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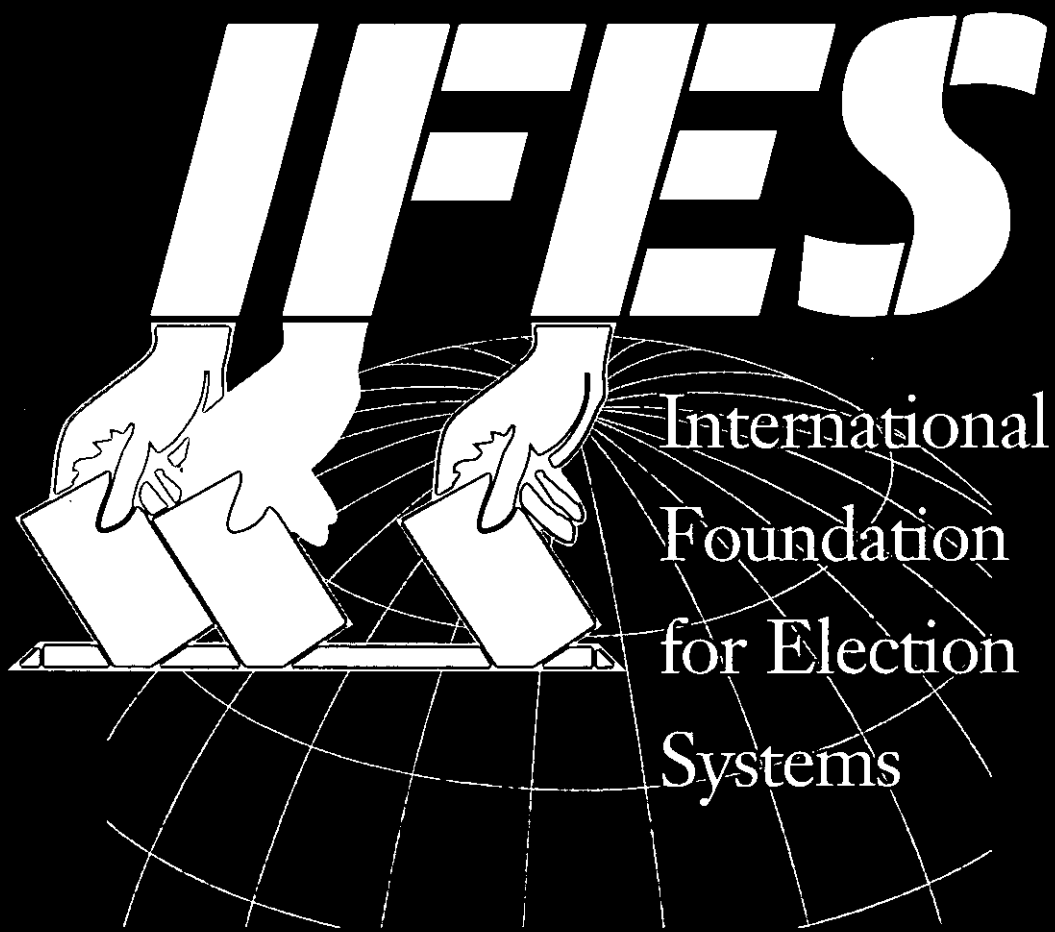
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REPUBLIC OF INDONESIA

REPORT ON THE 7 JUNE 1999 PARLIAMENTARY GENERAL ELECTION AND RECOMMENDATIONS FOR ELECTORAL REFORM

FEBRUARY 2000

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LIST OF TERMS AND ABBREVIATIONS

AEC	Australian Election Commission
CIDA	Canadian International Development Agency
DPR	National People's Representative Assembly
DPRD-I	Provincial People's Representative Assembly
DPRD-II	Regency/Municipality People's Representative Assembly
EMO	Election monitoring organization
GoI	Government of Indonesia
GBHN	Broad Outlines of State Policy Guidelines
GOLKAR	Functional Group Party
I.D.	Identification
IDEA	Institute for Democracy and Electoral Assistance
IFES	International Foundation for Election Systems
KABUPATEN/	
KOTAMADYA	Regency/Municipality, below province
KECAMATAN	Local subdivision, below Kabupaten/Kotamadya
KELURAHAN/DESA	Village, below Kecamatan
KPPS	Polling Station Committee (poll workers)
KPU	National Election Commission
LPU	National Election Institute (of the Ministry of Home Affairs)
MoU	Memorandum of Understanding
MPR	National People's Consultative Assembly
NGO	Non-governmental organization
PAN	National Mandate Party
PANWAS	Election Supervisory Committees
PDI	Indonesian Democratic Party
PDI-P	Indonesian Democratic Party of Struggle
PK	Justice Party
PKB	National Awakening Party
PPD-I	Provincial Election Committee
PPD-II	Kabupaten/Kotamadya Election Committee
PPI	National Election Committee
PPK	Kecamatan Election Committee
PPLN	Overseas election commissions
PPP	United Development Party
PPS	Kelurahan/Desa Election Committee
PR	Proportional representation
RT/RW	Rukun Tetangga/Rukunwara *
TNI	Indonesian Armed Forces, not including the police
TPS	Polling station
UNDP	United Nations Development Program
UNFREL	University Network for Free and Fair Elections
VCD	Video compact disc

* This is an administrative division that subdivides the village level, e.g., one street comprised of one RT, and two or more streets comprised of one RW.

EXECUTIVE SUMMARY

The June 7 parliamentary election in Indonesia represented a decisive step forward in Indonesia's transition from authoritarian rule to democratic governance. It resulted, for the first time in Indonesia's history, in a peaceful transfer of power. However, the election did not represent a significant break from the past in terms of election administration. This election process was marked by administrative inefficiency, non-transparency, and a lack of accountability. While certainly a momentous step in Indonesia's transition, the credibility of the process hinged on election day itself, which was considered successful due to a lack of violence and to the enthusiasm and patience of the voters. These factors alone do not make a successful election, and serious flaws in the process should be addressed before future elections.

The process was tarnished by an overly politicized National Election Commission (KPU), excessive government control exercised through the KPU Secretariat, and failure to finance and staff the National Election Committee (PPI), which was legally mandated to implement the election. The election law lacked sufficient detail, and needed additional interpretation by an election commission that was fragmented, with no clear lines of procedure or authority. The KPU was not independent, as asserted in the law, as it did not have its own budget and it did not appoint its own supporting staff.

While there is not compelling evidence to conclude massive fraud occurred in the 1999 elections, observers did detect significant irregularities, both intentional and unintentional. Major problem areas included the procurement of election materials that lacked adequate safety features, late distribution of materials, and a seriously delayed vote tabulation. Despite the open competition between parties, a free press, and a large deployment of domestic observers, the manner in which the election was administered severely reduced the credibility of the process. Indonesia must address electoral reform issues, both administrative and legal, if it is to restore credibility to the election process.

I. INTRODUCTION

Indonesia held general elections on June 7, 1999, for legislative assemblies at national, provincial, and regency/municipality levels. These elections are generally viewed as the first open and competitive elections in Indonesia since 1955. The voting process was considered, by both domestic and international observers, to be a decisive step forward in Indonesia's transition from authoritarian rule to democratic governance.

The preparations for this election, however, encountered serious problems. The National Election Commission (KPU) did not deliver an election of the quality that Indonesian voters deserved, and one that would command their full confidence. While the preparations were made in a relatively short time period, this fact alone is not sufficient to provide a full explanation for the deficiencies in the process. The short time period was frustrated by a

lack of clear lines of authority within the KPU, vague decision making procedures, departures from the election law and regulations, and overall administrative inefficiency. The authority of the KPU was further shaken by reported corruption within the KPU during the election material procurement process. These factors combined to discredit the KPU, and cast a long shadow of non-transparency and unaccountability over the organization of the entire election process.

