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# **Elections in Indonesia**

## *2014 National Legislative Elections*

Frequently Asked Questions

Asia

International Foundation for Electoral Systems

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## Frequently Asked Questions

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*Disclosure:*

*These FAQs reflect decisions made by the Indonesian electoral authorities as of April 1, 2014, to the best of our knowledge. This document does not represent any IFES policy or technical recommendations.*

## When is Election Day?

National legislative elections will be held on April 9, 2014.

Election Day is a national holiday. Polling stations open at 7:00 a.m. and close at 1:00 p.m., at which time counting starts at the polling station level and continues until all votes from the polling station are counted.

## Who are citizens voting for on Election Day?

On Tuesday, April 9, 2014, elections will take place for the national level legislatures and for sub-national legislatures in 33<sup>1</sup> provinces and 497 regencies and municipalities.

## How are the legislative bodies structured?

There are two elected national legislative assemblies in Indonesia: the House of Representatives (*Dewan Perwakilan Rakyat*, DPR) and the Regional Representative Council (*Dewan Perwakilan Daerah*, DPD). The DPR can pass legislation, while the DPD – formed in 2004 after a constitutional amendment in a move toward bicameralism – has a more limited mandate.<sup>2</sup> In joint session, the two chambers are known as the People’s Consultative Assembly (*Majelis Permusyawaratan Rakyat*, MPR), which has a very limited mandate which includes the final step in the presidential impeachment process. Members of both the DPR and DPD are elected for five-year terms.

**The DPR** is comprised of 560 representatives from 77 multi-member electoral districts. Each district has 3-10 seats (based on district population), elected from political party lists through an open-list proportional representation (PR) system. A legislative threshold – the minimum percentage of the vote needed to enter the House – of 3.5 percent applies only to the national level DPR, not to sub-national legislatures.

Each voter receives one DPR ballot listing all political parties and candidates running in their electoral district. The voter then punches one or two holes to vote for one candidate or one political party or both. If a voter selects both, the political party chosen must be the party of the candidate chosen or the ballot is invalid.

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<sup>1</sup> In March 2013, the Indonesian government officially announced the formation of the 34th province of North Kalimantan. Old electoral delimitation based on 33 provinces will remain throughout 2014 election. Representatives of North Kalimantan in the DPD and DPR will be elected in the 2019 elections, the DPRD (Regional People’s House of Representatives) for province/regency/municipality will be determined from the result of the 2014 elections. Representatives from the original province, East Kalimantan, will continue to represent the interests of North Kalimantan until the 2019 elections.

<sup>2</sup> DPD law-making authority is limited to providing non-binding input to the DPR regarding regional autonomy; establishment of new regions; management of natural resources; and central and regional monetary policy.

**The DPD** is comprised of 132 representatives, four from each of the 33 provinces. Nonpartisan candidates from the provinces are elected through a single non-transferable vote system.

Each voter receives one DPD ballot listing all nonpartisan candidates running in their province. The voter punches only one hole to mark the candidate of his/her choice. The four candidates with the highest vote totals in each province are elected.

Additionally, voters will be electing members of the Province-level House of Representatives (*Dewan Perwakilan Rakyat Daerah Provinsi*, **DPRD Province**). Thirty-five to 100 members are elected in each of the 33 provinces, depending on the population of the province. For the 2014 legislative elections, at the provincial level, there are 2,112 contested seats in 259 multi-member constituencies with three to 12 seats each, depending on population.

Also elected are members of the 497<sup>3</sup> Regency/Municipality-level DPRDs (*Dewan Perwakilan Rakyat Daerah Kabupaten/Kota*, **DPRD Regency/Municipality**), each consisting of between 20-50 members, depending on population. For the 2014 legislative elections, at the regency/municipality level, there are 16,895 contested seats in 2,102 multi-member constituencies with each province electing three to 12 seats. The representatives at national, provincial, and regency/municipality levels are elected for five-year terms on the same day through the same PR open-list system as described for DPR at the national level, albeit without a threshold.

