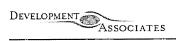# REPUBLIC OF INDONESIA

I. System of Government

1. Indonesia is a unitary republic with a presidential form of government.

2. The President is head of state and head of government. From 2004 the President and Vice President have been directly elected on a joint ticket for a five year term, with the possibility of a single re-election. Election is by a two round system, with a second round being required if no candidate ticket wins at least 50 percent of the national vote and 20 percent of the vote in at least half of the provinces.

3. Indonesia has a bicameral national legislature, which has a five year term. The People's Representative Council (DPR) consists of 550 members elected from constituencies of between three and 12 members under an open list proportional representation system, The Regional Representative Council (DPD), which has limited review powers, is composed of four members per province (currently 128 members) elected as non-political party candidates from each province at large, using a single non transferable vote system. The two houses sitting together form the temporary, separate institution of the People's Consultative Assembly (MPR) which has limited powers, including that of constitutional amendment.

4. Provincial and municipal Peoples Representative Councils (DPRD) are elected under a similar electoral system and at the same time as the national DPR. From 2005, provincial governors and municipal mayors have been directly elected every five years, whenever their terms end, by a two round election system.

5. For the presidential election of September 2004, 153,312,246 Indonesians were registered as voters.

II. Electoral Legal Framework

6. Elections in Indonesia are governed by the Constitution, electoral laws agreed by the DPR and the President, and implementing rules and regulations promulgated by the President, the Minister of Home Affairs, and the General Election Commission (KPU), the independent election management body created by the Constitution.

7. The 1945 Constitution, as amended to 2002, contains the basic provisions for Indonesian citizenship, elected offices and terms of office, election participants, the presidential election system, and the election management body (KPU). Other instruments governing national elections and elections for regional legislatures include: Law 31 of 2002 on Political Parties, Law 32 of 2002 on Broadcasting, Law 12 of 2003 on General Elections, Law 22 of 2003 on the Structure and Composition of the Legislatures, Law 23 of 2003 on Presidential/Vice Presidential Elections, Law 24 of 2003 on the Constitutional Court; government regulations including those on the appointment, structure and working procedures of the KPU; and decrees and directions of the National KPU and of the national Election Supervisory Committee (Panwas).

8. Elections of provincial governors and municipal mayors are governed by Law 32 of 2004 on Regional Governance, Government Regulation six of 2005 on Election of Regional Heads, regulations of the Minister of Home Affairs, and decrees of provincial and municipal KPUs and Panwas.

III. Electoral Management Body

9. Elections in Indonesia are implemented by the General Election Commission (KPU), which was appointed in 2001 under Law four of 2001, and later given constitutional backing as a national,

independent and permanent institution.

10. The KPU is tasked with the planning and conduct of all aspects of elections, including determining electoral procedures, determining electoral districts and qualified contestants, maintaining a voters register for each electoral district, controlling election campaigns, conducting voting and vote counting, and determining and announcing election results. It does not have a specific power to conduct voter education, but must inform the public of its activities.

11. The KPU consists of a national Commission, and hierarchically appointed permanent Commissions at provincial and municipal levels (KPUD) and temporary Committees at sub district, village and voting station level. The KPU appoints Overseas Election Committees (PPLN) and subsidiary voting station committees at Indonesian missions abroad to control overseas voting—which is allowed for presidential and national legislature elections only. Appointees to all these Commissions and Committees must be independent public figures.

12. The Election Supervisory Committee, which consists of Committees from national to village level and is funded through the KPU's budget, supervises the KPUs conduct of elections, monitors election processes and deals with election disputes and allegations of electoral law violations in the first instance.

IV. The Right to Vote

13. Indonesians who are qualified to vote are citizens who are at least 17 years old at the time of the relevant election, or who are or have been married, and are registered as voters. Voter registration is not mandatory. Persons disqualified from being registered as a voter and voting are: (a) those who are suffering from a mental disorder; (b) those whose voting rights have been revoked by a final court judgment; and (c) those under a final sentence of imprisonment of five years or more as at election date. Additionally, voters who have not been domiciled in an electoral area for at least 6 months before the date of compilation of the Preliminary Voters Register for that area, as supported by data on their national identity card (KTP), are disqualified from registering to vote or voting in an election for provincial governor or municipal mayor relating to that electoral area.

14. Qualified Indonesian voters who are overseas on the date of a presidential or national legislature election may register overseas to vote and vote in these elections.

15. From 2003, members of the National Armed Forces (TNI) and the Indonesian Police Force (POL-RI) have had the right to vote. However, there has been agreement between political and military leaderships that this right is not yet be implemented.

16. Where a voter has more than one domicile, for legislative and presidential elections that voter currently may choose the single domicile for which he/she is to be registered. For voter registration for provincial governor and municipal mayor elections, voters with multiple domiciles must register for the domicile shown on their national identity card (KTP).