The structural and procedural flaws in the election administration have been widely recognized, even within the election administration itself. The election process was near crisis point on more than one occasion, and a thorough structural review of the election administration and its procedures will be necessary prior to any future elections in Indonesia to prevent serious problems from recurring. The credibility of the election process, in fact, hinged on the election day, which was generally peaceful and generated a high voter turnout. Indonesian voters were both patient and enthusiastic in exercising their franchise. Voter goodwill alone, however, does not make for a successful election process.

The KPU was established in March, as soon as the political parties mandated to compose the multi-party election commissions were legally qualified to contest the elections. This was supposed to represent a shift to significant multi-party control of the election process. However, it has to be recognized that the KPU was not an independent election commission. Voting in the KPU was balanced between the 48 party representatives and the five government representatives. The 48 political party representatives together had only the same voting power as the five government representatives on the KPU. Any election commission in which government representatives have equal voting power as the party representatives cannot be considered to be an "independent" commission. Although the KPU government appointees played a constructive and apparently independent role on the commission, their role would have been more appropriately filled by civil society appointees, eliminating government representation within what should have been an independent KPU.

Furthermore, soon after its establishment, the KPU decided to permit election commissioners to campaign or be candidates, themselves, on behalf of their parties. This dealt a severe blow to the integrity of the KPU and its seriousness of purpose. It is impossible to reconcile the role of members of an independent election administration body with active campaigning on behalf of their respective parties. The independence and neutrality of the election commission, as asserted in the election law, was negated by this decision. Those parties who chose to use their position on the election commission to protect narrow party interests, rather than safeguarding the integrity of the process as a whole, discredited the role of political parties within the central election administration. This has resulted in a decision by the National Peoples' Consultative Assembly (MPR) to establish a non-partisan election commission after the expiration of the present KPU structure in 2004. However, it seems that a role for political parties within the election administration, at least below central level, to mutually police the process, may be advantageous to the process for some time to come.

The independence of the KPU was further tarnished by the fact that the former Home Affairs Election Institute (LPU), which was supposed to be disbanded and replaced by the KPU, was in fact, effectively appointed as the KPU Secretariat and had a reporting line to the Ministry of Home Affairs. This raised many concerns regarding the independence of the KPU, and whether the government was trying to maintain control over the election process through the back door. The ceding of KPU authority to the old election administration body was exacerbated by the unfocused approach and time wasting of the KPU during the first half of its three-month election preparation period. It first refused to use or improve the old system, but then fell back upon almost total reliance on old practices.

These concerns were heightened as the election process unfolded, and it became clear that the KPU Secretariat was responsible for most of the regulations issued in the name of the KPU. The KPU Secretariat was, therefore, taking on a policy role that was legally reserved for the KPU. The professional qualities of civil servants in implementing this election process have to be recognized, and the partisan nature of the KPU certainly left a vacuum to be filled. However, this does not justify the fact that the KPU's supporting Secretariat largely ran the election.

Furthermore, there was no clear explanation why the National Election Committee (PPI), the body that was established under the election law to implement the policy decisions of the KPU, was neither funded nor staffed to fulfill its legal mandate. This was a serious and as yet unexplained development that undermined the authority of the PPI, further enhanced the authority of the KPU Secretariat, and permitted civil servants to implement the election in a largely unaccountable and non-transparent manner.

As a result of the fractured nature of the National Election Commission, and the lack of clearly defined competencies and authority between the KPU, PPI, and KPU Secretariat, flaws in the process became apparent in the pre-election period, even before election day. For example, there were serious delays with the establishment of the layers of election committees at provincial, municipal, kecamatan, village, and polling station level. While the new multi-party composition of election commissions was supposed to represent a true shift toward increased multi-party control of the election process, the KPU largely relied on the previously existing civil service structures to form the core of these committees. The effectiveness and empowerment of political party members was contingent on clear regulations and proper training. The late passage of crucial and defining regulations by the KPU made this difficult, combined with the fact that the KPU never put any emphasis on proper training for its officials at any level, and political parties had significant difficulty in recruiting election committee representatives.

The KPU was not forthcoming with information about its preparations. This led to serious confusion concerning the voter registration period, which had to be extended. The confused voter registration procedure also led to questions about the number of eligible voters, which of course had an immediate effect on all other areas of election preparations, including the procurement and distribution of election materials, and most fundamentally, the number of polling stations to be established.

Lack of transparency was particularly notable in relation to procurement and distribution of election materials. The decision of the KPU to proceed with the procurement of materials with no safety features was further exacerbated by widespread reports linking the KPU with corruption in the procurement process. (The KPU Chairman announced that a committee would be formed to investigate allegations of corruption within the KPU, but thus far no report has been issued.) Late procurement led to late distribution and a serious problem on election day of essential materials arriving at polling stations late or not at all.¹ (See Attachment B for a checklist of election material distribution, compiled by IFES through calls to election committees at the regency/municipality level.)

Poor communication between the National Election Commission and subordinate election committees, combined with seriously inadequate training, resulted in a process that was flawed not only on election day, but continued in the ongoing tabulation of the vote count. The election day turned out to be successful due to the constructive conduct of the electorate and the resourcefulness of polling station commissions, in spite of the overall election administration. However, lack of uniform training and late regulations necessitated ad hoc decisions on the part of polling station commissions and therefore inconsistent administration of the election.

During the post-election period, the credibility of the process was seriously undermined by the long delay in the vote tabulation. The credibility of the process was only saved by the fact that election day was relatively transparent and reasonably well monitored, permitting samples of results to be recorded at polling station level. These result samples were statistically introduced into a parallel vote tabulation, and confirmed that no massive election fraud had been conducted when compared to results drawn from further up the administrative ladder at district and provincial level.

It is not a surprise, however, that despite confirmation that there was no massive fraud on election day, this election did produce extensive allegations of pre-election abuses and irregularities in the voting and counting process. While some may argue that this is a testament to a more open style of election, the partisan nature of election commissions at various levels, and their lack of uniform and transparent implementation throughout the process, left the entire election process vulnerable to criticism and suspicion. The supervisory and quasi-adjudicative body established by the election law, Panwas was a remnant of the old election process and could not effectively resolve complaints. It was not fully empowered to settle election disputes and it operated under very vague procedural guidelines. Reports of election mismanagement and attempted manipulation led to calls for significant remedial measures, including recounting of ballots and even repeat elections in

¹ According to 45 of 314 (or 14% of) regency/municipality election commissions (PPD-II) randomly surveyed on the day before the elections, only three reported having received all election materials. Once election materials were received at PPD-II level, they still had to be transferred to village level for distribution to polling stations. This reflects the scale of distribution problems on the day before elections. Also, according to the University Network for Free and Fair Elections (UNFREL), 30% of polling stations they observed in Bali lacked the essential polling materials. This was indicative of a trend UNFREL reported throughout the country, with lack of materials at 15.2% nationwide where they observed.

some areas of Indonesia – even before election results had been consolidated and seats in assemblies awarded to political parties. While ballots were recounted in some areas, including Jakarta, no repeat elections were ever held.