In practice, this means that each voter in Indonesia will receive four different ballots on April 9, 2014, one each for DPR, DPD, DPRD Province and DPRD Regency/Municipality.<sup>4</sup>

## Who are the candidates?

Indonesia has a multi-party system. According to the Human Rights Ministry's records, there are 73 political parties formally registered as institutions. Law 8/2012 requires that each political party additionally undergo a registration and verification process with the General Elections Commission to run in a given election.

In 2009, there were 38 national political parties and an additional six Acehese political parties that competed in Aceh only. Nine political parties won seats in the House of Representatives (*Dewan Perwakilan Rakyat*, DPR) at the national level. After the 2009 election the nine political parties amended the electoral laws and set a much higher bar for registering, competing and winning in the election. Barriers are high by international norms. For example, a political party must have chapters in all 33 provinces (permanent office required), in at least 75 percent of the regencies/municipalities in each province (permanent office required), and in at least 50 percent of the sub-districts within each

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<sup>3</sup> This number excludes six regencies/municipalities in Jakarta which do not have DPRDs and five regency/municipalities in the 34<sup>th</sup> province North Kalimantan where the DPRD will only be elected in 2019.

<sup>4</sup> In the capital region (Jakarta) voters receive only three ballots as there is no DPRD Regency/Municipality.

regency/municipality (permanent office not required). For the upcoming election, 46 political parties pursued registration but only 12 national political parties and three local political parties (allowed to contest in Aceh only, in competition with national parties) succeeded and will be on the ballots. They are listed below in order of their contesting/registration number with information about votes gained in 2009 elections, where applicable.

1. **NasDem** - National Democrat Party (new political party)
2. **PKB** - National Awakening Party (4.95 percent votes/27 DPR seats in 2009)
3. **PKS** - Prosperous Justice Party (7.89 percent votes/57 DPR seats in 2009)
4. **PDI-P** - Indonesian Democracy Party of Struggle (14.01 percent votes/95 DPR seats in 2009)
5. **Golkar** - Functional Group Party (14.45 percent votes/107 DPR seats in 2009)
6. **Gerindra** - Great Indonesia Movement Party (4.46 percent votes/26 DPR seats in 2009)
7. **PD** - Democratic Party (20.81 percent votes/150 DPR seats in 2009, **party of the current president**)
8. **PAN** - National Mandate Party (6.03 percent votes/43 DPR seats in 2009)
9. **PPP** - United Development Party (5.33 percent votes/33 DPR seats in 2009)
10. **Hanura** - People's Conscience Party (3.77 percent votes/18 DPR seats in 2009)
11. **PDA** - Aceh Peace Party (new political party, running in Aceh only)
12. **PNA** - Aceh National Party (new political party, running in Aceh only)
13. **PA** - Aceh Party (running in Aceh only; 43.9 percent votes/33 of 69 DPR Aceh Province seats in 2009)
14. **PBB** - Crescent Star Party (no DPR seats in 2009)
15. **PKPI** - Indonesian Justice and Unity Party (no DPR seats in 2009).

Nonpartisan candidates are only allowed to compete for the 132 Regional Representative Council seats and for positions of Governor, Regent, Mayor and Village Head (i.e., all DPR and DPRD candidates must be nominated by political parties).

## Who can vote in the country?

To participate in the 2014 elections a citizen must be at least 17 on Election Day. However, if a citizen is married and under 17, he/she can cast a ballot.<sup>5</sup>

As has been the practice in all of Indonesia's post-New Order elections, active police and military do not vote. Outside the election law, the Indonesian Criminal Code and the Law on Corruption Crimes allow for the court to punish an individual by taking away some of their rights, including their political rights (to vote).

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<sup>5</sup> Law 1/74 states that marriage is only allowed if the man is at least 19 and the woman is at least 16. Deviation from this requirement can be made where the parents of the bride or groom ask for a dispensation from the court (article 7 (1&2)).

## How many registered voters are there?

Currently there are 185,822,507 voters registered in the voter list.

For the 2009 legislative elections, there were 171 million registered voters and 122 million votes cast. This represents a 71 percent turnout rate, which is a decline from 93 percent for the 1999 legislative elections and 84 percent for the 2004 legislative elections.