17. For legislative and presidential elections, voting stations cater for a maximum of 300 voters. For provincial governor and municipal mayor elections, the maximum number of voters per voting station is 600.

V. System and Procedure of Voter Registration

18. Voter registration in Indonesia may be both state initiated or self-initiated by voters. The KPU determines the voter registration period. For the April 2004 legislative elections, the law required that

the voters register be finalized six months before election date (a deadline that was not met by the KPU). Subsequent presidential elections and provincial and municipal executive elections have used updated versions of the 2004 legislative elections voters register.

19. Maintaining the voter register within Indonesia is legally the responsibility of the temporary Village Election Committees (PPS) of the KPU appointed for each election, on the basis of data provided to them either by individuals, the KPU, or state agencies. Voter registers are not continuously maintained, but are updated nationally prior to any nation-wide election, and in the relevant province or municipal area for the election of a governor or mayor.

20. In preparation for the 2004 legislative elections, the KPU, coordinating the Department of Home Affairs as population administrator and the Central Statistics Bureau (BPS) as data collector/processor, conducted a nation-wide comprehensive population registration (P4B), by door-to-door enumeration, in April and May 2003. Data collection was organized on the basis of the census blocks used for the periodic population census in Indonesia, and all buildings within each of these blocks—whether residential or non residential—had to be visited and accounted for by enumeration officers.

21. At each residence the enumerator collected data on address, number of families at the residence and their members, and household ownership status. For each person to be registered, the enumerator collected data on: ID card number (not mandatory), full name, father's name, mother's name, place of birth, addresses of any other residences, date of birth and birth certificate number (not mandatory), age, work permit number (for non-citizens only), citizenship status, marriage status, occupation, status in the household, education, physical or mental disabilities, religion, voter registration status (either qualified or having a specifically noted disqualification), blood type, any requirements for assistance to vote, and gender.

22. Data for up to four registrants in a household could be recorded on a single registration form. Registrants did not have to be present in person for their data to be recorded, nor was any sworn statement, signature or other mark collected to attest the accuracy of the data at each household.

23. Data collected during this population registration was electronically processed and amalgamated. For voter registration purposes it was stripped of the names and details of all persons not eligible to register as a voter, and stripped of data for persons eligible to be registered as a voter except full name, marital status, place/date of birth, disability, gender, full address of domicile. The data was then broken down into each Village Election Committee (PPS) geographic area, and sent to the relevant PPS to be used as the Preliminary Voters Register for the 2004 legislative elections.

24. The Preliminary Voters Register was required to be placed on public display by the PPS for a period of 14 days. During this period, voters could apply to the PPS for addition of their names and details to the register or amendment of their existing details on the register. Family members of voters or relevant authorities could advise the PPS of deaths, transfers and omissions and errors on the register.

25. PPS amalgamated approved additions and amendments to the Preliminary Voters Register into a Supplementary Voters Register, which was displayed publicly for seven days. During this period the PPS accepted applications for corrections and additions to, and removal of, entries on the Supplementary Voters Register. The Preliminary Voters Register and Supplementary Voters Register, as amended for accepted corrections, were combined by the PPS to form the Final Voters Register for each PPS. The Final Voters Registers were placed on public display by PPS immediately after their completion, for five days.

26. For the subsequent two presidential election rounds of 2004, the KPU modified the voters registers for the previous election, adding voters turning 17 by the next election date, and sent these to PPS as the

Preliminary Voters Register. PPS then implemented a similar process of public display and revision to create Supplementary Voters Registers and Final Voters Registers as was done for the legislative elections.

27. For the continuing process of elections of provincial governors and local mayors that commenced in 2005, the national KPU has had no election management role. Voters registers for these elections are prepared separately by each municipal area's KPUD. Data for Preliminary Voters Registers is provided to the KPUDs by local administration offices of the Department of Home Affairs, and is based on the registers used at the 2004 legislative elections (rather than the updated registers used for the presidential elections), as amended by local population data held by these departmental offices. Preliminary Voters Register data is sent to each PPS, for public display and advice of amendments, compilation of the Supplementary Voters Register for public display, and advice of amendments and compilation of the Final Voters Registers. The period for public display of each of these registers is three days.

28. Qualified voters who are overseas may register as a voter for presidential and national legislature elections with the PPLN at the nearest Indonesian mission. For national legislature elections, all overseas voters are assigned, in roughly equal proportions, to one of the two electoral districts for the Special Capital Territory of Jakarta. Overseas voters may register in person—either by attending the mission or being visited by PPLN staff at their residence, or by mail, fax or email if there is no PPLN established in the city in which they live. The registration of overseas voters is voluntary. Each PPLN must publicly announce the 20 day period for registration of overseas voters at least seven days before it commences.