The consolidation of the vote count following the elections proved to be a slow, difficult, and mismanaged process. Numerous administrative problems and allegations of voting irregularities held up tabulation and certification of the election results. After the election, the results were to be consolidated by June 14 but various factors (untrained and unpaid officials, inconsistency of instructions) delayed this process, so that the official results were postponed from July 8 to July 21. Allegations of pre-election irregularities persisted concerning money politics and vote buying, and incidences of ballot box stuffing and manipulation of results, were widely reported.²

The KPU appointed two sub-commissions to investigate the allegations. A sub-commission of 11 members was established and mandated to categorize and evaluate the alleged irregularities and discrepancies in the election Statements. This sub-commission was appointed despite concerns that it usurped the authority of Panwas. A three-member sub-commission was also established and mandated to find out the reason for the slowness of the computerized results and the discrepancies with some of the KPPS Statements. The ensuing initial report released on July 24 made several general allegations of irregularities but presented no substantiated evidence.

The final results from the PPI were published progressively from July 8 to July 15, to be legalized on July 17; the KPU re-postponed the legalization of the PPI results allegedly to provide more time for the two sub-commissions to complete their investigations.

Small party representatives dominated these two ad hoc sub-commissions, and while they put forth some very valid concerns, their intended objective seemed to become one of extracting an allocation of seats that they had not won at the ballot box. Numerous irregularities were reported which could have affected results, although a consistent pattern of organized fraud nationwide, which could have significantly distorted the legitimate level of support each party earned at the ballot box, was never detected. However, rather than constructively addressing some of the valid concerns with the process, a powerful small party lobby emerged within the KPU to gain seats at any cost, which effectively paralyzed the work of the KPU in the post-election period.

This could not be more clearly demonstrated than by the fact that the Chairman of the KPU, himself a representative of a small party that won no seats in the election, refused to endorse the final official results. The KPU did not achieve the two-thirds majority necessary to officially validate the election result. The stalemate within the KPU on vote certification was finally surmounted when President Habibie signed a decree on August 4

² Thousands of allegations of irregularities were reported to the KPU and 4,290 were reported to Panwas. It is impossible to determine whether they would have changed the election results in the districts where they were reported. This determination needed to be made by election officials on the spot or properly investigated for a definitive answer. So far, no thorough investigation has taken place.

validating the voting results from the June elections. This was another example of the KPU forfeiting its own authority, and failing to fulfill its responsibility.

This also set a dangerous precedent by referring an election-related matter to the president for a final decision, unfortunately contemplated by the present election law. Any law that leaves the president in the position of being ultimately responsible for implementation of the election presents a challenge to the independence of the election administration and a potential conflict of interest. The role of the president as the final legal authority in the implementation of the election is incompatible with an independent election administration and should be amended.

Allocation of seats to political parties, based upon the certified results, was delayed after the president legalized the results because of further controversy. This was over the application of regulations regarding seat allocation, passed only weeks before the election by the KPU. The regulations introduced an element called "Stembus Accords," by which parties could enter into pre-election agreements to combine their "remainder" votes to improve chances of being awarded seats. The lack of clarity in the rules and the short time period for forming the accords caused confusion.

Disputes arose after the election over which parties had made valid Stembus Accord agreements, and whether such agreements advantaged or disadvantaged their parties' overall seat allocation. Some parties that performed poorly in the elections sought to form post-election agreements to share votes, and some even argued they should each be given a seat despite lack of voter support. This was a most serious act of changing the rules of the game that had been agreed upon by all parties prior to the election.

Another KPU stalemate was finally resolved by a vote on August 30 to simply disregard Stembus Accords in allocating seats to political parties for the National People's Representative Assembly (DPR). One Stembus Accord coalition wanted to implement the accords according to their formula for calculation, which gave them more seats than according to the calculation under the PPI guidelines. The KPU's decision in this case exceeded its authority. The rules of the game cannot be changed after the election; this is unacceptable in any election system.

As a result of this controversy, the PPI was unable to finalize seat allocation for those parties winning seats in the national DPR until September 1. The process by which those seats won by a particular party were actually filled by a particular candidate was not clearly regulated, and the list of actual candidates assigned seats by their parties was not immediately forthcoming. While the election law was designed to ensure a direct link between a popular candidate and the district that elected him/her, the law did not enable a clear determination of which candidate would be seated. This ultimately left considerable discretion to political parties to form a post election list of winning candidates.

Of 48 political parties qualified to contest the election, 21 parties succeeded in receiving a share of the 462 elected DPR seats. These 21 parties received 96% of the 105,845,937

valid votes cast for the national DPR. Of those votes cast for the 21 winning parties, the top five parties obtained 90% of that vote and 90% (416) of the seats allocated. The largest seat allocations in descending order went to PDI-P (153 seats), GOLKAR (120 seats), PPP (58 seats), PKB (51 seats) PAN (34 seats), and PK (7 seats).³ (See Attachment L for charts showing the allocation of DPR seats to political parties.)

The Indonesian parliamentary election of June 7th provided the minimal level of credibility for determining the composition of the national DPR for the next five years. This is all the more unfortunate as the international community stood ready to assist the administration of the election process, but very little of their advice was actually integrated into the process.

International experts were only working with the KPU under the Memorandum of Understanding (MoU) signed between the Government of Indonesia (GoI) and the United Nations Development Program (UNDP) in an advisory capacity. There was nothing that focused the KPU, PPI, or KPU Secretariat towards incorporating (or even responding to) that advice in their election planning. Furthermore, there was no formal mechanism outlined in the MoU by which serious concerns held by international election experts could be raised with the GoI for official clarification or possible redress. As a result, many serious concerns went unheeded.

The spontaneous outcry for fundamental political reform that burst forth in Indonesia in 1998 was not well served by the implementation of a largely old style election by old time bureaucrats. The June 1999 elections do not represent any model for future elections in a democratic Indonesia.

II. HISTORICAL BACKGROUND

The Republic of Indonesia was proclaimed independent on August 17, 1945. In 1955, under a new constitution, nationwide elections were first held, in which 28 political parties competed for seats in the People's Representative Assembly (DPR). However, the parliamentary system became discredited over time as a source of partisan factions and governmental instability. In 1959, President Sukarno reinstated the 1945 constitution that provided for broad presidential authority. He quickly moved toward authoritarian rule under a policy called "Guided Democracy."

Largely because of his alliance with communist elements, Sukarno gradually lost both the confidence of the public and the support of the military. In March 1967, General Suharto was named acting president and instituted a regime characterized as a "New Order." This system combined a commitment to economic development with increasingly rigid political and social controls. Suharto was elected to five-year presidential terms by the People's Consultative Assembly (MPR), which his political allies wholly dominated in 1973, 1978, 1983, 1988, 1993, and 1998.

³ For more information see the IFES report, *Allocation of Seats to Political Parties for the People's Representative Assembly (DPR)*, September 1999.

Under the New Order, Suharto permitted only three government-sanctioned political parties to contest elections for DPR, including his own political organization of "functional groups" called GOLKAR. Only GOLKAR, not technically a political party, was allowed to set up offices and organize at the local level. Two other parties, PPP and PDI, were allowed to exist at national level, although with restrictions on the development of local party structures. PDI eventually split into two factions in 1996, when the government ousted Megawati Sukarnoputri from a leadership position within PDI. The result was the creation of PDI-P (The Democratic Party of Struggle) led by Megawati. In the elections for DPR in May of 1997, GOLKAR won 74.5% of the vote and received 325 of the 500 seats in the DPR.

The economic crisis that spread across Asia in late 1997 brought a severe economic downturn to the previously burgeoning Indonesian economy. Economic hardship intensified political frustration with Suharto's rule. Increasing social unrest, marked by student demonstrations at the parliament building, culminated in shootings of student protesters by police and violent riots in Jakarta and elsewhere in Indonesia in May of 1998. At least 1200 persons were killed in Jakarta alone, and whole sections of Jakarta were burned. Violence was particularly directed toward the Chinese ethnic minority.

