.

¹¹ Third Wave Democracy, also known as Democracy’s Third Wave in some political science arenas, refers to the third major surge of democracy in history. The term was coined by Samuel P. Huntington, a political scientist at Harvard University in his article published in the Journal of Democracy. For more information on Third Wave of Democracies refer to The Third Wave: Democratization in the Late Twentieth Century (Julian J. Rothbaum Distinguished Lecture Series, Vol 4) (Paperback) by Samuel P. Huntington.

¹² Countries at the Crossroads Governance Blog Insights into development and governance in emerging and transitional states

since 1999 to the present day as a “tectonic transition,”¹³ which is believed to have brought with it numerous political challenges. The same school of thought also describes the current administration under the leadership of President Susilo Bambang Yudhoyono (SBY) as a function of Indonesia's transition to democratic norms. Though, the performance of the current administration has been subject to numerous debates and criticisms, the very fact that there is



constant discussion about a performance card perhaps indicates to the fact that the democratization process is still on track.

In the meantime, the overall sense of order and peacefulness of the last national election in 2004 and the Provincial elections in crisis-torn Aceh in 2006 prompted many observers to conclude that Indonesia had entered into a period of democratic consolidation, with little chance for a return to the violence and chaos of the post-Suharto period. Threats to the unity of the state

which intensified in this period have now calmed down or died out completely. Although a low-intensity conflict still simmers in Papua and the peace reached in Aceh remains fragile, there has been an upward trend toward conflict resolution in recent years that seems likely to endure. Ethnic and religious violence that marred the early post-Suharto era in Kalimantan, Central Sulawesi and Maluku have thankfully not returned. Today, almost all political actors- from former rebels in Aceh to former Suharto allies, from Islamist activists to secular nationalists- all seek to make an impact through the ballot box rather than through violent or other undemocratic means.

¹³ Democratic Consolidation in Indonesia under SBY, 11 December 2006. *Opinion Asia*, Global views on Asia. The writer Umar Juoro is Senior Fellow at the Habibie Center in Jakarta. He was formerly assistant to former Indonesian President B J Habibie from 1998-1999.

However, the process of democratization¹⁴ in Indonesia's history following its independence from Dutch in 1945 has encountered several hiccups. Starting with the failure by President Soekarno to establish a robustly democratic form of government after post independence and later transformation to the authoritarian "New Order," under Suharto which primarily focused on building a "strong state." This period was characterized by military led authoritarian rule and



tightly controlled elections every 5 years from 1971 to 1997. This was also a period of gross human rights violations as local protests against discriminatory policies over land and use of natural resources and total ignorance of sensitivities of ethnic and religious groups were often met with violence and force.

The period from 1998 to 2004 was marked by an element of chaos in Indonesia's political history, owing mainly to the rapid political changes that were taking place across the political spectrum. A part of it was also about the Politics of ideology which is divided between the nationalists which supported the system of Pancasila¹⁵

¹⁴ Inter-Parliamentary Union has played a pioneering role in the development of a number of standards and guidelines pertaining to democracy, elections and the working methods of parliaments. The Universal Declaration on Democracy, that was adopted without a vote by the Inter-Parliamentary Council on 16 September 1997. Indonesia is a member of IPU – see <http://www.ipu.org/english/membshp.htm>. IPU defines:

- Democracy is a universally recognized ideal, based on values common to people everywhere, regardless of cultural, political, social or economic differences;
- As an ideal, democracy aims to protect and promote the dignity and fundamental rights of the individual, instill social justice and foster economic and social development. As a form of government, democracy is the best way of achieving these objectives; it is also the only political system that has the capacity for self-correction;
- Democracy is based on two core principles: participation and accountability. Everyone has the right to participate in the management of public affairs. Likewise, everyone has the right to access information on government activities, to petition government and to seek redress through impartial administrative and judicial mechanisms;
- It therefore requires the existence of representative institutions at all levels and, in particular, a parliament in which all components of society are represented and which has the requisite powers and means to express the will of the people by legislating and overseeing government action;
- Democracy is always a work in progress, a state or condition that is constantly perfectible;
- Sustaining democracy means nurturing and reinforcing a democratic culture through all the means that education has at its disposal. (For details see <http://www.ipu.org/dem-e/standards.htm#universal>).

¹⁵ Pancasila essentially denotes five guiding principles based on the belief of Almighty God, humanitarianism, nationalism, democracy and social justice. It has been adopted as the state philosophy of the Republic of Indonesia. (For more please refer to

and the Islamic based parties propagating the adoption of Sharia law by Constitutional means has been partly responsible for the chaos. The fact that nationalists too are also Muslims perhaps complicated the situation even more and made it even more chaotic.



from www.independent.co.uk

A clear expression of such an ideological division between Nationalism and Islam was manifested in the result of a voting in the Constitutional Assembly established through the election of 1955, to determine a permanent constitution. The final vote was on whether the provisional 1945 Constitution or the Jakarta Charter, its original draft, was to be the Republic's permanent Constitution, which would have made the Indonesian republic an Islamic state. The result was a large majority in favor of the former choice, although the required 2/3- majority vote was not obtained. In the end, the Constitutional Assembly was dissolved by a Presidential decree of July 9th 1959 for its failure, which for many transcends the unsettling ideological foundation to the Republic.¹⁶

Since 1983 Soeharto, through a decision of the People's Consultative Assembly (MPR), required that all political parties and mass organizations could only have Pancasila as their ideological basis. Moreover, all decisions had to be made by unanimity (*mufakat*). Notwithstanding the MPR decision, the Islamic based parties have been using all available channels to achieve their goal. The formation of the “Central Axis,” a united form for cooperation and mutual consultations among Islamic parties, which was set up by Islamic based political parties after the 1999 elections was perhaps the closest that they could get towards advancing their agenda. Intriguingly, the Central Axis which was set up inside the parliament did not include the National Awakening Party (PKB), which has its base in the Nahdlatul Ulama (NU), the largest Muslim organization in the country.

In fact the Central Axis began to find space for its Islamic revival mission following relaxation during the later part of the Soeharto regime for Indonesian Muslim intellectuals to play a more active part in politics. The emergence of the Association of Indonesian Muslim Intellectuals (ICMI) especially with B.J. Habibie coming into office as Minister of Research and Technology, and later as vice president and then president.

Indonesia: Democracy and the Promise of Good Governance. Ross H McLeod and Andrew MacIntyre. Research School of Pacific and Asian Studies, The Australian National University.

¹⁶ “Indonesia General Assembly and Presidential election 2004.” Report of the International Observation Mission February—September 2004. ANFREL publication.

Habibie became president following the resignation of Suharto on May 21, 1998. Although Golkar was still the ruling party, Habibie relaxed many of the restrictions that had characterized the New Order, allowing the 'reformasi' (reforms) movement to gain momentum in the lead up to the 1999 elections. By November 1998 this movement had coalesced around three parties: the National Mandate Party (PAN) of Amien Rais, the National Awakening Party of Abdurrahman Wahid (PKB), and the PDI-P led by Megawati Sukarnoputri. At the same time, the newly liberalized political environment created the conditions for the growth of a diverse range of civil society and grassroots organizations which also played a role in constructing a new and more accountable political framework for Indonesia.

Legislative Elections were held on June 7, 1999 in an atmosphere of high anticipation that was marred by some incidents of violence and intimidation during the campaign period. Of the 48 parties that ran, the PDI-P emerged as the biggest winner with 33% of the vote, followed by Golkar, the PKB, the United Development Party (PPP), and the PAN. The new electoral system was based on the closed party list form of proportional representation, with each province a multi-member electoral district. Under the new constitution, the new president of the republic would be elected by a majority vote of the People's Consultative Assembly, made up of the People's Representative Council plus 200 nominated members. In a close vote held on October 20, 1999, Abdurrahman Wahid won with 373 votes to Megawati's 313, making him the 4th president of Indonesia. His success was enabled largely by the support of a coalition of Islamic-oriented parties known as the "Central Axis".

The beginning of Wahid's presidency saw him visit many countries in an attempt to improve Indonesia's credentials in the world and strengthen diplomatic relations. At home, conciliatory gestures were made to restive regions such as Papua and Aceh. In Aceh, negotiations were initiated with the Free Aceh Movement (GAM) which began the process that would eventually culminate in the signing of the 2005 peace agreement between GAM and the Indonesian government. However, by late 2000 disillusionment with Wahid's administrative ability had set in among the political elite, due to a series of scandals and his sacking of important cabinet ministers. Declining support, especially among the "Central Axis" parties, led to a unanimous decision by the MPR on July 23rd to replace him as president with Megawati Sukarnoputri, who held the position until the Legislative Elections of October 2004.

Under Megawati's administration the post-Suharto democratic reform process continued, led by a strong cabinet which did most of the governing. The economy largely recovered from the deep damage caused by the 1997 financial crisis, but the recurrent problems of government corruption, poverty and unemployment continued. Major changes to the constitution took place which would pave the way for a more accountable electoral system leading into the 2004 elections.

The constitution was amended to allow for the direct election of the president for the first time in Indonesian history. The closed party list system was changed to an open list wherein voters could directly elect the candidates of their choosing. Electoral districts were made smaller in population and area in order to simplify the election administration and bring representatives closer to their constituents. Perhaps most importantly, a permanent and independent election commission was established (the KPU) in 2003 to administer the upcoming elections at all levels.



Since the 2004 elections there have been a number of significant landmarks, but a critical highpoint in the democratic transition in Indonesia has been the systematic disempowerment of the military from the political arena, making it more non-political over the last five years or more. The military has been a powerful actor in the Indonesian polity for a long time and it has had significant influence on the country's body

polity. But what is noteworthy is the present administration ability to consolidate the process of de-politicizing the military especially the army, which had been particularly resistant to the peace process in Aceh. The conflict between the army and policy over domestic security too was resolved with the police adoring a more professional outlook. In fact the move to remove military from politics started in the post-Suharto period since 1998. Though the 2009 elections threw up a number of questions on the continued presence of the Tentara Nasional Indonesia, (TNI)—as the Indonesian army is locally known—in Aceh, the reforms process which is aimed making the political system more democratic and accountable has raised hopes of seeing complete non-interference of the military in the state's political affairs or in other words the military remaining confined to their barracks.

Significantly the unfolding of the process of democratic consolidation has been witnessed at the level of representation, the level of political institutions and most significantly within the civil society. The latter's role as an indispensable actor in the democratization process in Indonesia is unquestionable. In the case of Indonesia, civil society which is mostly represented by non-governmental organizations (NGOs) operating within a highly specified non-state public domain has been often credited for being the actual keepers of democracy or "the schools of democracy."¹⁷ Soon after the end of the authoritarian 'orde baru' regime in 1998, civil society

¹⁷Consolidating Indonesia's Democracy by Educating Civil-society Leaders in Democratic Politics. Michael Hollaender.

groups multiplied rapidly, themselves becoming extremely politicized, which was largely in inducing further political changes in this far eastern country.

The growth of a relatively free media and press, which has been reporting corruption and scandals involving politicians, bureaucrats, businessmen, has provided the much required autonomous free space in the non-state public domain to grow. This has in turn allowed civil society organisations, NGOs in case to play a very proactive role as agents of political change. The one decade of democratization has witnessed a flurry of NGO activity covering issues such as human rights, gender, women, environment and other such issues connected to democracy building. The media and NGOs have taken a leading role in exposing cases of corruption and malpractices during elections. The growth of civil society organisations and a free media has in many ways ensured that there are sufficient checks and balances in the process of building democracy in Indonesia.

However, the fact that democratic consolidation in Indonesia has happened so rapidly, and following such a long period of authoritarianism, has surprised many and inspired optimistic statements from the media that link Indonesia to other recent successful examples of democracy.¹⁸

But like all late democratizing countries, Indonesia is still a fledging democracy which has its share of problems. For instance the party system is still fragmented and unable to produce stable support for the government and make the government more responsive to the needs of the people. Though civil society's active role in the process of democratization has been often appreciated and reported in the press, there continues to be a simmering threat to national integration owing mainly to ethnic and religious conflicts in different parts of the country. For instance the conflict between the radicals and the anti-Ahmadiyah¹⁹ order has posed serious concern, though there is no denying the fact that the government has taken action against militancy and religious fundamentalists. But at the same time the Government has been fairly successful in tackling communal violence. A case in point is a report by the International Crisis Group (ICG) which has noted a reduction in deadly [communal violence](#) between Muslims and Christians on the island of Sulawesi and Maluku.

¹⁸ For example, "The Economist" wrote about Indonesia in its April 2nd 2009 issue as "A regional role model" and that "Like India it has shown that democracy can work in huge, diverse and poor countries. And like Brazil, Taiwan and South Korea, it has shown it does not need generations to strike roots."

¹⁹ The Ahmadiyya Muslim Community was founded in 1889 by Hadhrat Mirza Ghulam Ahmad who claimed under divine instruction to fulfil the major prophecies contained in Islamic and other sacred texts regarding a world reformer who would unite humanity.. For more on Ahmagiyya read <http://www.timesonline.co.uk/tol/comment/faith/article4009445.ece>

The road to consolidation of democracy has not been even and the many problems that plague the political process, such as the prevalence of corruption at all levels of government, vote-buying and other forms of “money politics” and highly personalized political parties with weak platforms, have all contributed to a sense of disillusionment among citizens which may be responsible for a lower voter turnout this year.

Over and above the election²⁰ this year was an important milestone in the history of democratic consolidation in Indonesia.

General Election Environment

The run-up to the April 9 2009 General Election in Indonesia was by and large congenial with as many as 38 political parties made up of about 12,000 candidates contested for the 128 seats in the Regional Representative Assembly or the upper house (DPD) and 550 seats in the House of Representatives or the lower house (DPR). In fact elections were held for four different legislative bodies: two at the national level—the DPR, DPD and one at the Provincial level (People’s Representative Council in Provincial Level or DPRD-I) and one at the district level (People’s Representative Council in Regency/district/Municipality level or DPRD-II). A total of over 171 million names were registered as eligible voters.

The campaign for the April 9 election process started as early as July 2008 with most political parties aiming to set up coalitions and look towards a possible presence in the presidential elections which is slated to be held on July 8, 2009. The official campaign began from March 17 2009 and most of the campaign period was by and large peaceful without any report of any violent incidents from anywhere. Throughout the official campaign period political parties adhered to the pledge, to hold peaceful rallies. The declaration to hold peaceful rallies during the 20-day campaign period was made by all the 38 national political parties at a joint meeting which was held at Jakarta on March 16 2009 under the auspices of the KPU.

