EXTENDING THE REACH OF DEMOCRACY

SOME QUESTIONS ABOUT THE ELECTORAL SYSTEM FOR THE 2004 INDONESIAN GENERAL ELECTIONS ANSWERED

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WHY CHANGE THE ELECTORAL SYSTEM USED IN THE 1999 ELECTIONS?

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

- a closed system of candidate selection controlled by central party executives with little regard for local interests;

- electoral districts from which very large numbers of representatives were often elected—for the DPR up to 82 came from the one electoral district; and

- a closed-list proportional representation system, in which the parties control which of their candidates take the representative positions the party has won in each electoral district.

WHAT IS THE DATE FOR THE 2004 GENERAL ELECTIONS?

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

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

The dates for two rounds of presidential elections are 5 July 2004 and 30 September 2004. The terms of the current President and Vice-President of Indonesia expire in October 2004. Voting hours are 7 a.m. to 1 p.m.

WHAT IS THE SYSTEM OF REPRESENTATION TO BE USED IN THE 2004 GENERAL ELECTIONS?

DPR/DPRDs

Elections for the DPR and the DPRDs will be conducted using a form of open-list proportional representation in new electoral districts.

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

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

DPD

The general elections will include voting for the new Regional Representative Council (DPD), using a system known as the single non-transferable vote (SNTV). Voters will vote for one candidate only. The entire province is a DPD electoral district. Each province will elect four DPD representatives—the four highest vote winners in the province.

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

WHAT ARE THE ELECTORAL DISTRICTS AND HOW ARE THEY DETERMINED?

DPR/DPRDs

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

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

The KPU determines electoral district boundaries and the number of seats (that is, representatives to be elected) in each electoral district. To permit reasonable proportionality in awarding seats to successful political parties, the election law specifies that between 3 to 12 representatives shall be elected in each DPR and DPRD electoral district. The greater the number of representatives elected, on average, from each electoral district, the more proportional the electoral system will be overall. The fewer the number elected, on average, from each district, the more likely it is elected representatives will be concentrated in a smaller number of parties. Whether district totals should tend more towards 3 or 12 is not defined in the law, and the KPU's decisions in this regard will have a significant effect on future political relationships in Indonesia. The KPU determined in July 2003 that electoral districts for the 2004 elections, should, wherever possible, have between 6 and 12 seats. This decision to encourage a larger district total was made in order to limit the number of votes that are not converted into seats; to promote the representation of women and minority groups; to promote competition between new and established parties; and to make election administration less complex. The law also leaves it to the KPU to determine any other parameters for districting—for example, recognition of

geographic and human-made features, cultural affinities, and transport/communication routes.

For the DPR, electoral districts to elect 550 DPR representatives have been formed from whole provinces (in less populated regions) or parts of provinces (in more populated regions). The law requires that no province have fewer representatives in the DPR than it did after the 1999 elections and that provinces created since the 1999 elections have a minimum of three representatives. Average population per DPR representative may vary between 325,000 (in less densely populated provinces) and 425,000 (in more densely populated provinces). It is not possible to fulfill all requirements in all provinces, and the KPU has had to determine which requirements would take precedence. However impartially this is decided, the decision will advantage and disadvantage various political interests.

The KPU has formed 69 districts for the DPR. The KPU's guidelines for districting required that wherever provincial populations were sufficient, electoral districts should contain between 6 and 12 seats. The average district has 7.97 seats—almost the maximum practically possible under the terms of the election law. Population per seat in each province varied between 130,433 in West Irian Jaya to 422,884 in West Java. The KPU's fulfilling of the minimum number of seats per province required by law has meant that 9 of the 32 provinces have a population per seat under the legal minimum of 325,000.

For provincial DPRDs, electoral districts for assemblies of between 35 and 100 members (depending on provincial population) have been formed by the KPU from individual regencies/cities or combinations thereof. A total of 211 electoral districts have been created for provincial DPRDs.

For regency/city DPRDs, electoral districts for assemblies of between 20 and 45 members (depending on regency/city population) have been formed by the KPU from individual sub-districts (*kecamatan*) or combinations thereof. A total of 1,745 electoral districts have been determined for the 440 regencies/cities.

The preliminary totals resulting from the collection of population data by the P4B project, in April 2003, were used as the basis for allocating seats within the DPR and the DPRDs. One later adjustment to the DPR seat allocation was made on the basis of revised population figures for Maluku, resulting in the gain of one seat for Maluku and the loss of one seat to NTB.

Determining electoral district boundaries was a complex process. More than 2,000 electoral districts had to be to determined. Whilst the KPU independently determined these boundaries, many were subject to intense local debate. In many countries, this process, on a much smaller scale, would take between one to two years. The KPU determined all electoral districts between mid-July and mid-December of 2003. Districts had to be determined in sufficient time for parties to select and nominate their candidates by the end of December 2003 in order to meet legal deadlines for a 5 April 2004 legislative election. All electoral district maps are available through the KPU's website, www.kpu.or.id.