After 32 years of political power, and facing a disastrous economic, political, and social crisis, Suharto resigned as president on May 21, 1998. His vice president, B.J. Habibie, assumed office and was soon convinced of the necessity for democratic elections to calm public outrage and restore legitimacy to the government. By November 1998, a special session of the MPR decreed that DPR elections would be held in May or June of the following year. Thus, the Indonesian general election originally scheduled for 2003 was moved forward, and the first open and competitive election in Indonesia since 1955 was scheduled for June 7, 1999.

In order to deliver a new and more democratic election process, a team of seven academics and senior civil servants was appointed to prepare a draft of the new election laws. These laws would govern elections for legislative assemblies at national (DPR), provincial (DPRD-I) and regency/municipality (DPRD-II) levels. This draft law was submitted to the national DPR, which was still a living vestige of Suharto's New Order regime. The draft proposal was amended thoroughly, and the new laws governing the June election were approved on January 28, 1999, by the DPR. President Habibie signed the new election law on February 1, 1999. (See Attachment I for the General Election Law and Attachment J for the Law on Political Parties.)

III. THE ELECTION LAW

The most notable feature of the new election law was its generality. Due to its lack of detail, the General Election Law inspired neither great alarm nor great confidence. Conceptually, the law prescribed a framework and mechanisms for a meaningful election

process. As to basic democratic objectives stated in *Article 2*, the supplemental explanation to the law states (per English translation):

The general election is to be implemented on the principles of democracy and transparency, meaning that the agents of the election process [including the KPU, the election committees, Panwas, contesting political parties and voters] must completely uphold the spirit of democracy and openness and respect the principles of justice, freedom, equality and responsibility. Therefore, the goal of winning the election must be pursued according to the existing regulations.

That is a worthy statement of aspirations for Indonesia's democracy. However, the election process clearly fell far short of meeting these aspirations. The problems began with the election law itself, as many provisions express goals rather than providing specific directives.

The law was hastily adopted in order to permit elections to take place before the end of June 1999. It gave sweeping authority to the KPU to adopt regulations that prescribe particular rules and procedures to implement the law's objectives. Thirty-two articles in the law grant the KPU broad regulatory authority. Many areas of the election law that needed further elaboration by the KPU are typically administrative in nature. They include the establishment of forms, procedures, or timetables related to the conduct of the elections. However, the new law also placed an unusually large amount of discretion with the KPU to determine election law policy. These include, for example, how votes should be counted and translated into allocated seats, and how candidates should be selected for seat assignment.

A set of regulations, procedures, and instructions issued by the KPU and the PPI completed the legal framework by further interpreting the law. Their interpretation of the law was in many cases not within the framework of the rule of law but rather arbitrarily decided by, and in favor of, political parties. Regulations were issued by the KPU according to a very late schedule. Some aspects of the process that should have been established before the election, such as which "functional group" organizations were eligible for seats in the MPR, were determined after election day.⁴

The law needs to be fundamentally reviewed, and made much more specific in its definition of fundamental procedural issues. This would limit the KPU's broad power of interpretation, reduce the possibility of contradictions between the law and its implementation, and reduce the number of accompanying regulations that needed to be passed by the KPU to further elaborate the law. It would also prevent the KPU from interpreting the law according to special or party interests. In the case of this election, the KPU Secretariat was actually responsible for drafting the majority of the regulations issued

⁴ According to the 1999 law on structure and operations of the DPR and the constitutionally superior People's Consultative Assembly (MPR), the MPR has 700 members; it is composed of the 500 members of the DPR, 135 representatives from the 27 provinces (five each), and 65 representatives from professional, cultural, and social organizations (functional groups).

by the KPU, with hasty and superficial consideration by the KPU. This usurped a policy role that is legally defined for the KPU and enabled the government to have inordinate influence on the process. The Government should not be empowered to regulate election-related matters. Only the DPR should have the legislative authority to determine or amend the law, and the KPU to interpret any issues that need further clarification. It is not consistent with democratic practice for the executive branch to interpret the election law unilaterally, and it could lead to abuse of power.

A. The Proportional System

Members of DPR, DPRD-I, and DPRD-II were elected by a system of proportional representation based upon political party lists of candidates. A proportional representation voting system awards political parties a share of legislative seats according to each party's share of the total vote. In contrast, district systems give seats to parties according to which candidates received the most votes in individual districts.

The June 7th election of members of DPR, DPRD-I, and DPRD-II was conducted on the basis of proportional representation through political party lists of candidates. Voters cast their votes for parties, not candidates, and ballots presented only party names and logos. For the national DPR, the electoral areas (constituencies) for distribution of seats were Indonesia's 27 provinces. Each party contesting the election received a share of DPR seats from each province roughly proportionate to their share of the vote in that province (within the inherent mathematical limitations of proportional representation (PR) formulas applied to a limited number of seats per province). Thus, voting for national DPR could be described as 27 simultaneous elections.

Of the 462 DPR seats elected on June 7, 342 seats were allocated to parties according to provincial "quotas" (total vote/seats to be elected). All of the "quota seats" went to the seven parties which finished highest in both total votes and total seats for DPR nationally. The remaining 120 DPR elected seats were awarded according to largest vote remainders in provinces (38 seats were reserved for the military).⁵

The top seven parties that won all of the 342 quota seats also received 94 of the 120 seats allocated by "largest vote remainders" – those seven parties' leftover votes after filling quotas were still substantial. The other fourteen winning parties shared 26 seats; ten of these parties received only one seat each. Thus, the 21 winning parties received 96% of the 105,845,937 valid votes cast for national DPR. Of those votes cast for the 21 winning parties, the top five parties obtained 90% of that vote and 90% (416) of the seats allocated.

⁵ Vote remainders included a party's votes left over after it received seats under the provincial quota as well as total votes of each party that did not achieve a quota. The vote remainders were ranked highest to lowest in the province for each party. DPR seats for the province not already distributed by quota were then allocated to those parties with the largest vote remainders.

The largest seat allocations in descending order went to PDI-P (153 seats), GOLKAR (120 seats), PPP (58 seats), PKB (51 seats), PAN (34 seats), and PK (7 seats). (Attachment L)

The proportional system did permit a fair share of legislative seats to a broad array of new and ascendant political parties. This was particularly important for a first transitional election in a country where the political expression of significant segments of society had been frozen for the past 45 years. This permitted political representation to a diversity of Indonesian society, rather than the bipolar GOLKAR—PDI-P contest that would have largely characterized this election if a majority "district" system had been employed.

To some extent, a proportional contest probably deterred attempted fraud, as a winner-take-all system is much more vulnerable to manipulation and its effect much more decisive in a majority contest. Finally, the notion of so-called "lost votes", whereby each and every vote is not directly translated into seats (which proved to be an obsession with small parties within the KPU), would have been much greater in a winner-take-all-system. Remarkably, in an election in which 48 political parties were qualified to compete, only 4% of the votes did not translate into winning seats.

The election system, however, is due to be reviewed by the KPU not later than three years after the 1999 election. Indonesia will have to determine if the proportional system is to be retained, or a majority system introduced. The unique variation of proportional system that was proposed by the current law, where the candidacies are filled by constituency, was an innovative idea; however it did not enable a clear determination to be made between seats won and candidates elected. If the present system is maintained, the formula must be reviewed to better define this proportional system with majority features. Furthermore, too many issues were left to the KPU's interpretation, and in some instances, both the spirit and the letter of the law were not fully adhered to. The election system cannot of course be viewed in isolation, and must take into account any potential constitutional review of Indonesian political structures.

B. Elements of a Majority System

The question of Indonesia's voting system – proportional representation (party list) versus majoritarian (single-member "district") voting – remained a contentious issue right up to the approval of the General Election Law. The compromise solution for the election system was to incorporate a "district element" to determine which candidates on the party lists were actually assigned their parties' seats and would serve as members of legislatures. This element did not alter the basic proportional representation principle for deciding how many seats each party won in each legislative assembly; parties got a share of seats according to their share of the vote.