During the campaign period most of the political parties spend time holding big and colorful rallies at key locations in and around the country. In Jakarta for instance the national stadium

²⁰ Since 1994, the IPU offered a landmark contribution to this effort, using international law as the basis of its analysis. The Inter-Parliamentary Council, reaffirming the significance of the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights which establish that the authority to govern shall be based on the will of the people as expressed in periodic and genuine elections, *Unanimously adopted by the Inter-Parliamentary Council at its 154th session (Paris, 26 March 1994) the Declaration on Criteria for Free and Fair Elections*. See <http://www.ipu.org/Cnl-e/154-free.htm>

was accessible to the more well off bigger parties like Hanura, PDI-P, GOLKAR, Democrats, Gerindra and PKS.

There were reports of political parties trying to attract voters with cash and kind. However, what may look to like largesse to woo voters could be viewed differently as well as there appears to be different interpretations or definition of “money politics”. Though it was quite apparent that political parties had spent a huge sum on money, seemingly exceeding their election budget, there is not sufficient evidence to prove vote-buying.



Incentives in the form of distribution of money gifts like T-shirts with names of parties, food, clothes (scarf and sarong); water pump, carpet for mosque, musical instrument, television sets, free transport, money for gasoline and sometimes money attached to candidates' name cards



during socialization appears not to be too serious as most people described it as part of the culture. However, whether or not these gestures would have an impact in the performance of political parties does not have any definite answer.

Though the political parties, especially the heavyweights used most of the time and resources to woo voters, yet there seemed to be no substantial attempt to provide a clear party manifesto, particularly on critical issues such as those concerning the economic affairs of the country and the large scale corruption with which the country has been affected. Most of the media seemed to be critical in their reports/editorials about the plans and programs of the political parties and made no bones about the fact that there was a lack of vision in most of the parties in so far as advancing the process of democratization in Indonesia is concerned.

Except for the urban voters, that too only a small percentage, probably around 20 per cent or so, in rest of the country people seemed not too concerned about what political parties have in their manifestoes. They were more interested in seeing the political groups perform after coming to power.

In other more post conflict provinces like Aceh the political atmosphere was relatively more sensitive, perhaps owing the fact that this region in undergoing a transition to peace after three decades of conflict between the GAM and the Indonesian military. In most of Aceh election campaign was confined to door to door visits and very little public rallies. The National parties like Golkar and the Democrat are lying low and have not campaigned too vigorously. In fact campaigning has been a low key affair in most of Bireuen, and voters there continue to be guarded as speaking out openly could bring them harm.

Political parties in Aceh, mostly local, have complained of obstruction and threats from “other political parties,” which they refuse to identify. However, in most parts of Aceh it was apparent that the Partai Aceh (Aceh party or simply PA), which emerged as a political force from within ranks and file of the GAM after the latter came over ground, has been accused of using its muscle power to maintain its clout in the province.

The military has expressed its open apprehension about the growing powers of the former GAM’s political face the Partai Aceh (PA) which it feels will gradually advance its agenda that of “a free Aceh,” and challenge the authority in Jakarta. The smaller parties too are worried about the growing political clout of Partai Aceh. But on the other hand the Partai Aceh has



denied all allegations about advancing the free Aceh agenda and has said that it was genuinely working for the interest of peace in Aceh.²¹

In some parts of Indonesia ceremonies like the “Ikrar Bersama”: Multi-faith ceremony with all political parties, TNI and the police were held with an agreement that they would maintain harmony and peace during the entire period of the election.²² Interestingly most people in Kalimantan said that speaking about the past conflict between the Dayaknese and the Madurese was “taboo.”

²¹ Report from ANFREL team based in Aceh Bireuen. The reports were part of the pre-election report based on observation of cases of violence and arson and interviews with different stakeholders.

²² Report from ANFREL team in Kalimantan.

The new ballot papers that contains a long list of names of as many as 12 candidates under all the registered parties has been a subject of much discussion with most voters all over the country confessing that they were not sure of where to vote. Voters also admitted that they could make mistakes while casting their vote. This was described by one voter as, “The size of the ballot paper is so big and there are so many candidates, some are not known to us, so who do I vote for.” Others felt that the closed list system was much better. Some voters were of the opinion that the Legislative elections were too complicated and that the Presidential elections is much simpler.



Peoples understanding for political parties and candidates are low with majority of peoples did not know yet for which candidates to vote for. There were mixed responses from voters, some said that they would follow their heart to vote for a certain party others said that they knew the candidates or had heard about a party’s election manifesto.

There seemed to be not too much apprehension about the change in the style of voting on the ballot paper that is from the ‘cobloss’ or punching to ‘contreng’ mark with pen. Though voter education was either inadequate or totally absent in many parts of the country, voter seemed confident of not making any errors.

The one issue that at times threatened to derail the election process was that of the preparation of the voters list. Throughout the election period and even the days preceding it, objections over alleged fraud in the voters list were raised by different political groups and local observers groups. Several NGOs, media, intellectuals and local election experts have repeatedly cautioned about errors in the voters list which they said warned would cause huge embarrassment to the KPU.

Available data revealing that 27% of the names on the official voters' list were fraudulent in the November 2008 gubernatorial elections in East Java province have cast a shadow over hopes for

a smooth democratic transition at the polls. Police investigators in the pivotal province determined that of the 1.2 million names on the official voters' list, over 345,000 were underage, fictitious, dead or otherwise ineligible to cast ballots.²³

During the campaign period nearly everybody met with ANFREL observers were unanimous about the fact that “there is a problem with the voter’s list.” Many eligible voters were not registered whereas names of underage persons, aliens, the dead were registered as voters. The fact that the authorities refused to own up responsibility for the mess in the voters list failed to create sufficient space for corrective actions.

There may be several factors which could be attributed to the discrepancies that occurred in the voters list, and given the complexity of the problem, there is no reason to pin the blame on the KPU alone. In fact, there are reasons to believe that the data pertaining to the fixed list of eligible voters which originated from the government (Directorate General civil/population administration, under the Ministry of Interior) had inherent mistakes which were not corrected at subsequent levels in the process of revision of the voters list. Though allegations have been flying thick and fast about manipulation of the voters’ list by the authorities, it was quite clear during the observation process that the errors were inadvertent and crept in more out of ignorance. Computer glitches and software inadequacies during compilation of the voters’ data cannot also be ruled out.

What was concerning though was the lack of ability on the part of the government authorities (the Home Ministry) and the KPU to share the blame, instead of slinging mud at each other, which does not bore well for the upcoming Presidential elections which is slated for July 8. Furthermore, whether the East Java gubernatorial elections was the reason for the fraud, as was claimed by local election observers group like the KIPP, JPPR and CETRO, is a subject of debate. It is beyond the purview of International Observers’ mandate to comment on it and it would be too premature to make any statements in the light of the fact that so far no proper investigation has been carried out.

The KPU’s response to the controversy has been somewhat contradictory. On the one hand the KPU has reiterated that it is only a user of the voters’ list whereas on the other it has defended the voters list as being accurate. Moreover, it has on a number of occasions maintained that “inadequate budget,” prevented it from hiring many people for the purpose of data collection and

²³ Asia Times Online.

that not enough time was given to it to up-date the list as the election law had not been adopted as yet. The KPU has not released any documents or opened records or even showed any interest to cooperate with independent investigators on the pretext that the onus of responsibility for the voters list was with the Government.

Religious leaders and activists and many other people, were of the view that lack of adequate “socialization” was a crucial factor which perhaps led to the messy state of affairs in the process of updating of the voters list. Most people interviewed felt that the KPU should maximally utilizes mainstream, and proactive to have used alternative media to reach the peoples e.g. loud-speakers in the mosque, markets, and etc. to announce the deadline for up-dating the voters list.

On the election-day however, there were no major problems from arising out of the discrepancies in the voters’ list. There were practically no cases of the polling process getting disturbed by unregistered voters. Political parties too did ensure that their objections did not translate into violence on the Election Day.

The security arrangements for the polling process were appreciable, with police doing most of the law and order management. Police teams were trained well in handling security related issues during the elections. In each polling station an armed policeman was deployed by the police department. Besides police, there were civil security forces—LINMASs—who were posted in all the polling stations on the Election Day.



A special reference needs to be made about the arrangements for prisoners in almost all the jails across the country. Barring a few where prisoners could not vote owing to the absence of all the required documents,²⁴ in most places the KPU set up polling stations in the prisons to allow the inmates to vote. Most of the inmates said that they were extremely happy to be able to take part in the election process and more importantly to be able to cast their ballots.²⁵

The post election environment passed off peacefully, except for reports of protests from different quarters challenging the integrity of the election. Political parties like the PDI-P and the Gerindra have signed a joint statement with other parties like the PAN and the PPP over alleged fraud in the polling process to benefit “a certain party.” Local observer groups like the KIPP, JPPR and CETRO have been highly critical of the way the election was managed by the KPU. However, so far the post election environment has been relatively peaceful and fears of any major unrest have been allayed by the police and the governing authorities as most of the objections against election processes have been confined within legal limits.



²⁴ Prisoners are required to be registered as voters based on the location of jails. A separate C-5 invitation letter is issued to them to make them eligible to vote. Even if the prisoners have the C-2 invitation letter, which is given to a voter based on his place of residence, it is mandatory to be in possession of the C-5 letter as well.

²⁵ In Prison LAPAS Cipinang, East-Jakarta, all 2448 prisoners could vote except new and outgoing inmates. In Aceh Bireuen only a few prisoners could vote as many did not have the A-5 invitation letter, owing mainly due to the oversight of the local KPUD and the census department.

Political Parties

The party system in Indonesian politics is very deep rooted. Usually the parties are divided into the following categories-secular (or secular nationalist), traditional Islamic and modern Islamic.



The current election has seen the emergence of a few new political parties led by former military men and a few parties based on Islamic religious doctrines. Smaller political have been mushrooming since the end of the Suharto led authoritarian regime since 1998. In this election as many as 38 parties have been declared as eligible by the Election Commission to contest at the national level whereas there as many as six local parties contesting for the provincial People's Representative Council and District/regency/municipal people's Representative Council in Aceh.

The parties which can influence the elections and will have a significant percentage of seats and votes are:

Golkar Party– The ruling party of the Suharto's long reign now led by Jusuf Kalla and an ally in the ruling coalition. Traditionally, it is a secular party. Though it secured the maximum percentage (21%) of the total votes polled in 2004, it was much below the expectations.

Indonesian Democratic Party of Struggle (PDI-P) – A secular (nationalist) party and presently the main opposition party led by Megawati Sukarnoputri (daughter of the first Indonesian President). It has been taking an active part as opposition and is working hard to make a come back.

United Development Party (PPP) – Oldest of the country's Islamic based parties - established during the Suharto era (1971) - earlier supported by the two major social Muslim organizations Nahadlatul Ulama (NU) and Muhammadiyah. Now these organizations are supporting different political parties.

Democratic Party - founded in 2001 and led by the current President Susilo Bambang Yudhoyono – a relatively new party with not much of grass roots support at the national level – depends heavily on its allies in the ruling coalition.

The National Awakening Party (PKB) – A religious based party founded by members of Nahdlatul Ulama for looking after its own political ambitions - was placed third in terms of percentage of votes both in 1999 & 2004. Consequent to a split in the party, former President Abdurrahman Wahid who was associated with this party has moved over to the breakaway faction.

The National Mandate Party (PAN) – Formed in 1998 by 50 prominent citizens fighting for democracy and to express their resentment to Suharto's autocratic rule – party supported by members of Muhammadiyah, the second largest Muslim organization.

The Prosperous Justice Party (PKS) – A Conservative Islamist Party which has been promoting the *Syariah* – was sixth in the order of merit in the 2004 elections with about 7% of the total votes polled. It is making efforts to improve its performance by embracing moderate Islamic groups and other factions from different religions.

The People's Conscience Party (Hanura) – A secular (nationalist) party led by former military commander General Wiranto, who split from Golkar in 2006 and established Hanura to promote his political agenda.

Great Indonesia Movement Party (Gerindra)- A nationalist party founded by former Indonesian Special Forces Commander, Prabowo Subianto in 2008, after he split from his former party Golkar. Gerindra claims to have 15 million members across Indonesia, and has put on a strong publicity campaign in 2009 backed largely by Subianto and his family's personal wealth, with heavy emphasis on television advertisements.

Election Framework and Legal Overview

The Constitution of Indonesia of 1945²⁶ declares elections as mandatory which have to be held every five years in order to ensure peaceful transition of power. This peaceful succession of governments following each election is regarded as accomplishment of a national goal. The preamble to the Indonesian Constitution pronounces Indonesia as a democratic country. Indonesia follows a presidential system of governance. Besides, Indonesia has ratified the UDHR (Universal Declaration of Human Rights) and six other International covenants and conventions.

The Indonesian Parliament enacted four essential organic laws to establish elections in 2009. These laws are as follows:

- Law No. 22/2007: Concerns elections administration bodies like the KPU and Baswaslu who are an integral part of the election process. For example it deals with the mechanism of formation and structure of the KPU at the national level to the boards of polling staffs, the duties, authorities and obligations of the KPU; mechanism of formation of the Election Supervisory Board (Bawaslu/Panwaslu), structure and duties.
- Law No. 10/2008: Concerns the legislative elections for DPR, DPD and DPRD which primarily deals with the arrangement and the regulatory aspects of the election process.
- Law No. 2/2008: Concerns political parties.
- Law No. 42/2008: Concerns Presidential elections.

Essentially Law No. 10/2008 governs the election of the members of the DPR, DPD and DPRD. This Law defines the general rules, principles, systems, phases and guidelines to conduct elections as well as penalties toward violations. These laws have been supplemented by detailed explanations called KPU decrees or KPU Regulations to sharpen the meaning.²⁷

²⁶ The 1945 Constitution or called UUD 1945 is the supreme law in Indonesia. It has experienced four amendments after the downfall of the authoritarian regime in 1998 in response to reform agendas. The general elections are first mandated in Chapter VII and VIIA, while the presidential elections are mandated in chapter III (art 6A). The subject of principle and periodic general elections are also stated in chapter VIIB (art 22E) of the UUD 1945.

²⁷ The KPU also has rights to distribute a legal document which is lower than a Decree/regulation called a circulation letter, more of a notification of their regulation. However, the contents of this document should not be contradictory to the regulation that was made earlier.

These Laws have come to occupy a form of standard practice in the Indonesian legal structure since the laws are only general without details, and to avoid misinterpretation the executors of the law should further expand the details for better understanding.

A crucial aspect of the election process this time was that even as the Parliament and KPU organised and published all necessary laws and regulations in advance for timely management of the election, a judicial review that was later conducted introduced corrections in some of the pertinent laws. Judicial review is provided for eligible citizens by the judiciary in Indonesia.²⁸ This is normally applicable when any citizen/citizens requests the Constitutional Court (MK)²⁹ for a judicial review for laws and/or regulation which according to them are ‘unjust or unconstitutional’³⁰

The elimination of article 214 of UU No. 10/2008 is perceived as the most controversial amendments to the elections law that was made as it brought about significant changes to the parliamentary elections. The judicial review was carried by the MK after it received cases-registration No. 22/PUU-VI/2008 and 24/PUU-VI/2008 on September, 2008 from a DPRD candidate belonging to PDI-P party in East Java. The candidate proposed for examination of law No. 10/2000, especially article 55(2)³¹, Article 214 (points a, b, c, d and e)³² and article 205 (points 4, 5, 6 and 7)³³.