## How are seats allocated?

Law 8/2012 simplifies the seat allocation process into two stages. To allocate seats, the General Election Commission will first determine the quota (*Bilangan Pembagi Pemilih*, BPP) – the total number of valid votes cast in the electoral district divided by the total number of seats in that district – for each electoral district (*Daerah Pemilihan*, Dapil). A political party receives one seat for each instance that their total number of votes received meets the BPP.

For example, if the BPP is 1,500 and Party A received 5,000 votes, they will win three seats in this first stage of calculation. In the second stage of calculation any remaining seats of the electoral district are allocated to those political parties with the largest vote remainders.<sup>6</sup> Should political parties end up with the same vote remainder for one remaining seat, the seat is given to the political party with the wider geographical distribution of votes.

Once the number of seats for each political party is determined, the seats are filled by candidates who ran for the party in the respective electoral district and received the highest number of votes.

For the national level DPR and its 77 electoral districts, political parties that receive less than 3.5 percent of the valid votes cast for the national DPR vote are excluded from the seat allocation process. Such parties can still win seats in DPRD Province and DPRD Regency/Municipality.

## Are there reserved seats for women? What is the gender balance within the candidate list?

For the 2014 elections, Law 8/2012 requires a 30 percent quota in the candidate lists and that at least one candidate in every three is a woman. Both requirements carry a binding sanction: political parties that do not meet the quota will be disqualified from running in the electoral district where the quota is not met.

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<sup>6</sup> The vote remainder equals the party's total votes minus all votes used to secure seats in the first stage allocation. For example: the BPP is 1,500 in an electoral district with five seats being competed by two political parties; Party A received 5,000 votes and therefore won three seats in stage one, Party B received 2,500 votes and won one seat in stage one; Party A has 500 remaining votes and Party B has 1,000 remaining votes; hence Party B receives the remaining fifth seat in this second stage.

During the candidate registration process, all 12 national contesting parties met the requirement. The candidate list includes 2,465 women out of a total of 6,607 candidates – slightly over 37 percent. Although one in every three candidates listed on the ballot is a woman, there is no guarantee of a corresponding gender representation. The seats won by a political party will be allocated to the candidates that receive the highest number of votes, regardless of gender.

## **What are the election management bodies? What are their powers?**

There are three election management bodies in Indonesia: the General Election Commission (*Komisi Pemilihan Umum*, KPU), the Election Oversight Body (*Badan Pengawas Pemilihan Umum*, Bawaslu), and the Honorary Council of Election Management Bodies (*Dewan Kehormatan Penyelenggara Pemilu*, DKPP).

**The General Election Commission (*Komisi Pemilihan Umum*, KPU)** is the independent election management body responsible for the conduct of national and regional elections as mandated by the constitution and Law 15/2011. The KPU consists of seven Commissioners (currently six men and one woman). These Commissioners were identified through a rigid selection process and then inaugurated by the President on April 12, 2012, for a five-year term.

The KPU Secretariat, led by the Secretary-General, is the executive arm of the KPU. It is responsible for the administration of the organization at the national level. The Secretary-General is usually nominated by the KPU and then appointed for a five-year term by the President. The Commission and Secretariat structures are replicated regionally throughout the provinces and regencies/municipalities, which each have five Commissioners.<sup>7</sup> The KPU has approximately 13,865 staff and 2,659 Commissioners in 531 offices across Indonesia.

**The Election Oversight Body (*Badan Pengawas Pemilihan Umum*, Bawaslu)** is the institution in charge of overseeing implementation of elections. Provisions in Law 15/2011 establish the Bawaslu and the KPU as equal and separate institutions. Bawaslu Commissioners are selected for a five-year term in the same manner as KPU Commissioners by the same selection committee. Its regional counterpart, Provincial Bawaslu, is a permanent institution consisting of three Commissioners in each province. At levels below the Provincial Bawaslu, membership is not permanent and consists of the following: three members at the regency/municipal level, three at the subdistrict level and one field supervisor at every ward/village level. Electoral disputes are filed with Bawaslu first to be classified and channeled to appropriate institutions (DKPP, police or Constitutional Court). Bawaslu has adjudicatory power to solve disputes between the KPU and candidates.