29. Similarly to registration within Indonesia, each PPLN produces a Preliminary, Supplementary and Final Voters Register. The Preliminary Voters Register is placed on public display by each PPLN for 20 days during which time voters can advise amendments or additions, and there is a subsequent 21 day period during which voters not included in the register can apply to be registered.

VI. Data Management and Storage

30. Responsibility for management/update of the voter register for each election lies with each Village Election Committee. Primary responsibility for storage of registration data between elections lies with each municipal level KPUD. BPS has been responsible for providing these KPUDs with updated data, from its P4B database, on people becoming qualified to vote at a national election through attaining 17 years of age. Local offices (Pemda) of the Department of Home Affairs have been responsible for providing updated population registration to KPUDs before an election for a provincial governor or municipal mayor. For voters overseas, responsibility for voters register data management lies with each (temporary) PPLN.

31. BPS managed the processing of all data collected during the 2003 P4B project, on which voter registers have since been based, before handing over final data to the KPU. BPS set up 39 centers throughout Indonesia to process this data.

VII. Data Management Technology

32. The initial P4B data for voter registration was collected on forms suitable for intelligent Optical Character Recognition (OCR) processing using high speed electronic scanners. Data was scanned, checked and cleaned using off-the-shelf software (Ascent), and corrections made using verified keying, at BPS's processing centers.

33. Subsequent amendments to voters register data have been made by automated update of the base data

at BPS to include newly turned 17 year olds in registers, key entering of amendment, transfer and additions data to computers in municipal KPUDs, and manual amendments and additions to lists by PPS. During 2004 this was controlled and integrated by the national KPU. Since then, with the national KPU having no responsibility for the registers used for provincial governor and municipal mayor elections, and data being provided for these registers through local administration offices of the Department of Home Affairs, there is no consistent picture of the technology or management processes being used for voters registers.

VIII. Types of Voters List Generated

34. Preliminary, Supplementary and Final Voters Registers are produced at the village (PPS) level (and PPLN for overseas voters). Final Voters Registers for each village or PPLN are segmented on a geographic area basis into a unique Voting Station Register for each voting station. Voters registers are not made available in any other format, at any other time, or for any other purpose.

IX. Proof of Registration

35. A voter is given a receipt as proof of registration when he/she registers or amends his/her data on the register during periodic updates. After the Final Voters Register is prepared for an election, municipal level KPUDs print a voters card for each registered voter, which contain a serial number, and the voter's name, place and date of birth, and address. These cards are distributed to voters through each PPS, and exchanged for the receipt for voter registration. Before each election each voter is also delivered a manually prepared invitation to vote at a particular voting station, Voters must show both their voters card and their invitation to vote, and be on the voters register for that voting station, to prove their voter registration and eligibility to vote at a voting station.

X. Maintenance of the Voters List

36. As the voters register is only periodically updated prior to each election, there is no continuous maintenance of voter register data. Periodic update of voters registers is undertaken as described at Section V above. However, registered voters who move residence to a different village, and wish to exercise their voting rights in their new area, must report this change to their village PPS before they move. This PPS removes the name of the voter from the voter register for the 'old' residence and issues a Statement of Change of Voting Location to the voter. The change of address has to be reported by the voter to the PPS for his/her new address. It is not clear how these voter registration transfer provisions can be implemented between elections, as PPS are temporary, election period bodies.

XI. Quality Assurance Mechanisms

37. The collection of voter registration data during the P4B process was subject to field work and processing quality controls. Collected data was randomly checked by field supervisors, copies of receipts for registration were provided to village heads for review—to identify registrants who were not residents of the village, and registration forms were checked for completeness at municipal level BPS offices. Registration form processing at BPS centers was subject to accuracy and completeness quality controls, with scanned records being compared visually with the original registration forms.

38. During P4B processing, BPS only had the capacity to check for duplicate entries within each province—not nationally. The KPU has not since instituted any procedures or automated data matching facility to check for duplicate registrations within Indonesia or between Indonesian and overseas registered voters.

39. Subsequent updates of the voters register have relied upon advice from village officials and public display of the preliminary and supplementary voters registers to correct errors and omissions on the registers. There are no formal quality controls on the entry of amended information onto the registers.

XII. Transparency and Accessibility to the Public

40. Preliminary, supplementary and final voters registers are placed on public display for a limited period of time before each election to allow voters to check their entries. Requests for deletion or addition of voters from voter registers, and amendment of voters' data on the registers, may be received from third parties. The relevant voter is not informed officially of these and has no access to the process for determining whether this information is accepted.