The MK vide decision No 22-24/PUU-VI/2008, upheld one of the three appeals, that is a review of law No. 10/2008 on article 214 (a, b, c, d and e) and declared its article unconstitutional against article 27 and 28, UUD 1945, which automatically annulled the proportional party list

²⁸ The Legal standing of the person who was proposed is either candidate or voter who is registered in the voter list of general elections 2009.

²⁹ The authority of the MK is based on the UUD 1945 Art. 24C (1) *juncto* Art 10 UU No. 24/2003 which states that the MK has the authority to adjudicate in the first and final level, the MK’s decision is final for laws and constitutional. The MK has the right to make decisions on authority disputes among state institutions, for political party dismissal and on elections disputes.

³⁰ The word unconstitutional is usually used to express that regulation which is not in line with the UUD 1945.

³¹ UU No. 10/2008 article 52 states that (1) the candidate names which are mentioned in art 54 are listed based on the sequence number. (2) In the candidate list as mentioned in sub article 1; a minimum of one female candidate should be enlisted amongst every three male candidates, also known as the ‘zipper’ system. This article is is meant to give the female candidates more opportunity to get seats in Parliament.

³² UU No. 10/2008 article 214 (point a, b, c, d and e) states that a final list of elected candidates who would get seats in Parliament would be based on a system of minimum vote of 30% of BPP, otherwise the seat allocation would be done in order of sequence starting from the top which means that those candidates who are in the serial order of 1, 2, 3....etc, would have better chance to gets seats. This system would be adopted only if no party meets the 30 per cent requirement. Experience from 2004 elections shows that with this system not more than 5 percent of candidates elected could secure 30 % of votes compelling the parties to resort to the other method that seat allocation by following the sequence number.

³³ UU No. 10/2008 article 205 (points 4, 5, 6, and 7) arranged the distribution of the remaining seats, which put the candidates, running for elections, in a disadvantageous position .

from a mixed system to a popular votes system³⁴. This meant that henceforth political parties would not interfere in the process of seat allocation and allocate seats to the candidates with the maximum number of votes. Regarding two other requests that is to review articles - on article No. 52 about women's quotas using the zipper methods³⁵ and on article 201 (points 4, 5, 6 and 7) about remaining seats allocation, the MK decided to hold back its judgment for the time being.

Elections law No. 10/2008 was also subject to a government intervention when the latter issued PERPPU (government regulation in lieu of the current laws) which is usually issued only in order to respond to urgent tasks related with the underlying issue. The government felt it necessary to clear the heightening confusion before Election Day in order to complete the registration process and to facilitate the voters who were already registered but not listed on the voter list. In this case the Government added a point on UU 10/2008 article 47, giving a legal basis for KPU to extend the deadline on voter registration and make final updates and recapitulations on the voter list in response to many complaints by NGOs, voters and the media regarding eligible voters who had not been registered in the final voters list. The PERPPU also additionally inserted 2 sub-points (1-a and 2-b) on article 176, to add the valid criteria on ballot appreciation during the counting process in polling stations.³⁶

The Government

Indonesia has a presidential system with head of government and head of state led by the President and Vice president, ruling for a five year term which is extendable for a maximum of one term through direct elections.³⁷ The President and Vice President are inaugurated by the MPR (upper house). Although the President and Vice President are elected through direct elections, the MPR can discharge them of their duty as heads of government based on a proposal from the DPR. The proposal of the DPR should be endorsed by the MK³⁸ who is authorized to

³⁴ The popular vote system indicates that candidates with maximum number of votes will secure the seats within party. In comparison the mixed system requires the candidates to get minimum 30 per cent of votes, failing which the seats allocation will be determined following a sequential order in the party list. To secure the seat candidates have to get minimum 30 per cent of votes, and if failed the seats allocation will be determine by the sequence number of candidates in party list.

³⁵ Despite existing clauses for female quotas the regulation on popular vote system does not provide much chances to female candidates, as only those with the highest marks/votes will get a seat within the party.

³⁶ In the original Law No. 10/2008 article 176 points 1, 2 and 3, the KPU only recognized one mark as a valid vote on ballot papers, while simulations organized by the KPUs and NGOs showed that Indonesian voters gave more than one mark in the ballot paper (in party symbol and candidates name). As a result the government exercised its legal authority to amend the previous regulation in order to reduce invalid votes.

³⁷ Article No. 7 UUD 1945

³⁸ Article 7-B UUD 1945

verify, examine and decide if serious wrongdoing has been done by the President and/or Vice President, making them no longer able to lead the country.

In the case that the President temporarily or permanently can not perform his or her duty then the Vice President will replace the President until the end of the term. If the Vice Presidency is empty then the MPR will assemble to select the Vice President from among two candidates proposed by the President within 60 days. If both the President and the Vice President permanently cannot perform their duty at the same time then the constitutional arrangement is to appoint a care taker for presidential duties comprised of the Ministry of Foreign affairs, the Ministry of Interior and the Ministry of defense to collectively lead the country; within thirty days the MPR will examine and select the two candidates who are proposed by political parties based on the first and second highest rank of the previous election's result to lead the country until the end of the term.³⁹

Parliamentary elections

Parliamentary elections is crucial for maintaining the momentum of democracy building which is mandated in chapter VII of UUD 1945, in order to select DPR, DPD and DPRD-I and DPRD-II simultaneously.

The DPR contains 560 seats which are allocated from among the 77 electoral constituencies of Indonesia. The number of seats in each constituency is a minimum of 3 and a maximum of 10, determined according to the modifications following the 2004 elections.⁴⁰

Elections to the Regional Representative Council (DPD) are based on the Provinces as electoral constituencies. Each Province will elect 4 (four) DPD members who are non partisan. Before contesting the election candidates must submit a list of support that contains signatures and copies of the ID cards of their supporters. The number of supporters depends on the population with averages of 1,000 supporters for a province with a population of 1,000,000 and 5,000 supporters for the provinces with a population of 15,000,000. The DPD is the upper house of the two parliamentary chambers in Indonesia (a bicameral system).

Elections to the DPRD-1 (Province) are held to select the members of the Peoples Representatives Council at the Provincial level. The number of seats in each province differs from 35 up to 100 and is determined by population numbers which vary from a minimum population of 1,000,000 (35 seats) up to more than 11,000,000 for 100 seats. An electoral

³⁹ UUD 1945, Article 8

⁴⁰ UU No. 10/2008, article 21

constituency or electoral district is determined based on a District/Municipality status of a geographical domain or combination of Kab/Kota⁴¹.

Elections to the DPRD-II (District/Municipality) are to select the members of the Peoples Representative Council at the district/Municipality level. The number of seats range from a minimum of 20 for a population of 100,000 up to a maximum of 50 for the district/municipality with a population of more than 1,000,000.⁴²

Enforcement Mechanism

The Indonesian parliamentary elections of 2009 have seen a new marking system using a pen to make a tick symbol (✓)⁴³ although the punch (Coblos) method is still valid as many people are familiar with the punching method that has been used since the 1955 elections. The 2009 elections have also introduced the proportional open list with popular vote system

Regardless of the immense hardships that would come the way of conducting the elections, the KPU agreed to the revised articles in the Law which left it with no other option but to make arrangements to announce the modifications in the law to the voters and all the stakeholders. However, the KPU had to face huge criticism as the public could not easily comprehend the changes in the Law. This in turn affected the performance of the KPU as even political parties contesting the election reacted sharply. Central High commands of most political parties were unhappy as the last minute changes affected its election preparations which had been designed in accordance to the previous regulations. Furthermore, the fact that the party's had lost the authority of hand picking candidates also left them disappointed. However, individual candidates appeared to be happy with the decision as henceforth they would not have to meet the minimum 30 per cent threshold or be at the mercy of a sequential system where chances of getting seats depend heavily on the sequence of candidates in a party list.

Meanwhile the regulation which provided a 30% quota for female candidates was followed by the political parties. Though the sanction for non-compliance is weak, all political parties have complied by having roughly 30% of their party lists composed of female candidates. The method should enlist 1 (one) female in every 3 (three) candidate in a list⁴⁴ termed as zipper. This method was expected to increase chances for female candidates by placing them high on the party list.

⁴¹ UU No. 10/2008, Article 23, 24

⁴² UU No. 10 article, 26 and 27

⁴³ Later on to reduce the number of invalid ballot the KPU recognized another symbol e.g. (X), (/) , (\) or (----) as valid in ballot appreciation (article 41 KPU regulation no. 3/2009).

⁴⁴ UU No. 10/2008, article 55 point 2

However the MK's verdict emanating out of the judicial review process has eliminated these possibilities.

Neutrality of the authorities

The Law No. 10/2008 makes clear distinction on who can and cannot vote. The Law prohibits those involved in certain professions such as those actively working as civil servants, or are members of the army and the police or those on the board of a government company from contesting or being involved in the election process, that is run for the elections. Reason is that this category of people draws from the state finance and therefore it is assumed that their participation in the election process may result in a conflict of interest especially if they are to be selected as members of parliament.⁴⁵ For instance it is understood that if an officer who processes land certificates (PPAT), or is a good suppliers and into some service related to the national exchequer runs for the election it would lead to a conflict of interest. However, most of the afore-mentioned category of people would be eligible to contest the election if they resign from their position. There is another provision in the law which has been added to allow public accountants and lawyers to contest for the election provided they are not actively involved in their profession prior to the election.

However, the laws still does not give the right to the TNI and the POLRI to either participate as candidates or vote in the election. The TNI and POLRI are prohibited from participating in the elections vide law No. 3/1999, subsequently transformed to Law No. 4/2000, with article 30 clearly stating that the "ABRI do not exercise their rights in the elections." Another law that has been is newly enacted related and is connected to these issues is UU No. 23/2003 article 102 about the presidential elections 2004 and the UU No. 12/2003 article 145 about the elections of DPR, DPD, DPRD 2004. This is also applicable to the TNI vide law UU No. 34/2004.

The justification for these measures comes from the experience of military dominance during the Soeharto's regime, and a desire to temporarily distance the military and police from the political process. The picture though is still not clear as to when they would be re-enfranchised and allowed to exercise their political rights.

However, under the UDHR (Universal Declaration of Human Rights) article 21 and ICCPR (International Covenant on Civil and Political Rights) article 25, the rights of TNI and POLRI should be restored and accommodated in the Indonesian legal framework. Considering the issue of restoring the political rights of TNI and POLRI is very sensitive, elections stakeholders should

⁴⁵ UU No. 10/2008, article 50 (K and J)

establish a consensus and plan to give a timeframe and conditions which could accommodate the fundamental rights of the police and armed forces personnel

The law is clear about prohibitory measures on those who are part of the judicial system, whether they are part of the Supreme Court or judges at a subordinate level or Constitutional judges within the MK structure, state finance auditors, Governors, a senior official of the Indonesia Bank, high ranking officer in the state/provincial company, civil servants, member of the army and police department, heads of villages and administrators, member of village council, and ineligible voters.⁴⁶ Those who violate the provisions of law would be committing a criminal offence for which sanctions are provided.⁴⁷

Despite strict provisions in the campaign laws, there is space for the President/Vice President, Governor/Vice Governor, Bupati/Vice Bupati and Mayor/Vice Mayor to participate in the campaign. They are obligated to take temporary leave from their duty out of state responsibility.⁴⁸ In the presidential elections, the incumbent President/Vice President still perform their duty and shall proportionally manage the sustainability of state and governance.

The national, provincial and district official representatives are also prohibited from utilizing state, provincial or district properties for their campaign. These facilities include: official vehicles, buildings, offices, office support facilities, local radio and government telecommunications and other equipment and material managed by the government.⁴⁹

However, the regulations does not elaborate much on the use of other forms of state resources like communication devices that has been used an important tool by politicians and political parties to coordinate among themselves. The use of communication facilities is also difficult to be monitor. There is also no sufficient room in the regulation to accommodate the popular policy which is implemented during or close to the elections period, for instance the BLT scheme,⁵⁰ that was implemented a year before the election throughout the country. Though it's legal and considered a social welfare policy, for some political parties especially the opposition that policy would provide an advantage to the ruling party to grab sympathy from the poor and allegedly to garner the votes. The implementation of this policy is alleged to be full with irregularities and open to manipulations. Opposition political parties have often accused ruling party candidates in most provinces taking advantage of this policy by inserting their sticker and

⁴⁶ KPU regulation No. 19/2008 article 26 (2).

⁴⁷ KPU regulation No. 19/2008 article 26 (point 2.6)

⁴⁸ UU No. 10/2008, article 85 juncto article 27, KPU regulation No. 19/2008

⁴⁹ UU No. 10/2008 article 85 (1-a) juncto article 29 KPU regulation No 19/2008

⁵⁰ BLT = Bantuan Langsung Tunai or direct cash distribution for poor peoples as oil subside conversion. This policy allegedly a factor to burst the popularity of the current presidents and it political party, the scheme of direct cash distribution is the first time ever in Indonesian welfare policy.

party symbol inside the envelope containing cash money which is distributed to the poor peoples.⁵¹

Another aspect in the legal provision regarding elections campaign is to allow political parties to organize activities as social cultural performance, sport competitions, art performance, bazaar activity, and political party anniversary⁵² involving crowd, in some designated locations or venues. These activities are held during the campaign period which is fixed from 12 July, 2008 until 5 April, 2009 except the cooling periods for 3 days from April 6 - 8, 2009.⁵³

No activities can be held before 12 July, 2008 otherwise such action will be considered as frauds.⁵⁴ However candidates and not the parties are penalized for such frauds.⁵⁵

The regulation also does not provide any detail information on the use of campaign materials, and ceiling on campaign expenditure which has resulted in unequal spending amongst political parties. With the existing provisions of the regulation has given advantage to the rich parties who can use their money power to pay all expenses, while the small and poor party continues to struggle to meet their campaign expenses.

Bawaslu which is the supervisory board faces difficulty to translate the provisions into action due the long process of complaints, prosecution, and verdicts. Their role is often confined to collecting information regarding election related violations without sufficient support from other counterparts such as police and judiciary. Therefore as a result the cases with the Bawaslu normally end up without a proper judicial investigation and remain unsolved.

Further, the provision also extends legal support for distribution of souvenir/accessories, t-shirt, hat, poster/leaflet, drinking water or other material with the party logos. In the absence of clear explanation the provisions the bigger political parties would most certainly legalize the food distribution during the campaigns as it would fetch them more mileage. The regulation only talks about discipline and proper arrangements in so far as mobilising participants for election campaign is concerned. There are no real measures on curbing mobilization of buses, motorcycles, and other vehicles which are usually by big political parties.