However, the election law introduced a district element for deciding which candidates actually filled seats won by their political parties. Parties were to assign seats to

candidates based upon party performance in the district with which the candidate is identified on the party list.

Indonesia's new district element approach changed the traditional "closed list" approach.⁶ Parties' candidates were now identified on party lists with a district – the next level in the political structure below the level where the candidate list was formed. For national DPR, candidate lists were formed at the provincial level. Candidates were identified with regencies and municipalities (kabupaten and kotamadya).

The district element seems clearly intended to 1) give voters more influence and control over which candidates are given seats won by parties, 2) encourage candidates to campaign locally, and 3) establish a connection between voters and their elected representatives. By this provision, for parties that won seats, their candidates were no longer to be automatically given seats on the basis that party leaders have placed their name at or near the top of the party's candidate list before the election. While the district aspiration of the law attempted to provide the direct connection and accountability gained by electing one member to represent a district, the overriding feature of the system was still its proportionality. Most of the voters, and a significant number of politicians and policy makers, failed to understand the complexities of a proportional system which introduced some aspects of a district system. While interesting in principle, the proportional and majority systems are not easily compatible.

The General Election Law provides that seats won by parties are to be assigned to their candidates by considering the largest votes obtained by the party at the "district" level (the next lower level in the political structure). Parties were to give seats to candidates by taking into account party performance in the district identified with each candidate. For national DPR, seats won by parties through proportional representation at the provincial level were to be given to candidates on their party list according to how successful the party was in each regency and municipality (kabupaten and kotamadya) in the province.

Specifically, for national DPR, the law provided for the National Election Committee (PPD) to assign the election of candidates for each contesting political party that has won seats. That assignment was to be based (per English translation) upon the proposal of the central committee of each party considering (or, perhaps, with reference to or taking into account) the largest votes obtained by the political parties in each regency. The KPU issued regulations three weeks before the election that set some procedures for assigning seats to candidates but left significant discretion to political parties to complete the assignments.

⁶ Elsewhere in the world, and formerly in Indonesia, assignment of seats to candidates was made through a "closed party list" method. Candidates were given seats according to their rank on party lists. The order of candidates on the list was determined by party leaders before the election (at the time the candidate list is certified by election authorities). For example, if a party won 25% of the vote and got three out of twelve seats in the electoral area according to proportional representation, then the top three candidates on its list received seats.

Confusion over the implementation of the system caused delays in the vote counting and seat allocation process. Furthermore, the district aspiration compromise was not implemented uniformly. Those seats won by full quota were supposed to go to the candidate who represented the party in that district, while party central committees had much more discretion over those seats won by remainder. At the national level, this was more or less respected, although a few seats were allocated to candidates other than the candidate running in the district where the party received the full quota. Concerning the 120 seats allocated by remainders, this became an opportunity for party central committees to seat their prominent members rather than respecting the intent of the law. There were extreme problems at regional and municipal levels where the party district committee often designated the candidate to fill a seat despite the voters' choice and in complete disregard for the election regulations.

Moreover, the introduction of a district element did not appear to encourage significant connection between voters and individual local candidates; voters' choices seem to have been entirely based upon choosing favored political parties. It remains to be seen whether elected representatives will strive to establish more direct relationships with their constituents.

C. The Structure of the National Election Commission

The KPU is composed of five representatives of the government and one representative from each political party qualified to contest the elections. Thus, the KPU could not be formed until the political party qualification process was completed. In the election law transitional measures, political parties were allowed to run in 1999 if they could demonstrate some organizational structure in one third of the provinces and in 50% of the regencies and municipalities of those provinces. A body composed of eleven people was appointed to accredit the parties in order to form the National Election Commission. Finally, following their report on the parties accredited to run in the election, the KPU was appointed on March 11, 1999.

Indonesia's election law created a new election commission structure. The law as approved was intended to move away from largely bureaucratic control of the process of conducting elections to a structure that involved participation by the contesting political parties, along with government representatives, at all levels of election administration – in the national commission and in six levels of implementing election committees. That was a change from Indonesia's past election process.⁷ This inclusion of party representatives throughout

⁷ The new law seemed to contemplate a simpler election administration hierarchy than the parallel structure of commissions and committees formerly used, and as envisioned in the government's first draft law. In its October 1998 pre-election assessment report for Indonesia, with respect to the proposed draft's reliance on the old system, IFES recommended Indonesia's new law for general elections abandon the old institutions for conducting elections in order to provide greater transparency, accountability, and effectiveness in election administration. The three nominally separate election institutions formerly employed (LPU, PPI, and Panwaslak) could have been integrated into one election commission structure responsible for policy, implementation, and supervision of the election process.

the election administration structure presented the political parties both a major opportunity, and an organizational challenge.

The law provides for a "free and independent" National Election Commission to conduct elections, made up of representatives of contesting parties and of the government. The KPU is composed of one representative from each qualified party, chosen by their party's central committee, and five representatives from the government, named by the president. The 48 party representatives collectively have equal voting power with the government representatives. The KPU has a chairman and two vice-chairmen elected by its members.

The KPU has overall responsibility for policy-making and administration. This includes planning and organizing the elections, issuing implementing regulations, coordinating election activity at all levels, and collecting and certifying the election results. The law provided for six levels of election committees to serve as implementing bodies for conducting the elections (see Attachment K):

PPI	national
PPD-I	provincial
PPD-II	kabupaten / kotamadya (regency/municipality)
PPK	kecamatan
PPS	kelurahan / desa (village)
KPPS	polling station

The National Election Committee (PPI) was established by the KPU. Each level of election committee appointed the members of the next level down. Each was composed of representatives of political parties and of government (community representatives at polling stations). Each was responsible for assisting implementation of elections at their level, including vote tabulation. Committees at PPS level had responsibility for voter registration.

The law's broad delegation of rulemaking authority to the KPU placed an immediate test on the ability of the KPU to work as a cohesive structure. The extent of regulations needed to further define the procedures required extensive groundwork before regulations could be drafted and election preparations made. Unfortunately, the crucial early weeks of the KPU's operation showed a lack of administrative foresight or political cooperation by the political parties and the government members represented on the new KPU, which was needed to implement the necessary regulations in a timely fashion.

The election administration structure established by the law proved to be too complicated, inefficient, and unworkable. A major obstacle to the KPU's effectiveness was the fact that it did not have administrative or financial independence from the government. An election commission in which the government appointees control 50% of the vote in the KPU (regardless of whether they conduct themselves independently or not), and a supporting Secretariat that reports to both the KPU and the Ministry of Home Affairs, will never be an independent commission. In future, it should have its own budget and be able to hire a

professional, independent staff that is responsible to the KPU, not the Ministry of Home Affairs.

Furthermore, the PPI was not given the financial or human resources that it needed to carry out its legally mandated role of implementing KPU decisions. The PPI, with its seven-member executive committee also serving on the KPU, was intended as the link to translate KPU policy decisions into realistic implementation. As already noted, the Secretariat assumed much of the PPI role, and overstepped its authority. If the KPU is to become a neutral body, then the role of the PPI could probably be folded into the KPU itself.

As envisaged in the Broad Outlines of State Policy Guidelines (GBHN), the election administration, at least at national level, will be composed of non-partisan members who enjoy the confidence of all parties, thus excluding government and political party representatives altogether. However, the mechanism to nominate and appoint such an impartial body would need a broad consensus among parties in the DPR, and must be pre-determined by law in order to prevent manipulation during the process.