DPD

Each province is a separate electoral district for the DPD.

WHICH POLITICAL PARTIES MAY PARTICIPATE IN THE 2004 ELECTIONS?

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

The new political laws establish higher qualification barriers for political parties to participate in general elections. Under the new Political Party Law, all parties must register anew with the Ministry of Justice and must demonstrate a wide organizational scope. A total of 50 political parties met these criteria. Additionally, under the new General Election Law, political parties that contested the 1999 general elections and that seek to compete at the 2004 general elections must either:

- hold 2% of DPR seats, or 3% of DPRD seats in half of the provinces, or 3% of DPRD seats in half of the regencies/cities; OR

- merge with a party meeting the above criteria; OR

- merge with a party so as to collectively meet the above criteria; OR

- form a new party entirely and meet the requirements for parties that did not contest the 1999 elections.

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

- executive committees (and permanent offices) in two-thirds of the provinces and two-thirds of the regencies/cities in those provinces AND

- party members numbering at least 1000 members or one one-thousandth of the population (whichever is the smaller) in each regency/city where the party is organized, as evidenced by membership cards.

A total of 24 political parties met these qualifications and will contest the 2004 general elections. Six of these are parties represented in the DPR elected in 1999; 18 parties formed, or re-formed, since the 1999 elections.

WHO MAY BE A CANDIDATE AND HOW ARE CANDIDATES SELECTED?

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

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

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

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

DPR/DPRD Candidates

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

Under list proportional representation systems, a party submits a list of candidates for each electoral district. Political parties must submit lists of candidates for nomination to the relevant election commission (KPU) at the national, provincial and regency/city level. Each party may nominate a number of candidates equal to but not exceeding 120% of the number of representatives to be elected in each electoral district. There is no specified minimum number of candidates on a candidate list. Political parties are encouraged, but not required, to nominate at least 30% women candidates in each electoral district. For the DPR candidate lists, no party achieved this quota in all electoral districts: PKS came closest, achieving it in 94% of DPR electoral districts, and Golkar achieved it in the fewest of DPR electoral districts (35%).

Final candidate lists were determined by the KPU for the DPR, and by regional KPUs for the DPRDs, on 29 January 2004. For the DPR alone, there will be around 8,000 candidates. DPR candidates are listed on the KPU's website, www.kpu.or.id.

Each party is free to determine the order of the candidates' names on each of its candidate lists. The KPU held a lottery to determine the order in which the parties, with their candidate lists, will appear on all ballot papers for DPR and DPRD elections.

DPD Candidates

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

DPD candidates are required to have lived in the province in which they are nominated for at least three consecutive years prior to nomination or for ten years cumulatively since the age of 17. DPD candidates nominate themselves, though they must have the support of a

specified number of province residents—between 1000 and 5000 registered voters, depending on the provincial population—as evidenced by signatures/ID card copies.

DPD candidates who are members of the Civil Service, National Armed Forces (TNI) or the Indonesian Police Force (Pol-RI) must resign from those positions. For the 2004 elections, DPD candidates are ineligible if they have held an administrative position in a political party after, at the latest, 12 June 2003—three months after the enactment of the General Election Law (for future elections, the rule will be four years prior to nomination).

The KPU held a lottery to determine the order of the candidates on the ballot paper and announced the official candidates for the DPD on 18 December 2003. DPD candidates are listed on the KPU's website, www.kpu.or.id.

WHAT WILL THE BALLOT PAPER LOOK LIKE?

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

DPR/DPRDs

The party names and symbols of the political parties contesting the electoral district are listed on the ballot in an order determined by lottery held by the KPU. The name of each candidate in the list of candidates for that party for that district is listed in a column under the relevant party's symbol, in an order determined by the party. DPR/DPRD ballot papers will be in five different sizes, depending on the maximum number of candidates that a party may nominate for an electoral district.

DPD

The name of each DPD candidate will appear on the ballot paper under his/her photograph, in an order determined by lottery.

HOW WILL VOTERS VOTE?

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

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

Voters with physical disabilities may be assisted in voting by a person of their choice. Blind voters may bring and use a template for ballot papers for the DPD election only—not for DPR or DPRD ballots.

After voting, voters are marked with special ink, so that they can be detected if they attempt to vote again in this election.

DPR/DPRDs

Voters must choose one party and **may** (but need not) also choose one candidate on the same party's candidate list.

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

DPD

Voters must choose one candidate only. Voters vote by punching a hole through the box in which the name and photograph of the candidate of their choice appears.

HOW AND WHERE ARE VOTES COUNTED?

Votes are counted at each voting station on the afternoon/night of the election. The KPU has determined by regulation the method of counting the votes.

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

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

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

WHICH VOTES ARE VALID?