⁵¹ Bawaslu Presentation “the challenge for Free and Fair elections in Indonesia parliamentary election 2008, ANFREL briefing 1-2 April 2009.

⁵² KPU regulation No. 19/2009 article III-7-H.

⁵³ KPU Regulation No. 19/2009 article IV-1-3-4

⁵⁴ KPU Regulation No 19/2009 article IV-2

⁵⁵ Inside the KPU regulation No. 19 article V-6 is provided the campaign violation sanction for the candidates without mentioning the sanction for the Political party

To ensure that the campaign is fair and creates a level playing field between all political parties, provisions in the law must stipulate a limit on campaign finance. Further, importance should be given to the audit on campaign finance to punish the violators. The fact that the provisions pertaining to submission of annual financial report and expenses related to election campaigns do not have much power, have often resulted in non-compliance by political parties.

However the provisions were meant to provide the political parties a way to manage their fund through special bank account, information about which the KPU would receive before the campaign starts. The audit will be conducted by the public auditor appointed by the KPU 15 (fifteen) days after the Election Day⁵⁶ for the transaction period starting from the third day after a political party announces participation in elections till a week before the submission of its expenditure report.

Counting and seat allocation

The tabulation and recapitulation of political party results varies in term of schedule in every level. At the national level it should be settled within 30 days while at the provincial level it should be done within 15 days and Kab/Kota level it should be done within 12 days after the Election Day.⁵⁷ Though the schedule was made to make the whole process more transparent, it needs to be improved further as chaos and disputes continue to arise in the first level of the counting in Polling stations and at the Kecamatan level.

Disputes arise in terms of ballot appreciation and even as the legal system has tried to specify on what could be treated as valid vote marking the provision in the Law appears insufficient in the absence of details regarding a valid vote.⁵⁸ The provision also does not clearly mention about the validity of votes which was received by candidates who are ineligible, have resigned and/or no longer in the fray even though their names are printed in ballot paper. The lack of clarity in the provisions have resulted in error in counting as for example many polling staff counted votes marked against a candidate and a party separately as two votes. In practice the vote, if marked in two different places, that is on the candidate and on the party must be treated as one valid vote.

⁵⁶ The laws and provision for political party finance and campaign expenditure are provided at UU No 2/2008 chapter 15 juncto UU No. 10/2008 chapter VIII, part10 juncto KPU regulation No. 01/2009

⁵⁷ Law No. 10/2008 article 201 point 1, 2 and 3

⁵⁸ Ballot appreciation was arranged in UU No/ 10/2008 article 176 juncto PERPPU No. 1/2009 juncto article 40-41, KPU regulation No. 03/2009

Seat allocation in Indonesia parliamentary elections system is likely to be the most complicated mechanism as there are several technical procedures that need to be followed such as:

- Provision on national threshold requires the political party to secure 2,5% of votes from overall result.⁵⁹ A party that does not reach the threshold will be disqualified in all electoral constituencies of the elections though they may have seats in several constituencies.⁶⁰ The Threshold count is used in the process of seat allocation.
- Determination of the BPP (Bilangan Pembagi Pemilihan or Quota seat)⁶¹ will vary depending on the voters and seats distribution in each electoral district.
- Distribution of seats to party based on full (100%) BPP. In this step the party that secures the same number or more than BPP will directly get the seats. Once this step in the process of seat allocation over, the next stage will consider allocating the remaining seats based on the remaining votes and the parties which did not make the BPP. This step will consider seat allocation using the half (50%) of BPP as a basis to determine who the seats must be given to. Finally, if there still remain seats to be allocated but without sufficient votes remaining with political parties as per the BPP, the seats will be given in order of sequence to political parties having the highest balance votes.⁶²

After the political party secures the seats, they would be given to the candidates within a party base on the number of the votes collected by them, and not based on the sequence number in the party list.⁶³



⁶⁰ UU No. 10/2008 article 203 juncto KPU regulation No. 15/2007 article 15 (2)

⁶¹ Quota seats or BPP determine by divide the result of valid votes with the number of allocation seat in each electoral constituency.

⁶² KPU Regulation (amendment) No. 26/2009, article 23 (1)

⁶³ Base on the research Hadar Gumay of CETRO contributed seat allocation simulation table which is attached at annex-1 of this report.

General Observations

Cooling Period:

Generally the cooling period was peaceful, except for some incidences of arson and intimidation in parts of Aceh. The burning of a car belonging to a candidate from SIRA Party, the burning of a school building by unknown persons⁶⁴ as well as reports of intimidation and threats to voters were a few reported cases of violence. However, these stray incidents did not deter voters from coming out to vote on Election Day.

The prohibitions on campaigning during the cooling period were followed and almost all political parties removed their campaign materials from public places.

While there were no open campaigns, many parties used the opportunity to conduct door-to-door campaigns, which were not possible for the election commission or security agencies to track. Many political parties used the cooling period to train their party agents for the Election Day. The KPUD/KIP used the cooling day to distribute the voter invitation letter.⁶⁵

Environment on Election Day

The overall environment was congenial, even festive in some areas, while in parts of Aceh reports of intimidation and threats to voters were recorded by the Panwaslu Kecamatan. The election was held for a short period of time, from 7:00 am to 12.00 noon. Counting took more time than voting in most polling stations. The security machinery, especially the police, deployed its personnel in strategic areas to prevent election related violations and violence, including plain clothes personnel. Security arrangements were usually solid, however, in some polling stations; the security management was lackluster which allegedly created room for manipulation during voting.⁶⁶



Administration

Though there were cases of inconsistencies in many polling stations, overall the polling officials were efficient. Voters often needed assistance from polling officials and fellow voters to locate their polling booths and also identify political parties and candidates on the new ballot papers. This created an opportunity for political party supporters and many unidentified persons to help voters locate their polling booths, especially in places which had set up multiple polling stations.



Also due to voter confusion over the polling procedure, civil security personnel were transformed into polling assistants to help voters find the correct ballot boxes, in some cases depositing voters' ballot papers for them.

Opening

The opening process witnessed inordinate delays, with some polling stations starting the polling process two hours behind schedule. Polling officials arrived much later than the arrival of voters. The arrangements of polling stations took time and added to the delay



in the opening. In many polling stations party agents came midway through the polling process. During the opening only a few party agents were visible. The opening process was not uniform with different polling stations adopting different styles. In some, polling officials took an oath, whereas in others voting began with the presiding officer announcing the time while in others the process began abruptly without any announcements.

Polling process



Some glitches notwithstanding, the polling process was by and large conducted in accordance with KPU election regulations. Incidents of voting under duress were recorded in a few polling stations; in a polling station in Aceh Besar, voters were not allowed to vote freely.⁶⁷ There were a number of unauthorized persons inside many polling stations,⁶⁸ and sometimes political party agents did not have nomination documents from their parties.⁶⁹ Fingers of both hands were not properly checked by polling officials. Secrecy of voting was maintained whereas

inking was done at the end of the balloting process. While most polling stations ensured complete secrecy a few displayed total ignorance of it.

⁶⁷ In Sinyeu/TPS 26, civil security personnel on duty opened ballot papers for voters and showed them where to vote, while voter secrecy was absent as Partai Aceh supporters, as many as eight, kept a constant vigil over voters in the ballot marking area.

⁶⁸ Cases reported from across Aceh and Jakarta includes religious leaders, government employees and unidentified persons.

⁶⁹ In a TPS in Cipinang in Jakarta, party agents went home to get the nomination papers when ANFREL observers enquired about it.



Closing and Counting

In a number of polling stations the closing time was extended to well beyond 2:00 pm to make up for the loss of time during opening. A few polling stations extended the time for elderly and physically challenged voters. Many other polling stations strictly adhered to the official closing time.



The counting process was lengthy and in some cases chaotic. There were several reasons for this, such as the inability to locate the ballpoint pen-marked tick, the casual approach of polling officials, poor arrangements, like absence of additional ballot boxes for replacing damaged ones, inadequate power supply etc. All of these can be regarded as conditions that could have paved the way for fraud to occur during the counting process.

Party agents recorded all the votes that were counted and were cooperative in sharing their records with their counterparts from other political parties.



There was no uniformity regarding storage of unused ballot papers. In many polling stations it was found that unused ballot papers were marked with a cross and kept in plastic bags, whereas in others they were simply stacked away without any markings. In most cases unused ballot papers were counted but the numbers were not announced.

Observers

ANFREL observers did not face any opposition from any polling station official or political party agents. In most polling stations ANFREL observers found a cordial atmosphere. Other observer groups who were on duty in areas covered by ANFREL were the Carter Centre and the European Union as well as some local observer groups.

Local observer groups and their networks i.e. KIPP, JPPR and CETRO are not happy with the overall election management. They favor electoral reforms as well as better performance of the KPU



Local observers KIPP



Local observers JPPR

Post Election period

The main point that emerged during the “recapitulation”⁷⁰ process was the different methods used in different sub-districts to recount the votes. The process of scanning and transmitting of DPR results at the KPUD Kabupaten/Kota (districts) was extremely slow. At the sub-districts the counting of the DPRD-I, DPRD-II and DPD did not seem to follow a uniform system in terms of counting and tabulating votes at the Kecamatan/sub-district office as the intention was to speed up the process to meet the set deadline by the KPU. This was generally done in agreement with political party witnesses.⁷¹



However, in many sub-districts recounting could not be completed even a day after the deadline.⁷² In many other sub-districts the recapitulation process was conducted with utmost

⁷⁰ The “rekapitulasi” mean tabulation process on counting result during the post election period.

⁷¹ In West Java; e.g. Subang, West Bandung, Bogor District and Aceh, different methods were adopted to conduct the recounting process using serial, parallel and mix-methods. Some sub-districts used the Parallel counting method wherein PPK officers formed small groups to tabulate the results in a specific village. They did this simultaneously following which the results were forwarded to the “central tabulation” board where all the results from the villages were added up. This method was witnessed in Cipatat and Cisarua Sub-districts in West Java and in Tambora sub-district in West Jakarta. In a district *in Subang*, the serial methods of counting as stated in the election code was used. Similar processes were recorded in Kuta-Alam sub-district in Banda Aceh where only the recounting process of DPRK could be completed by April 14, 2009.

⁷² In Kecamatan Tanah Abang, Central Jakarta they have not finished as of April 18. In this area several *Berita Acaras* (Counting Certificates) were not filled-out by the KPPS which most probably was due to lack of training. Hence, the PPK from this sub-district needed to open the ballot boxes to take out the tabulating sheets from every TPS. Another example of delay of counting settlement also happened in Kecamatan Cengkareng, West Jakarta as well.

efficiency. This was largely possible following modification in the counting process as well as a systematic approach and proficient time management.⁷³

There was confusion amongst polling officials of some polling stations regarding aggregating the results as there were different understandings in recognizing votes for party and candidates. The confusion occurred when polling staff counted the ballots marked on both party and candidate as two votes.

A KPU circulation letter (No. 676/KPU/IV/2009) which, was issued to validate mixed ballots that were already cast created more confusion.⁷⁴ The votes which were considered invalid owing to disqualification of candidates and political parties, for instance in Kebumen, Central Java⁷⁵ and Sabang in Aceh,⁷⁶ led to some amount of confusion. Many voters expressed their dissatisfaction with the inability of the KPU to inform them well in advance of the disqualifications.

⁷³ In Merexa sub-district in Banda Aceh which has a total of 25 TPS, the recounting was completed on 15, April, 2009. Furthermore, the final count was computerized and political party witnesses observed the process and approved of the use of technology. In other sub-districts like Lueng-Bata, which has 41 TPS and regardless of the fact that 3 ballot boxes had to be opened following complaints by party witnesses, recounting was completed well on time. In the district of Sabang recounting process was also completed on time.

⁷⁴ The cases of mixing of ballot papers from other electoral constituency were occurred due the error in distribution from the KPU to its units. Technically the ballot should not be used for the polls since its containing the candidates from different constituency. Unfortunately due the time and budget constraint eventually the wrong ballots forcibly been used for the polls and to solve the problem the KPU determine those ballot were valid only counted as a party votes. This triggered massive complains from candidates, as they assumed that their existence had been denied when KPU ordered that only votes for the party should be considered valid.

⁷⁵ The PDIP candidate did not contest since he elected as vice Bupati. His vote was considered invalid by the KPUD Kebumen but the political party protested the decision on the pretext that the votes should go to the party.

⁷⁶ Voters gave their votes to the PRA party though the party had been disqualified.

Recommendation

Long Term Electoral Reforms

- 1 A comprehensive census needs to be conducted for preparing an accurate and acceptable voters' list.
- 2 It is important to modernize the system by computerizing the nationwide population data. People in all islands and remote areas can be identified in collaboration with local organizations, civil society and officials. It should be a national agenda.
- 3 The Voter list should not be under the supervision of The Home Ministry. The structure of elections-related bodies should be reviewed and compared to the structure that had been used in 2004.
- 4 Indonesian citizens should be able to obtain only one ID card. It should be illegal to hold more than one card. The bureau of statistics should be called back to assist in updating the list. Government must call those who hold double or multiple IDs to return their cards to local administration and choose only one address for permanent official contact. Sanction on duplication of ID card can take in to force.
- 5 Actualize opportunity for women in politics. Indonesia should amend the law to set up a quota system for female candidates in the party list and consider counting female votes separately from male votes.
9. Use the translucent ballot boxes (semi-transparent) for long term use to pursuit International standard and fulfill transparency criteria.
- 6 Use serially numbered plastic security seals to replace the padlocks to ensure the security of the boxes in order to avoid irregularities.
- 7 Consider adding elections and electoral observation-related material to the school curriculum and encourage university students to become domestic observers.

Further Recommendations

1. Voters should put their signature or thumb print on the voter list before voting on polling day.
2. Stricter enforcement to filter proxy voters, multiple voters, phantom voters, underage voters should be prohibited.