If the formula of a commission including parties' representatives is retained, at least below national level, the number of parties could be reduced, perhaps in line with those parties represented in the DPR, DPRD-I, and DPRD-II. Civil society representatives could be included for a further balance. A balanced composition between party representatives and civil society members, for example, would be more appropriate than a balance between party and government representatives.

D. Political Parties

Since the 45 parties not already in the DPR and the reformists distrusted the administration of the election by Home Affairs' LPU, a balanced electoral authority composed of parties and government appointed representatives was an accepted solution. The exclusion, however, of the civil society representatives from the body contributed to the KPU becoming too partisan in nature. Ironically, the ineffectiveness of the KPU empowered the old LPU bureaucracy within the KPU Secretariat.

In addition to permitting party representatives to sit on the election commissions at each level of election administration, the law granted those parties qualified to contest the elections with the right to send a "party agent" to polling stations to monitor preparations, voting, and vote counting.⁸ Thus, the new administrative regulations provided an unexpected opportunity for active, competitive parties to introduce far more transparency, openness, and accountability into the election process. The parties proved to be unprepared to fully exercise their role in facilitating transparency in the process, however.

⁸ Party agents are entitled to express objections regarding irregularities in the counting procedure from the KPSS level on up under *Articles 56 & 58-62*; if accepted, corrections must be made immediately. But such objections "shall not impede the election process" (*Article 63*).

The presence of party representatives alone did not, in the end, guarantee the transparency and accountability of the process. This was because not all parties shared in their level of responsibility. At KPU level, numerous small parties threatened to walk out and paralyze the process on more than one occasion. Some KPU party representatives conducted themselves as if they were delegates to a mini-parliament, rather than an institution to protect the wider interests of all parties participating in a process. However, this should not automatically exclude parties from participation in the election administration, as some parties participated within the KPU in a more constructive and responsible manner. It is unfortunate that the larger parties did not act decisively, in conjunction with the government representatives, to put an end to small party intrigue in the KPU until the very end of the process, when disputes over the vote certification and seat allocation threatened to weaken the legitimacy of the June elections.

In addition, the inclusion of parties within the election administration placed a heavy burden on them in terms of recruiting hundreds of thousands of party agent observers. This task was not made any easier by the KPU Secretariat, who moved forward with their planning for 320,000 polling stations, despite a KPU decision to reduce the number to 250,000 (Attachment C). Parties were recruiting without full knowledge of the scale of recruitment necessary to cover the process. The KPU Secretariat, alarmingly, could not confirm the number of polling stations until after the election. This lack of basic information about the process made it very difficult for parties to fully take advantage of multi-party commissions and party agents as they were not informed in sufficient time of the accurate number of polling stations for their recruitment and training efforts.

Those who advocate a non-partisan commission may be able to achieve such a commission of respected people at the national level, but it would be a challenge to establish non-partisan election commissions below central level at this stage in Indonesia's transition from authoritarianism to democracy. The role of political parties in a transitional democracy can be effective in mutually policing the election process and diminishing the role of an entrenched civil service bureaucracy. In Indonesia today, there are still outstanding questions concerning the neutrality of the civil service, entrenched political loyalties, and patronage / corruption issues.

E. Office of the Secretariat

The law approved by the DPR and the president includes an administrative entity called a Secretariat to assist election committees from KPU down to the PPK levels. The KPU Secretariat is headed by a secretary general and vice-secretary general, appointed by the president. The Secretariat's structure and operations are also to be stipulated by the president. The secretary general was said to 'operationally' report to the KPU and 'administratively' report to the government.

The law also provides for a Secretariat chaired by a Secretariat Head to assist the top four levels of election committee (PPI, PPD-I, PPD-II and PPK). Composition, structure and

operations of these Secretariats were stipulated by a decree of the Minister of Home Affairs. Staff of PPI's Secretariat was appointed (and may be terminated) by the Minister of Home Affairs. Staff for PPD-I was assigned by the province's governor; staff of the two lower levels were assigned by the local regent or mayor.

This institution of Secretariat may simply have been intended to recognize that the election committees needed administrative and physical support to carry out their duties and conduct the elections. Ultimately, the election process relied upon government workers to do the work. Civil servants were assigned to this task and, understandably, retained their status as government employees.⁹ But the new law's details of government domination of appointment and operation of these entities, in a law otherwise lacking specificity, is remarkably blunt and overwhelming. The government controls the personnel responsible for carrying out the administrative tasks for the election.

The Secretariats became a mechanism for the government to reassert control over the election process through a back door. Implementation of these provisions by the president, Minister of Home Affairs and other executive authorities, and the operations of the Secretariats themselves, needed to be watched very closely by political participants, election monitors and the news media. But political party representatives on the KPU and election committees served by these administrative bodies did not fully exercise their rights to oversee election administration, including demanding information, documents and general accountability – to truly require the Secretariats report to them 'operationally.'

During the transitional period in which Indonesia is establishing a democratic government, it will be wise to draw a clear line of demarcation in responsibilities for election administration. The KPU Secretariat clearly usurped the mandate of the PPI to implement the election. The fact that the KPU was inefficient is no excuse for the process to have been so heavily influenced by the civil servants. The dual lines of accountability, whereby the KPU Secretariat reports organizationally to the KPU and administratively to the Ministry of Home Affairs, should be discontinued. The KPU Secretariat should be appointed by the KPU, and it should report exclusively to the KPU. The same authority should be granted to election implementing committees at all levels of election administration.

F. Election Campaign

The General Election Law lacked specificity regarding legal parameters for the election campaign itself. The law identified the election campaign period as commencing upon completion of the certified lists of candidates and lasting until two days before the election (a cooling off period) – May 18 to June 5. In this time period, parties were supposed to convey their policy platforms to the Indonesian electorate.

The election law contained prohibitions on certain behavior during the campaign, essentially involving slander or inciting hatred or violence. Also, to further discourage

⁹ The supplemental explanation to the General Election Law refers to the Secretariat as a government agency.

violence, it was not permitted to mobilize people for political activity from one regency/municipality to another. A breach of these rules of conduct could have resulted in police action to prevent such activity and to disband the offending campaign.

There was also a prohibition on using government facilities or places of worship to campaign. This language was intended to prevent government abuse of state resources, both human and material, in support of its own candidates.

The campaign was successfully conducted without significant violence. In many cities, including Jakarta, a campaign calendar was established which permitted certain parties to hold public rallies on certain days, in an effort to prevent clashes between antagonistic party supporters. The campaign did not, however, encourage real discussion of issues, or articulation of alternative policies among parties. It was largely conducted in a carnival-like atmosphere.

The election law should be amended to expand and clarify the prohibition on government resources for campaign use. The law (or future KPU regulations) should specifically prohibit any use of government funds, personnel, facilities, supplies, material, equipment, or any other state resources in support of any political party or candidate. Violation of this prohibition could result in both civil and criminal sanctions. It is vital that this language be more specific if the privilege of incumbency is not to be abused in future elections.

G. Political Finance

IFES has previously published a comprehensive review of political finance regulation and disclosure in the June 1999 election in Indonesia, entitled "Money Politics: Regulation of Political Finance in Indonesia". This report is included hereto as Attachment A.

H. Voting, Vote Counting, and Tabulation

In an obvious example of leaving the details to the KPU, the Law on General Elections did not prescribe the form of the ballot, the voting procedure, or the counting process. The law provided some description of the tabulation process and documents, as well as stipulating that political party agents are entitled to object to irregularities in the procedures and that committees should act immediately to correct well-grounded objections. But the law is remarkably silent on the specific elements of election day activity.

i. Absentee voting.