**The Honorary Council of Election Management Bodies (*Dewan Kehormatan Penyelenggara Pemilu*, DKPP)**, is a national-level ethics council established by Law 15/2011 to review and decide upon complaints and/or reports of alleged violations of the code of ethics committed by members of the KPU

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<sup>7</sup> With the exception of Aceh Province, which has seven Commissioners.

and Bawalsu. The DKPP is established within two months of the inauguration of KPU and Bawaslu members for a five-year term, and consists of one KPU Commissioner, one Bawaslu Commissioner and five community leaders.

The DKPP ensures that the work of KPU and Bawaslu Commissioners meets the joint Code of Ethics of Election Management Bodies. DKPP rulings are final and binding, and it has the power to recommend dismissals of Commissioners.

## **What is the legal framework for elections?**

Indonesia is a representative republic whereby the President is both the head of State and government. The amended 1945 Constitution of Indonesia is the foundation for the country's system of government and provides for a separation of legislative, executive and judicial powers.

The fall of Haji Muhammad Suharto in 1998 and the beginning of the reform (*Reformasi*) movement resulted in significant amendments to the constitution, which impacted all three branches of government; added important human rights provisions; and, for the first time, inserted the concept of "elections" into the constitution.

The legislative framework governing democratic representation is complex and involves six laws:

- Law 15/2011 governing election management bodies
- Law 8/2012 governing legislative elections
- Law 42/2008 governing presidential elections
- Law 32/2004 governing regional administration (including local elections)<sup>8</sup>
- Law 2/2011 governing political parties
- Law 27/2009 governing the structure of national and sub-national legislatures<sup>9</sup>

## **How many polling places are set up on Election Day?**

The Indonesian election is probably the most complex electoral event globally. There are 4 million election officials in over 545,000 polling stations across a country of 17,000 islands, managing 775 million ballot papers in 2,450 different designs to get 19,699 candidates elected for 532 legislatures at national and sub-national level.

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<sup>8</sup> A new bill on local election is being debated in the House of Representatives (*Dewan Perwakilan Rakyat*, DPR) and is expected to be passed in 2013.

<sup>9</sup> This law may be amended before the newly-elected legislators are seated beginning in July 2014.



## **Is out-of-country voting allowed?**

Yes, voters abroad can cast their ballots in Indonesian embassies. Historically out-of-country voter turnout has been low. About 23 percent of the total 2.2 million Indonesians who live abroad cast their votes during 2009 election.

For the 2014 general election, the General Election Commission (*Komisi Pemilihan Umum*, KPU) has introduced measures allowing overseas voters to vote via absentee ballot; arranging for early voting; and installing polling stations in popular places frequented by Indonesians. There will be 487 polling places for registered out-of-country voters.

## **How will voters with disabilities cast their ballots?**

In Indonesia, voters with disabilities will cast their ballots in person alongside their fellow citizens.

The KPU has prioritized selecting polling stations on the ground level to help facilitate access. For voters with visual disabilities, a braille template will be provided at the polling stations but only for the DPD ballot. Voters with any kind of disability can select an assistant to help them cast their vote. The assistant can be the poll worker or a person appointed by the voter, such as a family member or friend. Each assistant is required to sign a form if they cast the vote on behalf of a voter with a disability or if they are in the voting booth when the voter casts his/her vote. The form certifies that the assistant will maintain the secrecy of the voter's choice and that they will vote according to the voter's wish.

## **What technology will be used?**

The General Election Commission (*Komisi Pemilihan Umum*, KPU) uses a number of different applications in their management of the election, such as a country-wide Intranet which connects KPU's 531 offices. The KPU does not use any electronic voting or counting technologies. Votes are cast on paper ballots and counted by hand and tabulated manually.

For this election cycle the KPU has drawn the previously decentralized voter registries into the largest national computerized voter registration system in the world called SIDALIH (*Sistem Informasi Data Pemilihan*, Voter Data Information System). SIDALIH includes a number of features that help standardize and regulate voter list processes. For the first time the Indonesian voter list is securely stored and shared in a single database that provides the KPU a nationwide perspective of the quality of the voter list. In addition, the new SIDALIH voter registration system gives the KPU the technical capacity to effectively cooperate with the Ministry of Home Affairs and capitalize on citizen list improvements made through their Electronic Identity Card (eKTP) program.