3. Law enforcement must penalize the above electoral violations. Authorities who do not implement the law must be investigated and punished as well.
4. Stricter enforcement of campaign finance regulations to check lavish spending by parties.
5. All candidates should report their campaign expenses. Those who spend money above the KPU limitation and those who violate the regulations before or after the election must be disqualified and barred from politics for a certain period of time.
6. Tabulation at all levels needs to be done uniformly and the results should be monitored.
7. Encourage people/voters to check their names on the final voter list before Election Day.
8. Voters' list should be updated immediately in order to accommodate the unregistered voters before the presidential elections which are only a few weeks away. Amendments or revised laws, regulations and procedures must be informed to KPU units and Panwaslu at all levels. All KPU information should be shared with Panwaslu.
9. Election related regulations must be issued well ahead of the election by the KPU so that timely action can be taken, such as changes in regulation should be well circulated to ensure the elections workers understand the alterations. While it is understood that change of election regulation is carried out with a good intention, however, frequent changes could lead to confusion regarding during implementation in the field.
10. The result of the counting should be posted in front of each polling station (TPS).
11. All of the authorities concerned (KPPS, KPU, Panwaslu and Party Agents) need more training and information about updated regulations and procedures so they can perform their duties professionally.
12. KPPS officials should make use of their power to remove unauthorized persons from the polling station and prevent interference and intimidation.
13. Ballot papers should have the correct names of their respective electoral districts printed on them to reduce cases of mishandling.
14. Bawaslu/Panwaslu should be administratively independent at all levels. The KPU should not be involved in the selection process of its members. The Bawaslu should have powers to investigate cases and take appropriate actions in response to election irregularities to ensure a check and balance process.
15. To reduce cases of electoral impunity, it is important to prolong the period of receiving complaints and investigation. If evidence or witness (es) emerges later than 14 days, Panwaslu should be able to continue handling the case. This will allow more investigation at the constituency level. After sending the case to the Police, Panwaslu

should continue monitoring the cases till they are submitted to the court. The timeframe for filing complaints to Panwaslu should be longer than 3 days following the incidents.

16. Panwaslu should be able to begin their work before voter registration and before the beginning of the campaign, so that they can monitor the process from the beginning.
17. Panwaslu's working style should be more proactive. Rather than wait for complaints to be sent to their offices, the Panwaslu should go out and talk to people to inspect or monitor every stages of the election process.
18. All information regarding the electoral process should be hosted on the KPU website with an English version for international observers and foreign media.
19. All marking impressions should be considered valid in ballot appreciation.
20. Ballot paper for DPR should be should be one-sided and in the same sheet. While inking can be on any finger of either hand, cloths or other materials should not be used to dry the marked fingers.
21. A system of "no vote," could be introduced so as to be able to provide the voter with a legitimate option of not choosing any party if the voter so desires. This option is suggested considering the fact that there was no way to establish the reason behind voter's reluctance to mark their choice in the ballot papers. During the counting many ballot papers were found to be blank.
22. A marker pen should be used instead of the ball-point pen as it will increase the visibility of the Contreng and help save precious time when determining ballots.
23. Color-coded ballot boxes could also be used to allow voters to easily identify the correct ballot boxes for each ballot in order to speed up the polling process. This would prevent security and polling officials from handling voter's ballots.

Electoral Legal System and elections time frame

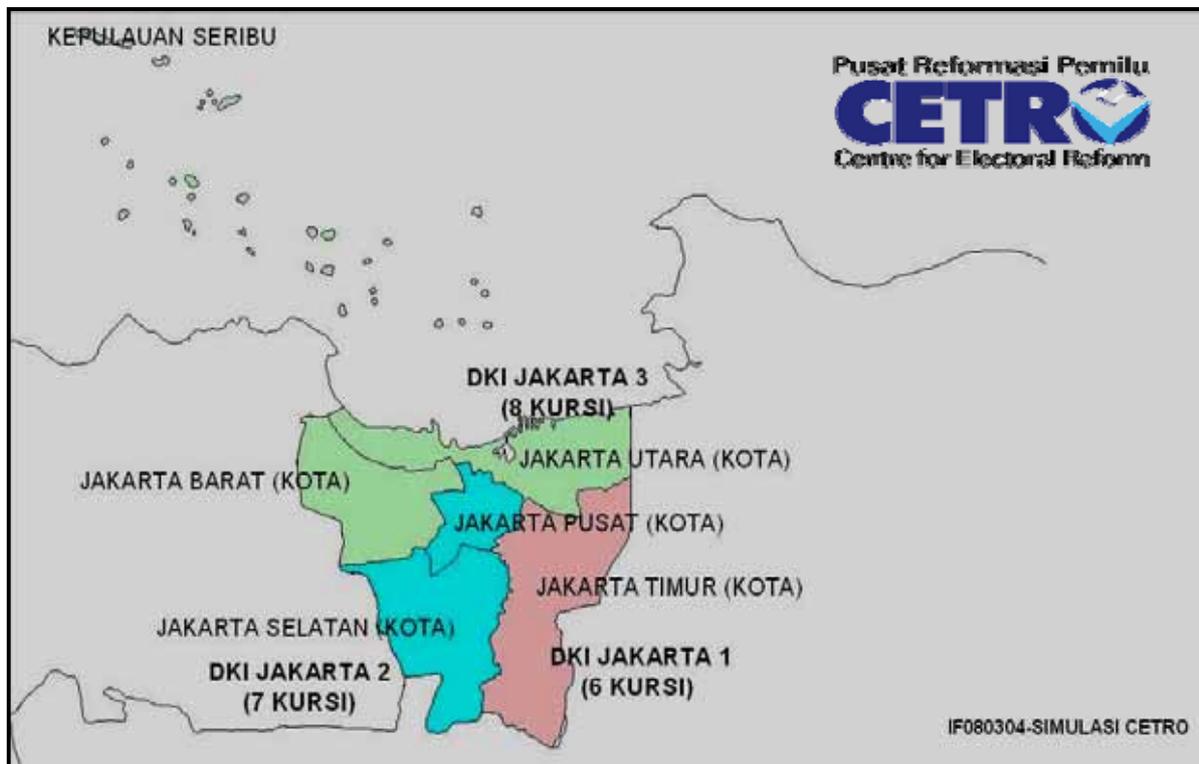
The election law should not be modifying for such duration on elections periods to give a certainty to the KPU to execute it. A period of corrections should be determined with time limit to avoid chaotic situation when an important article within the laws been modify.

List of Annexes

Annex 1	Table simulation for seat allocation
Annex 2	Media Coverage
Annex 3	Press Statements
Annex 4	Example of the ballot paper

Annex 1 – Seats Allocation Simulation Table⁷⁷

Simulation Sample:	Electoral Constituency: 3 (Three)	Total Seats: 21
Province:	- Jakarta-1	6 Seats
DKI Jakarta	- Jakarta-2	7 Seats
	- Jakarta-3	8 Seats



The seat allocation will be determined following phases below:

⁷⁷ CETRO of Indonesian contribute it research on seat allocation mechanism which is modify by ANFREL

Phase 1

Threshold⁷⁸ Classification base on National total votes collected by Party

POLITICAL PARTY	VOTES	% VOTES
PARTY A	900,000	0.84%
PARTY B	600,000	0.56%
PARTY C	2,900,000	2.71%
PARTY D	800,000	0.75%
PARTY E	9,000,000	8.40%
PARTY F	1,300,000	1.21%
PARTY G	8,400,000	7.84%
PARTY H	1,400,000	1.31%
PARTY I	7,300,000	6.81%
PARTY J	2,300,000	2.15%
PARTY K	11,900,000	11.10%
PARTY L	8,300,000	7.74%
PARTY M	300,000	0.28%
PARTY N	3,000,000	2.80%
PARTY O	21,000,000	19.59%
PARTY P	2,400,000	2.24%
PARTY Q	24,400,000	22.76%
PARTY R	1,000,000	0.93%
TOTAL	107,200,000	100.00%

The green color in table indicates the party who were passed the national threshold

⁷⁸ Minimum threshold for the party to be qualified in seat allocation is 2,5 % from the national votes, the party who failed in this provision will be excluded in the further process.

Phase 2

Seats allocation in Electoral Constituencies

Jakarta-1

Seats Allocated = 6

BPP = 133,333

Political Party	Valid Votes	Seat Allocation Step-1	Remain Votes	%	Seat Allocation Step-2 (50%+1)	Total Seat
PARTY A	0		-	0.00%	-	-
PARTY B	0	-	-	0.00%	-	-
PARTY C	50,000	-	50,000	37.50%	-	-
PARTY D	0	-		0.00%	-	-
PARTY E	150,000	1	16,667	12.50%	-	1
PARTY F	0	-	-	0.00%	-	-
PARTY G	30,000	-	30,000	22.50%	-	-
PARTY H	0	-	-	0.00%	-	-
PARTY I	110,000	-	110,000	82.50%	1	1
PARTY J	0	-	-	0.00%	-	-
PARTY K	17,000	-	7,000	12.75%	-	-
PARTY L	93,000	-	93,000	69.75%	1	1
PARTY M	0	-	-	0.00%	-	-
PARTY N	30,000	-	30,000	22.50%	-	-
PARTY O	70,000	-	70,000	52.50%	1	1
PARTY P	250,000	1	116,667	87.50%	1	2
PARTY Q	0	-	-	0.00%	-	-
	800,000	2	533,333		4	6

Jakarta-2

Seat Allocated = 7

BPP= 145,714

Political Party	Valid Votes	Seat Allocation Step-1	Remain Votes	%	Seat Allocation Step-2 (50%+1)	Total Seat
PARTY A	0	-	-	0.0%	-	-
PARTY B	0	-	-	0.0%	-	-
PARTY C	25,000	-	25,000	17.2%	-	-
PARTY D	0	-	-	0.0%	-	-
PARTY E	105,000	-	105,000	72.1%	1	1
PARTY F	0	-	-	0.0%	-	-
PARTY G	60,000	-	60,000	41.2%	-	-
PARTY H	0	-	-	0.0%	-	-
PARTY I	165,000	1	19,286	13.2%	-	1
PARTY J	0	-	-	0.0%	-	-
PARTY K	100,000	-	100,000	68.6%	1	2
PARTY L	275,000	1	129,286	88.7%	1	2
PARTY M	0	-	-	0.0%	-	-
PARTY N	40,000	-	40,000	27.5%	-	-
PARTY O	75,000	-	75,000	51.5%	1	-
PARTY P	175,000	1	29,286	20.1%	-	1
PARTY Q	0	-	-	0%	-	-
	1,020,000	3	582,857		4	7

Jakarta -3

Total Seats = 8

BPP = 99,375

Political Party	Valid Votes	Seat Allocation Step-1	Remain Votes	%	Seat Allocation Step-2 (50%+1)	Total Seat
PARTY A	0	-	-	0%	-	-
PARTY B	0	-	-	0%	-	-
PARTY C	23,000	-	23,000	23%	-	-
PARTY D	0	-	-	0%	-	-
PARTY E	95,000	-	95,000	96%	1	1
PARTY F	0	-	-	0%	-	-
PARTY G	60,000	-	60,000	60%	1	1
PARTY H	0	-	-	0%	-	-
PARTY I	80,000	-	80,000	81%	1	1
PARTY J	0	-	-	0%	-	-
PARTY K	11,000	-	11,000	11%	-	-
PARTY L	180,000	1	80,625	81%	1	2
PARTY M	0	-	-	0%	-	-
PARTY N	46,000	-	46,000	46%	-	-
PARTY O	80,000	-	80,000	81%	-	-
PARTY P	220,000	1	120,625	121%	1	2
PARTY Q	0	-	-	0%	-	-
	795,000	2	596,250		5	7

From this scheme there is a seats remaining and could not be allocated due insufficient remain votes collected by party to fulfill the 50% of BPP. In the case happened, so unallocated seats shall be re-formulated in the province level by combining other remaining seats from all Electoral constituencies.

Phase -3

Allocation remaining seat in Province Level for remained (unallocated) seats

Total Seats = 1

BPP = 1,712,440

Political Party	Remain Votes	Seat Allocation Step-1	Remain Votes	%	Remain Votes by Rank	Seat Step 2
PARTY A	0	-	0	0%	10	0
PARTY B	0	-	-	0%	10	0
PARTY C	98,000	-	98,000	6%	9	0
PARTY D	0	-	-	0%	10	0
PARTY E	216,667	-	216,667	13%	4	0
PARTY F	0	-	-	0%	10	0
PARTY G	150,000	-	150,000	9%	6	0
PARTY H	0	-	-	0%	10	0
PARTY I	209,286	-	209,286	12%	5	0
PARTY J	0	-	-	0%	10	0
PARTY K	128,000	-	128,000	7%	7	0
PARTY L	302,911	-	302,911	18%	1	1
PARTY M	0	-	-	0%	10	0
PARTY N	116,000	-	116,000	7%	8	0
PARTY O	225,000	-	225,000	13%	3	0
PARTY P	266,577	-	266,577	16%	2	0
PARTY Q	0	-	-	0%	10	0
	1,712,440			100%		1

The new BPP shall be determining according the total remains votes collected by all political party in all electoral constituencies. Political party who can reach the new BPP will secure the seat, otherwise it will determine by the highest rank of votes. In the above case the party-L is secure another seat.

Phase-3

Provincial Recapitulation for Votes and Seats

Political Party	Total Votes (EC1+EC2+EC3)	Total Seats (EC1+EC2+EC3)
PARTY A	-	-
PARTY B	-	-
PARTY C	98,000	-
PARTY D	-	-
PARTY E	350,000	3
PARTY F	-	-
PARTY G	150,000	1
PARTY H	-	-
PARTY I	355,000	3
PARTY J	-	-
PARTY K	128,000	2
PARTY L	548,000	6
PARTY M	-	-
PARTY N	116,000	-
PARTY O	225,000	1
PARTY P	645,000	5
PARTY Q	-	-
	2,615,000	21

KOTIM

KALTENG POS • Selasa, 7 April 2009

Siswa Sampit ke Jepang

Mewakili Indonesia pada Olimpiade Komputer 11 April Mendatang



SILATURAHMI - HM Wahyudi K Anwar bersama tiga pemantau asing yang akan ikut memantau pelaksanaan pemilu tanggal 9 April 2009 di Kotim.

Warga Asing Pantau Pemilu

SAMPIT – Kalangan pendidikan di Kotim patut berbangga. Salah seorang siswa SMAN 1 Sampit terpilih mewakili Indonesia untuk mengikuti lawatan pelajar ke Jepang. Siswa yang beruntung karena akan menginjakkan kaki ke negeri matahari itu adalah Giri Prahasta. Siswa ini terpilih karena berhasil menjadi juara nasional olimpiade komputer.

Rencananya, Giri Prahasta akan diberangkatkan ke Jepang pada 11 April 2009 mendatang. "Ini sebuah kebanggaan tersendiri bagi Kabupaten Kotim. Karena prestasi siswa bersangkutan dapat mengangkat daerah kita di nasional," ujar Bupati Kotim HM Wahyudi K Anwar saat menerima Giri Prahasta dan rombongannya yang berpamitan, Senin (6/4).

Wahyudi berharap, prestasi Giri Prahasta dapat memotivasi siswa-siswa lainnya di Kotim. Untuk lebih semangat lagi dalam belajar dan menggapai cita-cita. "Jangan patah semangat apabila menemui hambatan dalam menuntut ilmu. Jangan takut bersaing dengan pelajar daerah lain. Terutama pelajar kota besar yang didukung banyak fasilitas," tandasnya.