The law made an oblique reference to some form of "absentee" voting on election day and said that registered voters who are not able to use their voting rights in the place where they are registered would be able to vote in other places and that regulation of this procedure would be determined by the KPU. The desire to accommodate voters away from home on

election day, while understandable, created a classic opportunity for vote manipulation and fraud. There was much confusion over the KPU's last minute announcement the day before voting to permit all voters in the troubled provinces of Aceh, Irian Jaya, and Maluku to vote elsewhere with an "A2" form.

ii. *Voting overseas.*

Article 35 of the Law on General Elections provides for Indonesian citizens living abroad to register and vote in representational offices of the Indonesian government (embassies, consulates, etc.). Election commissions were established (PPLN) in such offices. Although this procedure created some administrative problems for allocating ballots to foreign offices, the PPI promptly incorporated results from voting overseas into provincial and regency level tabulations. However, there was some confusion resulting from the lack of a national constituency vote to which these overseas votes can be easily added.

It is recommended that the law pay more attention to election day procedures, rather than leaving such an important part of the overall process open to KPU interpretation. Incorporated into this review could be efforts to simplify the voting procedures and to underline standards that are normally reserved for elaboration in accompanying regulations, such as measures for ensuring the security of the ballot.

The KPU will need to prescribe better rules and safeguards for such practices as absentee voting. Those could include requirements that voters apply for and receive a certificate from their home PPS and that the home PPS make note of such application in the voter registry to prevent the voter from voting in the home KPPS also. Each KPPS must keep records of voters that present such certificates and are permitted to vote in that polling station (and, of course, must take the certificates from them), and include this aspect in their final reconciliation of voters, ballots, and the vote count. The rules will also need to specify whether all three ballots (including regency/municipality level) are provided to a voter voting away from home, particularly for voters voting outside their home province.

An intention to permit Indonesians living abroad to participate in the June elections is admirable. However, this area of voting and tabulation is susceptible to manipulation. *Article 35* does not specifically grant the KPU authority to prescribe regulations for voting abroad, although such authority could certainly flow from *Article 53* regarding the voting process.

I. Complaint Adjudication

Legal Framework for Resolving Complaints and Disputes

Open and competitive elections will inevitably produce complaints, disputes, and allegations of election law violations. New election laws in emerging democracies,

however, often give inadequate attention to creating a process for resolving disputes or adjudicating complaints or allegations.

This tendency for new democratic systems to not provide for fair and effective means of resolving complaints and disputes in elections was exacerbated in Indonesia by a cultural preference for consensus rather than confrontation. Indonesia traditionally relied upon supervisory bodies, called by some variation of the term Panwas, to serve a monitoring, mediating and guidance function in the election process. Panwas was not viewed as having a decisively administrative or adjudicative function, nor the capacity to independently enforce its conclusions or recommendations.

Moreover, under the New Order, the institutional weakness of Panwas was exploited as a cover for tightly controlled and manipulated elections. Panwas provided an appearance of fair and neutral supervision in an election process that lacked genuinely independent election administration bodies, real and competitive political parties, active civil society monitoring, or independent news media.

The Law on General Elections governing the June election retained the institution of Panwas supervisory commissions. The law established Panwas at four levels: national (Panwaspus), provincial, regency/municipality and kecamatan. At the top three levels, Panwas was composed of judges, academics, and community representatives; the lowest level had no corresponding judges to serve. Members were appointed by the Chief Judge of the Supreme Court at the national level, heads of appellate courts at the provincial level and, at the two lower levels, by heads of district courts.

The Law on General Elections briefly described Panwas' structure and role in *Chapter IV, Articles 24-26*. *Article 26* identified Panwas' responsibilities:

The duties and powers of the Supervisory Commissions as referred to in *Article 24* are:

- a) Supervising all election steps;
- b) Settling disputes arising in the election;
- c) Following up findings, disputes and unsolvable disagreements to be reported to the [police or prosecuting] authority.

The four most striking features of the law's brief framework for Panwas' operation are:

- 1) the role of judges in the appointment and composition of the commissions;
- 2) the Supreme Court's role in drafting regulations to determine the relationship between Panwas and other election administration bodies;
- 3) the lack of any identified procedures, or any contemplation of prescribing procedures, for filing or resolving complaints before Panwas;
- 4) the ambiguity of the duties and powers of Panwas as enumerated in *Article 26*.

The first two features, by which judges and courts are drawn into the institution of Panwas, illustrate fundamental characteristics and inconsistencies of this system. Panwas appears to have a quasi-adjudicative function, though not a clear decision-making or enforcement role. Courts are not relied upon as an adjudicative or appellate mechanism and would, indeed,

seem compromised by their own involvement in Panwas in review of Panwas actions or decisions.

As to the third feature, the regulations issued by the Supreme Court for Panwas pursuant to *Article 25* were wide ranging, despite the law's seeming directive to only issue regulations about the relationship between Panwas and other election administration bodies. Yet these regulations completely avoided setting forth procedural requirements for complainants to file grievances or for supervisory commissions to resolve complaints, disputes, or allegations of violations.

The fourth feature of the law was a source of great problems for the operational effectiveness of Panwas. The real authority of Panwas was left vague and ambiguous, particularly as to decisive actions it could take, even in the Supreme Court's explanatory regulations. This situation was further aggravated by the Government's Decree of May 19, which seemed to empower Panwas in critical areas of the election process without clear enforcement mechanisms (discussed below).

The regulations issued by the Supreme Court emphasize Panwas' general monitoring role by largely restating provisions of the election law regarding the election process. Written like an election observer manual, it suggests Panwas members are to be present to observe every step of the process rather than respond in an adjudicative role to complaints, disputes, or allegations brought to them. However, Panwas members themselves acknowledged that Panwas commissions were appointed over time and relatively late in the election process, particularly at the kecamatan (Panwascam) level. This delay in appointment, as well as lack of funding and training, undermined Panwas' active supervision of the election process at critical stages, including during the period of voter registration.

The Supreme Court's regulations describe the role of national Panwaspus as one of supervising, counseling, and directing local Panwas, though Panwaspus members clearly viewed their role as advisory and not administratively superior in practice. The regulations also authorize Panwas to appoint teams at their respective levels to visit local areas for purposes of monitoring election activity. A number of Panwas investigatory teams were appointed following the election at different levels and locations to examine allegations of voting and counting irregularities, but with limited and varying degrees of impact.

Two provisions of the Supreme Court's regulations, however, introduce surprisingly strong enforcement powers into Panwas' adjudicative role regarding violations of campaigning rules for parties and for the voting and counting process.

[Article 26]

- (1) Panwas team that is on supervision duty is authorized to give orders that election campaigns be discontinued or dismissed when the campaigns obviously infringe the prevailing regulations.

- (2) The procedure to be followed is that the coordinator of the Panwas team, with the approval of team members, reports to the election implementing committee and the authorities.
- (3) Orders to dismiss/discontinue election campaigns to the election implementing committee and the authorities shall be completed with the Statement of Dismissal.
- (4) Before giving orders mentioned in paragraph (3), it is necessary to listen to and consider the advice from the local party committee and the election implementing committee.

The power to stop the campaign of a political party that engages in activity contrary to the law or regulations was never used by any Panwas at any level, although warnings were apparently issued to parties by Panwas commissions with some frequency.

[Article 27]

- (1) Panwas [committees] are entitled to stop ballot casting when:
 - a. mistakes/fraud occur
 - b. emergency/unexpected conditions arise
- (2) After giving instruction to discontinue the elections, while observing the prevailing regulations, Panwas is to order that an election be re-run no later than 30 (thirty) days as of the polling day.
- (3) In the event that a Panwas receives reports as referred to in paragraph (1) about fraud, mistakes on voting and ballot counting, and such reports are confirmed by Panwas, then the Panwas is entitled to give orders to repeat voting.