## **Will the election management body use a media center?**

Yes, there will be a media center at the national level as well as in some of the 33 provinces and 497 districts and regencies.

## **Where are vote counting and tabulation held?**

Votes are counted at the polling station soon after polls close on Election Day at 1:00 p.m. Ballots are counted in daylight, generally in plain sight of the community.

After the result of the polling station has been called out, a copy of the result is posted at the station and another copy carried forward to the village level where the first level of manual tabulation takes place. Manual tabulation continues through four more administrative levels ending at the national level where the tabulation is scheduled to take place from April 26-May 6.

## **Who can observe during Election Day? How can they get accreditation?**

International and national election observers are allowed to observe elections. According to General Election Commission (*Komisi Pemilihan Umum*, KPU) Regulation No. 10/2012 on Election Observers, to obtain accreditation, foreign organizations or individuals have to complete registration forms available in the KPU office or Indonesian embassies abroad.

Apart from the administrative requirements of the KPU, applicants have to be vetted by representatives from the Ministry of Foreign Affairs, State Intelligence Agency, Military Intelligence Agency, Ministry of Communication and Information, immigration and police. A clearing house composed of these representatives will give recommendations on whether or not the KPU should issue accreditation for the observers.

To-date, no international organizations have registered to observe the national legislative elections.

## **When will official results be announced?**

Election results at the polling station level will be announced at the polling station on Election Day.

At the next five levels, results are announced once tabulation ends. The tabulation period for each level is outlined below:

- Village/ward level, April 10-15
- Sub-district level, April 14-17
- District level, April 19-22
- Province level, April 22-25
- National level, April 26-May 6

Election results and political parties who have passed the threshold<sup>10</sup> are expected to be announced on May 7. Seat-allocation calculation and announcement of elected candidates, at all levels, will take place May 7-18.

## How will election disputes be adjudicated?

Depending on the nature of the dispute, cases are handled by either the Election Oversight Body (*Badan Pengawas Pemilihan Umum*, Bawaslu), police, Administrative or Constitutional Court. Law 8/2012 classifies election related cases into three main types: violations, disputes, and criminal offense. All cases must be first filed with Bawaslu to be classified and appropriately channeled as follows:

- Violations (*Pelanggaran*) against the Code of Ethics of Election Management Bodies are routed to and settled by the Honorary Council of Election Management Bodies (*Dewan Kehormatan Penyelenggara Pemilu*, DKPP); administrative violations are settled by the General Election Commission (*Komisi Pemilihan Umum*, KPU).
- Criminal offenses (*Tindak Pidana*) are routed to the police.
- Disputes (*Sengketa*) consisting of:
  - Electoral disputes between election contestants and the KPU are settled by Bawaslu. The ruling is final and binding except in cases of political party and candidate registration process cases, which can be appealed to administrative courts and the Supreme Court.
  - Election result disputes are settled by the Constitutional Court.

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<sup>10</sup> For the national level DPR and its 77 electoral districts, political parties that receive less than 3.5 percent of the valid votes cast for the national DPR vote are excluded from the seat allocation process. A political party or coalition of political parties that wins 25 percent of the vote or wins at least 20 percent of the seats in the DPR can nominate candidates for President and Vice President (as a pair).

## Resources

For further information consider consulting the following resources:

- Indonesian Electoral Information website: <http://www.rumahpemilu.org>
- General Election Commission (*Komisi Pemilihan Umum*, KPU) website: <http://www.kpu.go.id/>
- Election Oversight Body (*Badan Pengawas Pemilihan Umum*, Bawaslu) website: <http://www.bawaslu.go.id/>
- Honorary Council of Election Management Bodies (*Dewan Kehormatan Penyelenggara Pemilu*, DKPP) website: <http://www.DKPP.go.id/>
- Portal for the Republic of Indonesia: <http://www.indonesia.go.id/en/>
- House of Representatives website: <http://dpr.go.id/>
- Regional Representative Council (*Dewan Perwakilan Daerah*, DPD) website: [www.dpd.go.id](http://www.dpd.go.id)
- Constitutional Court website: <http://www.mahkamahkonstitusi.go.id>
- ACE Electoral Knowledge Network: <http://www.aceproject.org/>