41. In its 2003 review of the Indonesian Law on General Elections, International IDEA noted that the legal framework for voter registration lacked guarantees of transparency, specifically relating to the conduct of P4B, the regulation of omissions, additions and objections to entries on the voters register, and regulation of the protection of data, including personal information, in the voter registration process.

XIII. Voter Education

42. The KPU was provided with little government funding for its voter information activities—reflecting the fact that voter education is not included amongst the KPU's legal responsibilities. One week prior to the commencement of P4B in April 2003, the KPU commenced an extremely limited public information campaign for voter registration on some national TV stations, as well as in radio and print media, and produced print materials for distribution. From 10 April 2003, UNDP funded $125,000 additional airtime for the KPU's television information campaign, and information spots on state radio and local TV stations, through to the first week of May, covering most of an extended P4B data collection period. Limited survey data tends to indicate that less than 50 percent of the population was aware of the voter registration process when P4B commenced at the beginning of April 2003.

43. Following the funding of a Media Centre at the KPU by UNDP in mid 2003, this Centre undertook further voter registration information activities—such as production of print materials—including for publicizing the review periods for voters registers. This was supported by voter registration information activities of international donor funded NGOs. Comprehensive IFES surveys in the January-March period of 2004 indicated that around one third of voters were aware they could check voters registers, but around two-thirds believed that they had insufficient information about voter registration.

44. Information on overall KPU and donor expenditure on voter registration information programs is not available.

XIV. Voter Registration Cost

45. The KPUs specific budget for P4B in 2003 and voter registration activity in 2004 was around $US50 million. However this does not include a number of costs—including printing, distribution and administrative costs—subsumed into general expenditure categories, nor the costs of updating voters registers for the second round of the presidential elections.

XV. Performance Standards

46. The KPU does not have any published qualitative performance standards for voter registration activities. Its 2002-2006 strategic plan does contain some deadline targets for voter registration for the 2004 legislative elections—for voter registration field work, production of Preliminary Voters

Registers, periods for accepting and dealing with revisions to the registers, and production of Final Voters Registers. These targets were set before the passage of the relevant legislation and were only partially achieved.

XVI. Performance of the Voter Registration System

47. The KPU made considerable efforts to ensure that voters had opportunities to correct errors and omissions of the P4B process. Following joint KPU and BPS conducted surveys, registration was reopened in early 2004 and over two million voters added to the voters register. Between the legislative and first round presidential elections, an additional (nett) seven million voters were added to the voters register. However, quality control by Village Election Committees on this process was poor—there were subsequently around two million nett deletions from the register for the second round of the presidential election.

48. In its reports on the 2004 legislative and presidential elections, the EU Observer Mission made the following comments on voter registration:

   a. using BPS for a census style method of voter registration was an important strategic decision appropriate for the limited time available;

   b. the voter lists for the 2004 legislative elections were of high quality, but the practice of using Village Election Committees rather than BPS to update voter lists for the presidential elections provided insufficient quality assurance on the data;

   c. problems with distribution of voter lists to polling stations opened up possibilities for manipulation; and

   d. a permanent, centralized, computerized voter register is required.

49. The Carter Center's reports on the 2004 elections noted that the voter registration process, due to its massive volume and lack of institutional focus, appeared disorganized, and there were problems with unregistered, multiple registered and fictitious voters, that could have been exploited for fraudulent purposes These reports also noted that distribution of voter ID cards and invitations to vote letters was unreliable.

50. However, a reliable voters register audit undertaken by the NGO network Jurdul Pemilu in March 2004 indicated that around 91 percent of eligible voters were on the voters register. This audit also found over 90 percent accuracy in the name and address data recorded on the voters register, and a level of 'ghost' voters of 2 percent. The only voters register data found to be inaccurate to a great extent was on date of birth. A later voter registration audit conducted in the armed conflict-ridden province of Aceh prior to the Presidential election, found that 94 percent of eligible voters were registered, and that there were 7 percent 'ghost' voters on the register.

51. The KPU's lack of capacity to identify multiple registrations caused general concern. In its report to parliament on the April 2004 legislative elections, the KPU noted that multiple entries in the voters register were a significant reason why it appeared that 16 percent of the total number of registered voters did not vote (in comparison to pre-election IFES survey data that indicated that well over 90 percent of voters intended voting).

52. No 2004 election result was successfully challenged on the basis of voter registration errors. However the KPU and BPS have not been involved in voter register preparation for subsequent provincial governor and local mayor elections held from mid-2005—with updates to the voters registers for these

elections being provided to KPUDs by local administrative offices of the Department of Home Affairs. Registers for these elections have been regarded by observers, such as the NGO CETRO, as having poor accuracy and in some cases as unusable. Alleged gross errors in the voters register were the cause of a court reversal of a significant election result in 2005 and subsequent conflict.