Kepala SMAN 1 Sampit A Syaifudi SPd menjelaskan, Giri Prahasta akan diberangkatkan ke Jepang bersama 19 pelajar Indonesia dari daerah lainnya. Seluruh pelajar yang dikirim merupakan pelajar berprestasi tingkat nasional. Khususnya yang berhasil menjadi juara pertama dan kedua pada olimpiade nasional yang telah digelar tahun 2008 lalu. "Giri Prahasta merupakan juara nasional untuk olimpiade komputer 2008. Di sekolah, Giri Prahasta termasuk siswa berprestasi. Karena itu, yang bersangkutan



Personel kepolisian sedang membagikan brosur kepada masyarakat di TPS di ME Naha, Sarung, Samarinda.

Pemilu Sampit Mendunia Lagi

Antrel Cermati Perlakuan Kelompok Eks Konflik

SAMPIT—Lantiga pemenuhan pemilu yang akan diadakan Full Free Election (AFFRE) menuntut perhatian khusus terhadap penyelenggaraan pemilu keadilan di kota Sampit.

Sabtu (10/11/2018), Anggota DPRD AFFRE Lantiga di kota Sampit, Murti Agung mengatakan sebelum hari H pemungutan, Dinaspol untuk mengawasi situasi keamanan akan melakukan pengamatan pemilu.

Murti, bahwa, bisa berkoordinasi dengan pihak kepolisian, sehingga situasi keamanan akan terjaga dengan baik. Sehingga, akan ada pengamanan khusus bagi pemungutan, terutama, ketika melakukan pengamatan situasi pemungutan suara (TPS). Yang pertama kali dilakukan adalah TPS di berbagai pemukiman di kota Sampit. Di sini, ketika melakukan pengamatan akan ada pengamanan khusus. Sehingga, akan ada pengamanan khusus bagi TPS dan keamanan di lokasi TPS.

Antrel mengawasi betul-betul TPS di Kabupaten Sarung, karena pada pemilihan umum ini, akan ada pengamanan RI yang tidak akan ada di pemungutan (TPS).

Anfrel Pantau Pemilu di Bireuen

Bireuen | Harian Aceh

Dua pemantau Pemilu dari Asia Network Free Elections (Anfrel), Sandra dan Bidhayak Das –bermarkas di Samsennok Haiykwang Bangkok, Thailand— mulai turun ke lapangan memantau proses Pemilu di Bireuen.

“Anfrel menurunkan dua tim, di Banda Aceh dan Bireuen,” kata Bidhayak melalui juru bahasa, Fauzan kepada Harian Aceh, Senin (6/4). Bidhayak Das sendiri berkewarganegaraan India. Sementara Sandra asal Thailand.

Pihaknya, sebut Bidhayak, juga telah melakukan pertemuan dengan beberapa partai lokal (Parlok), Komisi Independen Pemilihan (KIP) dan Panwaslu. “Laporan hasil pemantauan nantinya akan dikirim ke Anfrel dan dipublikasi secara menyeluruh,” ungkapnya. Sebelumnya, Anfrel pernah memantau Pilkada (gubernur) dan bupati di sejumlah daerah di Aceh. ■job



HARIAN ACEH | JONIFU BARRI

Bidhayak Das dan Sandra dari Anfrel Thailand akan ikut memantau proses Pemilu di Kabupaten Bireuen.

Azis Kecewa dengan Ketidakhadiran KPU Ternate

TERNATE—Komisi Pemilihan Umum (KPU) Provinsi Maluku Utara (Malut) menggelar rapat koordinasi dengan seluruh KPU kabupaten/kota. Rapat yang berlangsung di aula Lantai I Boulevard Hotel, Minggu (5/4), dengan agenda koordinasi teknis rekapitulasi hasil pemungutan, penghitungan suara dan penetapan calon terpilih anggota DPRD. Hanya saja, tidak semua KPU kabupaten/kota menghadiri rapat tersebut. Tercatat, tiga KPU masing-masing KPU Kota Ternate, KPU Sula dan KPU Halmim.

Ketua KPU Azis Kharie sendiri tampak kecewa dengan ketidakhadiran anggota KPU tersebut, khusus KPU Kota Ternate. Peralnya, dari tiga KPU itu, hanya KPU Kota

Ternate yang berhalangan hadir tanpa alasan apapun.

"Jadi, bagi KPUD yang tidak ikut hadir dalam rapat ini, dengan alasan yang tidak tepat. Maka, apabila terdapat masalah dalam proses penghitungan dan rekapitulasi suara kami (KPUD Prov, red) tidak bertanggung jawab," semprot Aziz.

Meski begitu, Azis mengatakan hasil rapat tetap akan disampaikan ke KPU yang

tidak menghadiri rapat.

"Ya kami melalui koordinator KPUD di setiap kabupaten/kota akan memberikan penjelasan terkait dengan hasil rapat tersebut," tambahnya.

Rapat KPU kemarin juga ikut dihadiri dua personil tim pemantau pemilu ANFREL (Asian Network for Free Elections, Wu Yu Tsang dari Thailand dan Stephen Brooks dari Canada. ANFREL sendiri

merupakan salah satu pemantau Pemilu yang fokuskan diri pada konflik dan pasca konflik di Kalimantan, Maluku dan Maluku Utara.

"Ya kedatangan ANFREL (ANFREL, red) akan memantau jalannya pemilu di daerah-daerah konflik, dan hasil dilaporkan ke pusat di Bangkok," jelas juru bicara ANFREL

Malut Post
06 April 2009
Page 11

Foreign observers gear up for monitoring

Adianto P. Simamora , THE JAKARTA POST , JAKARTA | Tue, 03/31/2009 10:11 AM | Election 2009

Seven foreign agencies and seven diplomatic contingents are to deploy their own teams to monitor the upcoming legislative elections, focusing on certain provinces prone to electoral manipulation.

The foreign teams will join hundreds of thousands of observers from 24 local monitoring agencies registered with the General Elections Commission (KPU).

Asian Network for Free Elections Foundation (ANFREL) observer Stephen Brooks said the agency would focus on monitoring polls in Aceh, Papua, Maluku, North Maluku and Sampit in Central Kalimantan to ensure free and fair elections.

“The selection of the areas is based on a decision by mission leaders at their head office; it has to do with the budget and analysis we get from local partners,” Brooks told The Jakarta Post on Monday.

He added the ANFREL team would be watching all preparations for the elections, from April 3 until balloting day on April 9.

The legislative elections will be held on April 9, with 38 political parties vying for 560 seats at the House of Representatives, as well as seats at provincial, regency and municipal legislatures.

The KPU awarded monitoring licenses to ANFREL, the Atlanta-based Carter Center, the National Democratic Institute (NDI), the International Foundation for Electoral Systems (IFES), Friedrich Naumann Stiftung fur die Freiheit (FNS), the Australian Electoral Commission and the International Republican Institute.

The seven diplomatic contingents of the European Union, the Philippines-based election polls (Comelec Uni), the Afghanistan Elections Commission, the Timor Leste Elections Commissions, the Australian Embassy, the Brunei Darussalam Embassy and the Pakistani Embassy have also been registered at the KPU to help monitor the polls.

Foreign observers have been widely involved in monitoring elections in Indonesia since 1999, due to concerns over irregularities being perpetuated during the elections.

Aceh has been one of the most attention-grabbing regions for observation, with the security situation in the province hanging in peril despite the peace agreement between the government and the Aceh separatist movement in 2005 to end the three-decade bloody conflict.

The EU, for instance, deployed 400 personnel to monitor the first-ever direct regional elections in 2006 in Aceh.

EU delegation head for Aceh, Hertmurt Nassauer, earlier said the EU would send electoral experts to monitor the elections in Aceh, especially from the campaign season until balloting day.

Article 232 of the 2008 general election law requires foreign monitoring agencies to report their financial sources to the KPU.

Monitoring teams have the right to legal protection and security from the Indonesian government in carrying out their tasks to observe and collect information on the election process and the vote counts.

Pemantau Asing: Pangkal Masalah Pemilu Mepetnya Waktu

Muhammad Fahmi Gupito

Demo Pemilu 2009 (www.anfrel.org)

JAKARTA - Penyebab masalah dalam pelaksanaan pemilu legislatif 2009 karena mepetnya waktu pelaksanaan pemilu dengan keluarnya peraturan KPU.

Jaringan Pemantau Pemilu ASIA (ANFREL) menegaskan hal itu dalam konferensi pers yang digelarnya, Sabtu (11/4).

Menurut ANFREL, KPU mengeluarkan peraturan terlalu dekat dengan jadwal pelaksanaan pemilu. ANFREL juga menilai KPU terlalu sering merubah aturan yang dibuatnya sendiri.

"Perubahan peraturan sebenarnya tidak menjadi masalah, hanya saja, mereka melakukannya dalam waktu yang singkat. Para aparaturnya di lapangan kebingungan karena belum mengerti peraturan yang baru." kata Bidhayak Das, seorang pemantau dari India kepada *Primair Online*.

Agar masyarakat dan para petugas di lapangan mengerti peraturan yang dikeluarkan KPU, peraturan mestinya dikeluarkan jauh-jauh hari.

Sebanyak 20 Pemantau internasional memantau pelaksanaan pemilu di Jakarta, Aceh, Kalimantan dan Maluku. Mereka menemukan kejanggalan-kejanggalan dalam pelaksanaan Pemilu. Antara lain, soal DPT, kualitas material pemilu yang di bawah standar, serta tidak adanya kerahasiaan dalam memilih di beberapa TPS di Aceh Besar, Bireun dan Pidie Jaya.

Selain itu, ANFREL menemukan masih adanya intimidasi aparat keamanan yang mengganggu selama melakukan pemantauan. Dalam pelaksanaan pemantauan, Tim di Ambon sempat terganggu dengan kehadiran polisi setempat yang membatasi mobilitas tim pemantau. Padahal mereka telah memiliki akreditasi dari KPU.

"Mereka berdalih ingin memberikan perlindungan, tetapi mereka terlalu membatasi gerak kami, mengikuti kemana kami pergi." Kata Somsri Hananuntasuk, seorang pemantau dari Thailand kepada *Primair Online*.

Untuk pelaksanaan Pemilihan Presiden, ANFREL meminta KPU untuk lebih awal mempersiapkan logistik dan distribusinya. Langkah ini perlu diambil agar kejadian rusaknya surat suara dan tertukarnya surat suara tidak terjadi lagi. ANFREL juga meminta KPU agar memperbaiki data DPT.

ANFREL adalah jaringan lembaga swadaya masyarakat internasional yang peduli dengan pelaksanaan pemilu yang jujur dan adil. Dua LSM Indonesia, Komite Independen Pemantau Pemilu (KIPP) dan Jaringan Pendidikan Pemilih Untuk Rakyat (JPRR) tergabung dalam jaringan ini. (NEW)

Pemilu 2009

Pemantau Asing: Pemilu 2004 Lebih Baik

<http://www.tribunkaltim.co.id/read/artikel/26957>



IST
Asian Network for Free Election (ANFREL)

SELASA, 14 APRIL 2009 | 19:32 WITA

SOLO — Pemantau asing Asia Network for Free Election (ANFREL) menilai penyelenggaraan pemilihan umum tahun 2004 lebih baik dibanding tahun 2009 dalam hal logistik, termasuk masalah daftar pemilih tetap (DPT) dan sosialisasi kepada pemilih.

ANFREL yang melakukan pemantauan terhadap pelaksanaan pemilu di Indonesia sejak tahun 1999, pada pemilihan 9 April 2009 menggelar observasi di beberapa wilayah, seperti Nanggroe Aceh Darussalam (Pidie, Bireun, dan Banda Aceh), Maluku (Ambon), Maluku Utara (Ternate), Kalimantan Tengah (Sampit), dan Jakarta. Pemantauan dilakukan lima tim,

sebagian selama sebulan dan sisanya selama dua minggu.

Ini diungkapkan Direktur Eksekutif ANFREL Somsri Hananuntasuk usai bertemu Ketua Panwas Kota Solo Sri Sumanta didampingi anggota Panwas Kota Solo divisi pengawasan dan hubungan antarlembaga Budi Wahyono, Selasa (14/4).

Sebelumnya, ANFREL yang bermarkas di Bangkok, Thailand, juga berkunjung ke kantor KPU Kota Solo. Kunjungan tim ANFREL ke Kota Solo sedianya akan melihat pelaksanaan pemungutan suara ulang, tetapi urung karena telah berlangsung. Sebagai gantinya, ANFREL saling berbagi informasi dengan Panwas dan KPU Solo.

Menurutnya, dari hasil observasinya, pihaknya melihat tingkat partisipasi pemilih pada pemilihan kali ini tergolong rendah meski ia memuji perlakuan yang sama kepada laki-laki dan perempuan dalam memberi hak pilihnya. Ini dikaitkan dengan latar belakang Indonesia dengan mayoritas penduduk beragama Islam. Di Banglades dan Afganistan, pemilih laki dan perempuan dipisah, kata Somsri, yang akan berada di Indonesia hingga 20 April mendatang.

ANFREL juga mengapresiasi pemberian kuota 30 persen kepada perempuan di parlemen, pemakaian tinta yang tidak mudah hilang untuk warga yang telah memberi suara, adanya petugas yang datang ke rumah mengambil suara pasien yang ingin memilih, dan kesempatan memilih bagi pasien rumah sakit jiwa atas dasar rekomendasi dokter. Hal ini, misalnya, tidak terjadi di negara saya, di Thailand, kata Somsri.

Pemilihan yang digelar memilih anggota parlemen di seluruh tingkatan sekaligus, menurut Somsri, juga merupakan langkah bagus untuk menghemat biaya penyelenggaraan. Namun, menurutnya, ini perlu diikuti pendidikan pemilih yang cukup dan pertimbangan kerja petugas yang sangat berat. Sebaiknya petugas yang menjaga proses pemilihan dibedakan dengan yang menghitung hasil suara agar tidak terlalu lelah, katanya.

Somsri juga mengkritisi tayangan televisi yang lebih banyak menayangkan kampanye partai politik ketimbang kampanye KPU. Aturan yang mengatur soal ini, menurutnya, harus lebih ditegakkan. Jika tidak, partai besar dengan banyak uang akan lebih diuntungkan ketimbang partai kecil dengan dana terbatas. Saya berharap hasil observasi kami bisa dimanfaatkan pihak terkait untuk perbaikan ke depan, kata Somsri. **(eki)**

ANFREL: Pemilu 2004 Lebih Baik

<http://nasional.kompas.com/read/xml/2009/04/14/18424396/ANFREL.Pemilu.2004.Lebih.Baik>



KOMPAS/HENDRA A SETYAWAN

Petugas menurunkan logistik dari truk.

Selasa, 14 April 2009 | 18:42 WIB

Laporan wartawan KOMPAS Sri Rejeki

SOLO, KOMPAS.com — Pemantau asing Asia Network for Free Election (ANFREL) menilai penyelenggaraan pemilihan umum tahun 2004 lebih baik dibanding tahun 2009 dalam hal logistik, termasuk masalah daftar pemilih tetap (DPT) dan sosialisasi kepada pemilih.