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

- a punch mark on the symbol of only one political party OR

- a punch mark on the symbol of only one political party and a punch mark on only one candidate from the same party.

For the DPD, a ballot is valid if it has been signed by the chair of the voting station and contains a punch mark in the box containing the name and photograph of only one candidate.

HOW ARE THE WINNING CANDIDATES DETERMINED?

DPR/DPRDs

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

- *First*, the number of seats each party has won in the electoral district is determined.

- *Second*, the candidates from each party that are to be assigned to the seats the party has won are determined.

How Are Seats Allocated to Political Parties in Each DPR/DPRD Electoral District?

The method that will be used to allocate seats to political parties in each electoral district is called the *largest remainder* method. This is one of two basic methods of seat allocation in proportional representation systems, and it is generally the simplest to apply. This method requires that, for each electoral district, a *QUOTA* be determined (called a BPP in Indonesia).

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

Thus, if there are 20,000 valid votes in an electoral district and 10 representatives to be elected, the quota is 20,000/10 = 2,000 (see example on page 11).

Using the largest remainder method, seats are allocated to political parties in two stages.

First, the number of full quotas to be received by each political party is determined. This is calculated by dividing the number of votes each party received by the quota for the electoral district and taking the whole number resulting from this calculation. This number of full quotas is the initial allocation of seats to the party in that electoral district. Using the example on page 11, for each block of 2,000 votes a party receives, it automatically receives an initial allocation of one seat. If a party receives 5,000 votes, it receives an initial allocation of two seats (2,000 x 2 = 4,000).

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

In the case of the example on the page 11 of the political party with 5000 votes, its remainder is 1000 – its total votes of 5000 less the 2 full quotas (2000 x 2 = 4000) it received. If there are, as in the example on page 11, 3 seats not allocated by full quotas, these seats go to the parties with the three highest ranked numbers of remaining votes. Mathematically, a party cannot receive more than 1 additional seat in this second round allocation of seats.

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

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

The KPU expects that the results of the counting and aggregation of votes will be officially announced by 28 April 2004 and seat allocations to parties completed for the DPR by 30 April 2004 and for DPRDs by 6 May 2004.

DETERMINATION OF RESULTS

LIST PROPORTIONAL REPRESENTATION

10 REPRESENTATIVES TO BE ELECTED

LARGEST REMAINDER METHOD—USING HARE QUOTA

Total Valid Votes: 20,000

QUOTA (BPP): (valid votes/seats) = (20,000/10) = 2,000

PARTY	VOTES	FULL QUOTA SEATS	REMAIN-DER	ADDED SEATS	TOTAL SEATS	% OF SEATS	% OF VOTE
A	5,000	2 (2,000 X 2 = 4,000)	1,000	0	2	20%	25.0%
B	480	0	480	0	0	0	2.4%
C	1,300	0	1,300	1	1	10%	6.5%
D	2,220	1 (2,000 x 1 = 2,000)	20	0	1	10%	11.1%
E	7,500	3 (2,000 x 3 = 6,000)	1,500	1	4	40%	37.5%
F	3,500	1 (2,000 x 1 = 2,000)	1,500	1	2	20%	17.5%
TOTAL	20,000	7		3	10	100%	100.0%

How Are Candidates Assigned to Seats Won by Political Parties in Each DPR/DPRD Electoral District?

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

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

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

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

An example of a seat assignment to a party's candidates in an electoral district is on page 13.

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

- a large number of representatives are to be elected from an electoral district (which, therefore, lowers the quota) and/or

- the candidate's party receives a higher proportion of the total vote.

Candidates from small parties that gain votes entitling the party to approximately one seat in an electoral district will need to be at the top of their party's candidate list to have any chance of being elected.

When Will the Election Results Be Known?

The KPU is to determine and announce successful DPR and DPRD candidates by 17 May 2004.

ASSIGNMENT OF CANDIDATES TO SEATS WON BY A PARTY

Number of Seats in District: 10
Maximum Number of Candidates
 for Each Party 12
Total Valid Votes: 20,000
Quota: (votes/seats) = (20,000/10) = 2,000

	PARTY VOTES	SEATS
PARTY A	5,000	2

	PERSONAL VOTES	ELECTED ON PERSONAL VOTE	ELECTED DUE TO POSITON ON PARTY LIST
Candidate 1	200		X
Candidate 2	80		
Candidate 3	110		
Candidate 4	50		
Candidate 5	50		
Candidate 6	2,100	X	
Candidate 7	1,010		
Candidate 8	40		
Candidate 9	230		
Candidate 10	10		
Candidate 11	10		
Candidate 12	2		
TOTAL	3,892	1	1

How Is a Candidate Determined to Have Won a Seat in the DPD?

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

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

The KPU expects to announce the result of the DPD election by 28 April 2004 and to announce the candidates elected to be members of the DPD by 17 May 2004.