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Annex 3 – ANFREL’s Statement

PRELIMINARY REPORT: INDONESIA GENERAL ELECTION 9th APRIL 2009

Overview

The 2009 general election in Indonesia has followed a series of significant changes that have taken place since 2004. While many strong and good points emerged from the polling process, there are several areas that perhaps require review and reforms before the presidential election which is slated for July 8 this year.

However, at the outset ANFREL would like to thank all stakeholders for managing to conduct the elections in a relatively peaceful manner. Notwithstanding the errors in the election process that were reported from different parts of the country, the Election Commission (KPU), the security apparatus, the local administrations down to the village organisations must be congratulated for managing to put together another important chapter in the process of strengthening democracy in Indonesia.

As many as 20 ANFREL observers representing seven countries, deployed in Jakarta, Aceh, Kalimantan and Maluku are of the opinion that regardless of the peaceful and generally smooth conduct of the elections; a number of problematic areas need to be addressed in order to make the electoral process more efficient in the future. In particular, registration of voters and management of the polling process has to be made more accountable.

An important concern which was raised by ANFREL observers was the preparation of the voter list, and the tremendous logistical problems starting from the registration process to the distribution of voter invitation letters. This process needs to be reviewed as it led to disenfranchisement of many voters besides being a subject of much discussion and public criticism both during the pre and post election periods.

The other pertinent issues to note are the lack of sufficient training of election officials, especially those managing polling stations, which could raise doubts about the legitimacy of the election. The fact that a number of complaints have been registered by the Bawaslu/Panwaslu regarding either inefficient management by polling officials or misuse of power, has led many stakeholders to question the entire election management mechanism. Meanwhile, the mixing-up of ballots in as many as 159 cases has been registered as of 7 pm on Saturday,⁷⁹ and has been termed as the most glaring poll irregularity by the Bawaslu.

Other issues that deserve mention are excessive reliance on television for campaigning by the bigger political groups and better implementation of the law on campaign finance, and the use of children

⁷⁹ The Jakarta Post, **Ballot mix-up makes up most of election violations**, Sun, 04/12/2009 3:42 PM

during campaign periods. To this effect, the Panwaslu's role assumes great significance as it can monitor such cases and determine whether it is tantamount to electoral fraud or not.

However, ANFREL also recognises the fact that given the constraints of time, financial and human resources, the KPU made a sincere effort in conducting the election smoothly.

Following the observation, ANFREL is of the opinion that the general atmosphere was by and large peaceful, which prompted a decent turnout on the Election Day. However, there are a number of concerns that ANFREL observers have raised. These are as follows:

- Delay in opening of polling stations prevented many, especially farmers and fishermen who had to go to work, from casting their votes
- Ballot boxes were of poor quality and unevenly made which caused problems, as ballot papers could not be inserted into the boxes in some cases, resulting in damage to the ballot paper and delay in the voting process. In some other polling stations the polling staff decided to continue the balloting by opening the ballot boxes so as to make the process easier.
- The proper procedures of voter identification- thumbprint, signature and finger checking, as well as verification of the invitation letter against the available voters list before balloting as a safeguard- were not followed. In a number of polling stations it was found that voters were only required to present their invitation letter to vote.⁸⁰
- Lack of adequate cover for voters in some polling stations to uphold their secrecy while casting their ballots. The size of the ballot papers was another challenge.
- The possibility of mistakes during the counting process cannot be ignored considering that it was an extremely time consuming process.
- Isolated cases of 'soft intimidation,' and 'booth capture,' raises doubts about the neutrality of polling officials and the security machinery.⁸¹
- Monetary and other forms of incentives. For instance in most cases of distribution of money by political parties during socialization, gifts like T-shirts with names of parties, food, clothes (scarf and sarong); water pump, carpet for mosque, musical instrument, television sets, free transport, money for gasoline and sometimes money attached to candidates' name cards.⁸²

1. General Observations

1.1 Cooling Period:

- Generally the cooling period was peaceful, except for some incidences of arson and intimidation in parts of Aceh. The burning of a car belonging to a candidate from Sira Party and also the burning of a school building by unknown persons⁸³ as well as reports of intimidation and threats

⁸⁰ The KPPS in most polling stations, visited, took little interest in comparing names of voters with the available voters list.

⁸¹ Cases of intimidation to voters in Plimbang village, Blang Kota in Bireuen Aceh, Loksomawaye as well as voting under duress in Aceh Besar and Sabang were observed by ANFREL observers.

⁸² Areas where such cases were recorded include Kalimantan Tangeh, West Halmahrea and Ternate, a few places in Aceh and Jakarta.

⁸³ The cases were recorded in Aceh Bireuen. The candidate affected is Drs. Tgk. H. Zahary Sulaiman. Affected persons and parties have registered police complaints.

to voters were a few reported cases of violence. However, these stray incidents did not deter voters from coming out to vote.

- Almost all political parties removed their campaign materials from public places.
- While there were no open campaigns, many parties used the opportunity to conduct door-to-door campaigns, which were not possible for the election commission or security agencies to track.
- Many political parties used the cooling period to train their party agents for the Election Day.
- The KPUD/KIP used the cooling day to distribute the voter invitation letter.⁸⁴

1.2 Environment on Election Day

- The overall environment was congenial, while in some areas of Aceh reports of intimidation and threats to voters were recorded by the Panwaslu (Kecamatan).
- Election was held for a short period of time, from 7:00 am to 12:00 noon. Counting took more time than voting in most polling stations.
- The security machinery, especially the police, deployed its personnel, many in plain clothes in strategic areas to prevent election related violations and violence.
- However, in some polling stations, the security management was lacklustre which allegedly created room for manipulation during voting.⁸⁵

1.3 Administration

- Though there were cases of inconsistencies in many polling stations, overall the polling officials were efficient.
- Voters needed assistance from polling officials and fellow voters to locate their polling booths and also identify political parties and candidates on the new ballot papers.
- Political party supporters and many unidentified persons helped voters locate their polling booths, especially in places which had set up multiple polling stations.
- Civil security personnel were transformed into polling assistants to help voters find the correct ballot boxes, in some cases depositing voters' ballot papers for them.

1.4 Opening

- The opening process witnessed inordinate delays, with some polling stations starting the polling process two hours behind schedule.
- Polling officials arrived much later than the arrival of voters. The arrangements of polling stations took time and added to the delay in the opening.
- In many polling stations party agents came midway through the polling process. During the opening only a few party agents were visible.

⁸⁴ Such instances of late delivery of voter's invitation card were recorded in Ambon city and parts of Aceh.

⁸⁵ In Sabang, Polling Station (TPS) 4, Partai Sira agents took pictures of polling officials allegedly trying to influence voters to vote for Partai Aceh. A case has been filed with the Provincial Panwaslu in Banda Aceh. The role of the security personnel on duty has also been questioned.

- The opening process was not uniform with different polling stations adopting different styles. In some, polling officials took an oath, whereas in others voting began with the presiding officer announcing the time while in others the process began abruptly without any announcements.

1.5 Polling process

- Some glitches notwithstanding, the polling process was conducted in accordance with KPU election regulations.
- Incidence of voting under duress was recorded in a few polling stations. In a polling station in Aceh Besar, voters were not allowed to vote freely.⁸⁶
- There were a number of unauthorised persons inside many polling stations.⁸⁷
- In many polling stations political party agents did not have nomination documents from their parties.⁸⁸
- Fingers of both hands were not properly checked by polling officials.
- Many children were seen playing inside polling stations which
- Secrecy of voting was maintained whereas inking was done at the end of the balloting process. While most polling stations ensured complete secrecy a few displayed total ignorance of it.
- Voters were comfortable with the use of 'Contreng,' (using pen to cast the vote), most knew how to use it and there were less invalid ballot papers than speculated.
- Brail ballot papers were provided for the visually impaired.
- Patients in hospitals and their relatives were allowed to vote at nearby polling stations. No mobile ballot boxes provided as was the case in 2004.
- Another finding that could assume significance was that prisoners could vote.⁸⁹

1.6 Closing and Counting

- In a number of polling stations the closing time was extended to well beyond 2:00 pm to make up for the loss of time during opening. A few polling stations extended the time for elderly and physically challenged voters.
- Many other polling stations strictly adhered to the official closing time.
- The counting process was lengthy and in some cases chaotic. There were several reasons for this, such as the inability to locate the ballpoint pen-marked tick, the casual approach of polling officials, poor arrangements etc. All of these can be regarded as possibilities that could have paved the way for fraud to occur during the counting process.
- Party agents recorded all the votes that were counted. Party agents were happy to share their records with their counterparts from other political parties.

⁸⁶ In Sinyeu/TPS 26, civil security personnel on duty opened ballot papers for voters and showed them where to vote, while voter secrecy was absent as Partai Aceh supporters, as many as eight, kept a constant vigil over voters in the ballot marking area.

⁸⁷ Cases reported from across Aceh and Jakarta include religious leaders, government employees and unidentified persons.

⁸⁸ In a TPS in Cipinang Bujur Utara in Jakarta, party agents went home to get the nomination papers when ANFREL observers enquired about it.

⁸⁹ In Prison Lipas Cipinang all 2448 prisoners could vote except new and outgoing inmates. In Aceh Bireuen only a few prisoners could vote as many did not have the A5 invitation letter, owing mainly due to the oversight of the local KPUD and the census department.

- There was no uniformity regarding storage of unused ballot papers. In many polling stations it was found that unused ballot papers were marked with a cross and kept in plastic bags, whereas in others they were simply stacked away without any markings.
- In most cases unused ballot papers were counted but the numbers were not announced.

1.7 Observers

- ANFREL observers did not face any opposition from any polling station official or political party agents.
- In most polling stations ANFREL observers found a cordial atmosphere.
- Other observer groups who were on duty in areas covered by ANFREL were the Carter Centre and the European Union as well as some local observer groups.
- Local observer groups and their networks i.e. KIPP, JPPR and CETRO are not happy with the overall election management. They favour electoral reforms as well as better performance of the KPU

2. Post Election period

2.1 Points for consideration:

The main point that emerged during the “recapitulation”⁹⁰ process was the different methods used in different sub-districts to recount the votes.

- The process of scanning and transmitting of DPR results at the KPUD Kabupaten/Kota (districts) is extremely slow. Till compilation of this report less than 10 per cent⁹¹ of the national tabulation has been recorded.
- At the sub-districts the counting of the DPRD-I, DPRD-II and DPD did not seem to follow a uniform system in terms of counting and tabulating votes at the kecamatan/sub-district office as the intention was to speed up the process to meet the set deadline by the KPU.
- This was generally done in agreement with political party witnesses.⁹² However, in many sub-districts recounting could not be completed even a day after the deadline.⁹³

⁹⁰ The Indonesian word “rekapitulasi” is used to refer to the tabulation process during the post election period.

⁹¹ Till date the KPU only finished 13 million out of approximately 170 million. The KPU claimed there are problems in recognizing form C1-TI (certificate of result for DPR ballot) and synchronizing the result. The KPU decided to move the venue of national tabulation from Hotel Borobudur to the KPU headquarter.

⁹² In Subang, Bandung, West Bandung, Bogor District as well as in Aceh, different methods were adopted to conduct the recounting process using serial, parallel and mix methods. Some sub-districts used the Parallel counting method wherein PPK officers formed small groups to tabulate the results in a specific village. They did this simultaneously following which the results were forwarded to the “central tabulation” board where all the results from the villages were added up. This method was witnessed in Cipatat and Cisarua Sub-districts in West Java and in Tambora sub-district in West Jakarta. In a district *in Subang*, the serial methods of counting as stated in the election code was used. Similar processes were recorded in Kuta Alam sub-district in Banda Aceh where only the recounting process of DPRK could be completed by April 14, 2009.

⁹³ In Kecamatan Tanah Abang, Central Jakarta they have not finished as of April 18. In this area several *Berita Acaras* were not filled-out by the KPPS which most probably was due to lack of training. Hence, the PPK from this sub-district needed to open the ballot boxes to take out the tabulating sheets from every TPS. Another example of delay of counting settlement also happened in Kecamatan Cengkareng as well.

- In many other sub-districts the recapitulation process was conducted with utmost efficiency. This was largely possible following modification in the counting process as well as a systematic approach and proficient time management.⁹⁴
- There was confusion amongst polling officials of some polling stations regarding aggregating the results as there were different understandings in recognizing votes for party and candidates. The confusion occurred when polling staff counted the ballots marked on both party and candidate as two votes.
- A KPU circulation letter (No. 676/KPU/IV/2009) which, was issued to validate mixed ballots that were already cast created more confusion.⁹⁵
- The votes which were considered invalid owing to disqualification of candidates and political parties, for instance in Kebuman, Central Java⁹⁶ and Sabang in Aceh⁹⁷, led to some amount of confusion. Many voters expressed their dissatisfaction with the inability of the KPU to inform them well in advance of the disqualifications.

2.2 Media: The media was generally free to observe the election process. There is no reason to believe that the media did not play a neutral role. In most cases the media's role seemed to be unbiased. Moreover, media was allowed full freedom of expression and most of the cases of aberration or significant developments during the election process were reported.

2.3 Women:

2.3.1. Obstacles and opportunities for women: The general impression that emanated from this election was that while women were competing in a very open system, their position continues to be disadvantaged, owing to several reasons. Some of these include, lack of popularity, money power, and voters in most cases preferring to vote for male candidates.

There are certain provisions in the election law that provides women the opportunity for equal participation in politics. For instance Law No. 10/2008 requires all political parties to allocate 30 per cent quota for women candidates on political party lists. Furthermore, the so-called "Zipper" system, adopted by the Parliament (DPR) which requires political parties to include at least one woman among three candidates throughout the party list proposed by the party also creates sufficient conditions for women's active participation in parliament. However, the Constitutional Court (MK, Mahkamah Konstitusi) ruling that parliamentary seats should be assigned based not according to political party lists but according to the number of votes each candidate receives contradicts and dampens the spirit of both the quota and the

⁹⁴ In Merexa sub-district in Banda Aceh which has a total of 25 TPS, the recounting was completed on 15, April, 2009. Furthermore, the final count was computerized and political party witnesses observed the process and approved of the use of technology. In other sub-districts like Lung Batag, which has 41 TPS and regardless of the fact that 3 ballot boxes had to be opened following complaints by party witnesses, recounting was completed well on time. In the district of Sabang recounting process was also completed on time.

⁹⁵ The mixing of ballot papers occurred during the process of distribution from the KPU to its units. This triggered massive complains from candidates, as they assumed that their existence had been denied when KPU ordered that only votes for the party should be considered valid.

⁹⁶ The PDIP candidate did not contest since he elected as vice Bupati. His vote was considered invalid by the KPUD Kebumen but the political party protested the decision on the pretext that the votes should go to the party.

⁹⁷ Voters gave their votes to the PRA party though the party had been disqualified.

zipper system and could possibly prevent women from getting seats even if their names are on the party list.

The zipper system should be encouraged as it embodies the principle of affirmative action in so far as women's active participation in politics is concerned.

During the observation in the post election period several concerns were raised:

- People may not vote for female candidates for several reasons.⁹⁸
- From a cultural perspective people are always believed to consider women as not having the ability to handle political work and that they should do work at home and take care of family.
- Since the system permits voters to choose the party and the candidate at the same time for DPR and DPRD, it creates more competition among the candidates inside the party. Male members in the same party will not support female candidates because the latter are seen as 'internal rivals,' who could push them out of the race for seats.
- Political parties are obligated by law to enlist female candidates but they often do not sincerely support their candidature.
- Majority vote system does not create sufficient space for women to get seats in the Parliament, especially while competing for equal opportunity with their male counterparts.

2.3.2. Proposal:

- The zipper system as provided by Law (No.10/2008) should be applied for the purposes of seat allocation while the Constitutional Court could review its decision of majority vote on women.
- Women and men should have separate seat allocations and it should not be according to the number of votes received. In other words a certain quota for women is created regardless of the votes they poll.
- There is a need to accept this kind of provision in order to encourage women to get into politics. Or reserve seats for women as is the case in Bangladesh may be adopted. Half of the population in Indonesia are women but only 11.3 percent of seats at House of Representatives (DPR) belong to women in the year 2004-2009⁹⁹.

The system of quota for women should be promoted for a number of years until enough women get into politics and are confident to work hand in hand with men. However, men must also be confident about their female counterparts, so that they do not undermine their capacity and ability. This is a case of positive development which could be used in local and national elections though it may not be used as permanent system. However, it can be ever lasting provided it is preferable to the country that uses it. In this context, the present system needs to be contextualized from the perspective of an open list system where the quota for women is more secure as the intention would be to increase women's chances of active participation in parliamentary politics.

⁹⁸ Women candidates interviewed in Aceh Bireuen were of the opinion that people do not vote for women. Similar views were expressed by Mrs. Linda Paninsies, a consultant of NGS Bilateral project, about women in politics in Yogyakarta district.

⁹⁹ TAPOL, Election Update, issue 4, February 2009. "Women in Parliament: Quotas and Beyond" by Adriana Sri Adhiati.

3. Recommendations

3.1 Long Term Electoral Reforms

10. A comprehensive census needs to be conducted for preparing an accurate and acceptable voters' list.
11. It is important to modernize the system by computerizing the nationwide population data. People in all islands and remote areas can be identified in collaboration with local organizations, civil society and officials. It should be a national agenda.
12. The Voter list should not be under the supervision of The Home Ministry. The structure of elections-related bodies should be reviewed and compared to the structure that had been used in 2004.
13. Indonesian citizens should be able to obtain only one ID card. It should be illegal to hold more than one card. The bureau of statistics should be called back to assist in updating the list. Government must call those who hold double or multiple IDs to return their cards to local administration and choose only one address for permanent official contact.
14. Actualize opportunity for women in politics. Indonesia should amend the law to set up a quota system for female candidates in the party list and consider counting female votes separately from male votes.
15. Change all ballot boxes to semi-transparent boxes for long term use.
16. Change the padlocks into a plastic seal with serial numbers to avoid irregularities.
17. Consider adding elections and electoral observation-related material to the school curriculum and encourage university students to become domestic observers.

3.2 Further Recommendations

24. Voters should put their signature or thumb print on the voter list before voting on polling day.
25. Stricter enforcement to filter proxy voters, multiple voters, phantom voters, underage voters should be prohibited.
26. Law enforcement must penalize the above electoral violations. Authorities who do not implement the law must be investigated and punished as well.
27. Stricter enforcement of campaign finance regulations to check lavish spending by parties.
28. All candidates should report their campaign expenses. Those who spend money above the KPU limitation and those who violate the regulations before or after the election must be disqualified and barred from politics for a certain period of time.
29. Tabulation at all levels needs to be done uniformly and the results should be monitored.
30. Encourage people/voters to check their names on the final voter list before Election Day.
31. Voters' list should be updated immediately in order to accommodate the unregistered voters before the presidential elections which are only a few weeks away. Amendments or revised laws, regulations and procedures must be informed to KPU units and Panwaslu at all levels. All KPU information should be shared with Panwaslu.
32. Election related regulations must be issued well ahead of the election by the KPU so that timely action can be taken, such as changes in regulation should be well circulated to ensure the elections workers understand the alterations. While it is understood that change of election regulation is carried out with a good intention, however, frequent changes could lead to confusion regarding during implementation in the field.
33. The result of the counting should be posted in front of each polling station (TPS).

34. All of the authorities concerned (KPPS, KPU, Panwaslu and Party Agents) need more training and information about updated regulations and procedures so they can perform their duties professionally.
35. KPPS officials should make use of their power to remove unauthorized persons from the polling station and prevent interference and intimidation.
36. Ballot papers should have the correct names of their respective electoral districts printed on them to reduce cases of mishandling.
37. Bawaslu/Panwaslu should be administratively independent at all levels. The KPU should not be involved in the selection process of its members. The Bawaslu should have powers to investigate cases and take appropriate actions in response to election irregularities to ensure a check and balance process.
38. To reduce cases of electoral impunity, it is important to prolong the period of receiving complaints and investigation. If evidence or witness (es) emerges later than 14 days, Panwaslu should be able to continue handling the case. This will allow more investigation at the constituency level. After sending the case to the Police, Panwaslu should continue monitoring the cases till they are submitted to the court. The timeframe for filing complaints to Panwaslu should be longer than 3 days following the incidents.
39. Panwaslu should be able to begin their work before voter registration and before the beginning of the campaign, so that they can monitor the process from the beginning.
40. Panwaslu's working style should be more proactive. Rather than wait for complaints to be sent to their offices, the Panwaslu should go out and talk to people to inspect or monitor every stages of the election process.
41. All information regarding the electoral process should be hosted on the KPU website with an English version for international observers and foreign media.
42. All marking impressions should be considered valid in ballot appreciation.
43. Ballot paper for DPR should be should be one-sided and in the same sheet. While inking can be on any finger of either hand, cloths or other materials should not be used to dry the marked fingers.
44. A system of "no vote," could be introduced so as to be able to provide the voter with a legitimate option of not choosing any party if the voter so desires. This option is suggested considering the fact that there was no way to establish the reason behind voter's reluctance to mark their choice in the ballot papers. During the counting many ballot papers were found to be blank.
45. A marker pen should be used instead of the ball-point pen as it will increase the visibility of the Contreng and help save precious time when determining ballots.
46. Color-coded ballot boxes could also be used to allow voters to easily identify the correct ballot boxes for each ballot in order to speed up the polling process. This would prevent security and polling officials from handling voter's ballots.

Dated: 23rd April 200

Preliminary Statement

April 11th, 2009

Indonesia needs basic electoral process review before Presidential elections.

The 2009 general election in Indonesia has witnessed some significant changes since 2004. While many strong and good points emerged from the poll process, there are several other areas that perhaps require review and reforms before the presidential election which is slated for July 8 this year.

However, at the outset ANFREL would like to express its appreciation to the entire Election machinery for managing to conduct the elections successfully. Notwithstanding, the errors in the election process that were reported from different parts of the country, the Election Commission (KPU), the security apparatus, the local administrations down to the village organisations must be congratulated for managing to put together another important chapter in the process of strengthening democracy.

As many as 20 ANFREL observers representing seven countries, deployed in Jakarta, Aceh, Kalimantan and Maluku are of the opinion that regardless of the peaceful and a generally smooth conduct of the elections, a number of problematic areas needs to be addressed in order to make the electoral process more efficient in the future. In particular, registration of voters and management of the polling process has to be made more accountable.

Another very important aspect that needs to be urgently examined and reviewed is the preparation of the voters list, starting from the registration and update process to the distribution of voter's invitation letters. This process needs more efficient functioning of the census/statistic bureau of the government of Indonesia with possible involvement of expert agencies. This step in the functioning of a healthy participatory democracy assumes great significance. Most of the discrepancies that crept up during the election process were related to improper voter's registration by the concerned authorities leading to disenfranchisement of many voters.

The other pertinent issues to note are the excessive use of television for campaigning by the bigger political groups, use of the internet for campaigning during the cooling period, implementation of the law on campaign finance, use of children during campaign periods and comprehensive voter education.

Some positive developments:

1. Most prisoners and some patients of mental hospitals could vote.
2. Bawaslu is more independent than before in term of the authority, and tenure of duty.

3. Quota for women (zigzag) is promulgated in the law for the first time.
4. Cooperation from political parties and local government to take down all campaign material from public places on cooling days (6th -8th April,2009)
5. Polling booth secrecy was maintained whereas inking was done at the end of the balloting process.
6. The use of 'Contreng,' (using pen to cast the vote) have been implemented and most of the voters knew how to use it and there were lesser invalid ballot papers than speculated. The other findings that could assume significance are that all prisoners could vote

Based on the observations ANFREL makes the following recommendations

1. **Elections Regulation:** Election related regulations must be issued well ahead of the election by the KPU so that timely action can be taken, such as changing in regulation should be well circulated to ensure the elections workers understand the alterations. While it is understood that change of election regulation is carried out with a good intention, however, frequent changes could lead to confusion regarding during implementation in the field.
2. **Election Administration:** KPU as an autonomous elections administrative body should enjoy their independence without any interference from other power centres of the state. The KPU should secure all necessary legal basic and budget support on time to support their works to implement the election according to plan.
 - Bawaslu/Panwaslu should be administratively independent at all levels. The KPU should not be involved in the selection process of its members. The Bawaslu should have powers to investigate cases and take appropriate actions in response to election irregularities to ensure a check and balance process.
 - As an international norm, the elections system should accommodate the rights of every citizen to take a part in the elections. The participation of the military and the police personnel too perhaps could be subject to further discussion.
 - All information regarding the electoral process should be hosted on the KPU website with an English version for international observers and foreign media.
 - Logistics planning should be more comprehensive; transportation and delivery to the most remote areas must be arranged on time to avoid delay or postponement of election.
 - **Voter Education:** Need for more voter education by KPU as political parties and many voters are not aware of the new system. Besides KPU invitation letters must be sent to voters at least one week before the Election Day. The low turn out of voters was perhaps a consequence of these let-ups on part of the KPU which makes the voter to lose faith on the election process.
3. **Polling Process**
 - Proper procedures like voter identification before their casting the votes e.g. thumbs print or signature before taking ballot papers and finger checking as a safeguard must be adopted so as to reduce inconsistencies in the polling process.

- In order to make the counting process easy, the areas for marking votes on the ballot paper should be scaled down. All marking impressions should be considered valid in ballot appreciation.
- To reduce invalid ballot papers, KPU should educate people what are valid and invalid votes besides informing them about replacement of spoiled ballot papers just once.
- The polling stations should open on time and all arrangements for voting and counting should be prepared before the opening of the polling process.
- Ballot paper for DPR should be should be one-sided and in the same sheet. While inking can be on any finger of either hand, cloths or other materials should not be used to dry the marked fingers.
- Party agents should be equipped with all the election related identification documents.
- Efficient socialization must be encouraged for better awareness amongst all.
- Ballot boxes were of poor quality and unevenly made which caused problems, as ballot papers could not be inserted into the boxes resulting in damages. Preferably, ballot boxes should be of highly quality and transparent.
- Polling officials should not assist voters to cast their ballot unless asked to accommodate requests from disabled voters.
- Unauthorized and religious leaders should not be allowed to sit inside polling stations if they do not vote or have already voted.
- Private places such as people's houses should not be used for setting up polling stations.
- Irregularities, starting from campaign period to polling day must be seriously reviewed and investigated. Cases of voters' intimidation, violence and threat, booth capturing and other frauds related elections should be handled seriously and transparently.

ANFREL will re-deploy team to several important areas in Indonesia to observe post elections environment until April 20. Thereby ANFREL will release its finding and comprehensive report accordingly.

Annex 4 - Example of the ballot paper



DPRD Ballot Paper

http://www.jprr.or.id/component/option,com_remository/Itemid,27/func,startdown/id,217/



SURAT SUARA PEMILIHAN UMUM

ANGGOTA DEWAN PERWAKILAN DAERAH
DAERAH PEMILIHAN : PROVINSI DKI JAKARTA



1	2	3	4	5	6	7	8	9	10	11	12	13	14
A. SASTRAWATI, R., Ds., M.Ps.	ADI SUKAWATI	HELIYACHARIAN, R., Ds., S.Pd.	JOHANI SAGANI, S.Ps., Mm.	KOENIG D. SUPRIATN, R., Ds.	KOENIG RYAN T., Ss., Mm.	IBRAHIM FURQON, HANANI, H., Ss., Mm.	ANDRI SAFLEON, HESAN, M.	ARMAH SUBAGDI, H.	ALEF MULLANA, H.	ANDI KURNIAWANTO, BACHRIED, H.	ANDI HAZRUMI	AFID MAFFUEL, H.	ATI HENDATI, H., S., M.S.
15	16	17	18	19	20	21	22	23	24	25	26	27	28
WIKALISA, S.Aj.	CECOP PRASADIA, Ds.	DHANI KURNIASASTI, H.	DHANI HENDRI, H., Ds.	DANAUM	DHANI HENDRI, H., Ds., Mm.	DESI MELINDA, H.	DEVI SANTI, Ds., Mm.	DIKON HENDRIAN	DINDA SANTI, H., Ds., M.S.	H. HANIKU SACHRI, ANSARI, H.	DINDA SANTI, H., S.Pd.	ENNY LARINI, Ds.	ENNY SACHRI, S.Ps.
29	30	31	32	33	34	35	36	37	38	39	40	41	
ETI KURNIA, H., Ds., M.S.	FEN FENDARIYAN, H.	HANANI HANANI, H.	HANI HANANI	HANANI, S. Ds.	JAYATI, H.	JAYATI, H.	KORINA PURNADARSI, H., Ss., Mm.	K. ATHOLLAH, ARMAH, H., Pns., Ds., Mm.	M. USMAN, DARRAL, Ds., Mm., H.	M. JAYATI, H., S.	M. JAYATI, H., S.Pd.	M. A. S. MUR, MUR, H.	

DPD Ballot Paper

http://www.jprr.or.id/component/option,com_repository/func,fileinfo/id,215/



SURAT SUARA PEMILIHAN UMUM

ANGGOTA DEWAN PERWAKILAN RAKYAT



DAERAH PEMILIHAN :

1	2	3	4	5	6	7	8
9	10	11	12	13	14	15	16
17	18	19	20	21	22	23	24
25	26	27	28	29	30	31	32
33	34	41	42	43	44		

DPR Ballot papers
<http://www.scribd.com/doc/10102740/CONTOH-SURAT-SUARA-PEMILU-2009>