These extraordinary enforcement powers were also apparently never utilized by any Panwas at any level. However, their potential use may have assisted particular Panwas commissions to discourage misconduct or fraud in the election process, or to encourage mediated results between complainants and election implementing committees.

The Government's Decree No. 33 of May 19th contained various election regulations, including provisions related to Panwas. These regulations reinforced, in theory, the potentially more assertive view of Panwas' adjudicative and enforcement role, including "the power to stop or cease the campaign" of political parties that violated the laws regarding campaigning.

Further, the Government's Decree anticipated a repeat of elections under circumstances where order and security may be compromised in a particular place. While the KPU, PPI, and other election administration bodies are responsible for implementing these provisions for repeat elections, the Decree grants Panwas authority to determine if repeat elections should be held because of reports of fraud.

Most remarkably, the Government's Decree added a new and significant power to Panwas' authority with respect to certifying election results. However, it does not appear Panwas' power to decide the legitimacy of political parties' objections to vote certification was ever fully utilized or honored at any level. Panwas at lower levels, particularly Panwascam at the kecamatan level, may have been unaware of the power granted them by the

Government Decree. After the elections, however, Panwas commissions throughout Indonesia investigated allegations of irregularities in voting and vote counting, and of election violations, and helped push forward the vote count. Thus, Panwas' function in certifying election results reverted to the more traditional role of an advisory rather than decisive body.

At the national level, the KPU failed to achieve a two-thirds vote to certify election results approved by the PPI, because of objections from numerous losing political parties. The KPU sent the matter to President Habibie for a decision rather than to Panwaspus. The president referred the matter back to Panwaspus for their assessment. The power to certify the results was exercised by the President, however, and Panwas' role was effectively only advisory.

Comments

Panwas' basic role and authority in the election process was unclear. . . Panwas is a supervisory body, but without administrative power. Panwas is also a quasi-adjudicative body, but without enforcement power. Panwas largely performed an advisory, mediating, or referral role – relying on “moral authority” that was dependent on each commission's energy, stature, and persuasion rather than decision-making or enforcement powers.

A few extraordinary powers were granted to Panwas by regulations: to stop political parties from campaigning if they violated the law or regulations; to stop voting or require repeat elections in the event of gross mistake or fraud in the voting process; to decide on the reasonableness and sufficiency of proof of political party objections to certification of election results. These powers were never actually utilized by any Panwas for fear of adverse reaction and an inability to enforce their decision.

The law and regulations provided no procedural guides or requirements for Panwas to operate, particularly as to receiving and resolving complaints, disputes, and allegations of election law violations. The law and regulations did not address basic questions such as: “standing” to file a complaint; any required format, information or show of evidence for complaints; or requirements upon Panwas commissions in reviewing complaints as to time deadlines, open meetings or hearings, or written conclusions.

Panwas' performance and independence suffered from insufficient funding and lack of budget autonomy. Its performance was further undermined by inadequate time for organizing and training, especially at the lowest kecamatan level.

Panwas was not hierarchical in structure, so that higher levels could not direct lower levels nor hear appeals from their decisions. Communication and cooperation between levels was inadequate. Commitment and competence of individual Panwas commissions throughout Indonesia varied greatly, as did the credibility afforded them by political participants and other election authorities.

The relationship and interactions between Panwas and election administration bodies, the courts, and police authorities were undefined. Communication between them was informal and sporadic. Because Panwas largely performed an advisory, mediating, or referral role, it was therefore subordinate to and wholly dependent upon these other entities to accept or enforce Panwas' decisions or to follow through on Panwas' referrals or recommendations.

The law and regulations left unclear the extent of the obligation of Panwas to refer allegations of violations to the police, and the weight to be afforded any preliminary investigation or conclusions of Panwas as to the merits of such allegations. Referrals to police regarding allegations of violations of election laws, including criminal violations, were completely at the discretion of police to prosecute and, as such, were open to secret, arbitrary, unfair, inconsistent, or inadequate enforcement approaches by local police.

The relationship between the courts and Panwas was too close and at the same time disconnected. Judges were to serve on Panwas commissions at the top three levels; heads of courts at each level were responsible for appointing Panwas members. Referrals of unresolved complaints or disputes to courts were apparently contemplated by the law but exercised only rarely. Involvement of courts in both composing and selecting Panwas commissions compromises potential appellate (and decisive) function for courts in final adjudication of complaints and resolution of disputes, without any compensating value of added weight to Panwas' authority by virtue of court involvement. Complaint adjudication and dispute resolution are thus stuck in a quasi-adjudicative mode.

Communication between Panwas and election monitoring organizations (EMO) appears to have occurred almost exclusively after the election. Panwas failed to take full advantage of the monitoring information available through these organizations. When the reports of EMOs pointing to significant numbers of irregularities began to undermine the vote count and certification in some areas, Panwas did not provide EMOs guidance for distinguishing and properly categorizing the seriousness of irregularities. Public confidence in the process of voting and vote counting suffered with the perception of these irregularities and violations.

Given the new election law's reliance upon old structures and obscure division of authority, Panwas lacked a clear mandate for its role in the election process in June 1999. The general supervisory and monitoring role of Panwas – which was not genuinely independent in past elections – seems anachronistic in a new political environment of competitive parties, stronger civil society monitoring, independent news media and, potentially, professional election administration.

Unlike the general supervisory function, which seems outdated, the unfulfilled adjudicative role of Panwas remains vitally important to an effective election system. As the process of review continues, and the new DPR considers electoral law reform, at the top of the list of priorities should be a revised and strengthened institution for resolving complaints, disputes, and allegations of violations. Consideration should be given to dramatically revising the role and operations of Panwas, or to replacing it altogether.

IV. ELECTION ADMINISTRATION

The administration of an election is contingent on a sound legal framework, as discussed in the previous section. This section addresses the administration of a democratic election process and the standards by which election administration should be evaluated.

A. General Principles of Election Administration

A democratic electoral process must be administered in a neutral and non-partisan manner. To ensure this objective, an election is either administered by a neutral body, or a multi-party body whose members have a mutual interest in safeguarding the neutrality, or at least the transparency, of the process. Some options for the composition of election administration bodies include: a body unanimously appointed by and reporting to the national assembly or parliament; a body jointly appointed by the three branches of the government; or a body including representatives of government, the political parties, and civil society. Whatever the composition of an election commission, it should be empowered with administrative and financial autonomy, thus ensuring its independence.

An electoral process is built upon the legal and administrative framework of a given country, and includes the entire scope of planning, organizing, and implementing the election: registration of voters, registration of parties, campaign rules, civic education, polling, counting/consolidation of results, announcement of results, and installment into office of the duly elected candidates. Frequently, and particularly in established democracies, administration is handled by national and local government officials. Disputes are settled by ordinary courts having a tradition of fairness and neutrality, all of whom enjoy the confidence of the electorate.

In practice, the election machinery can either be impartial or in partisan balance. Where election administration previously was within a one-party or other authoritarian system with no opposition, voter confidence will only be inspired if opposition party representatives are brought into election administration. They may not be independent, and indeed will usually remain partisan, though ideally in balance with competing interests; the issue is not so much *independence* as transparency and non-governmental involvement at national and polling district levels. The Indonesian Parliament chose balance over impartiality in the composition of the KPU for the 1999 elections.

A code of conduct for the KPU should have included the following fundamental ethics of election administration:

- **Impartiality:** It is possible to be a representative of a political party but to still conduct oneself in an impartial manner when it comes to the election process. All parties gain from an open and transparent process that is conducted in an impartial manner. Through such a mechanism, all parties are assured of an honest reflection of support received at the ballot box. An individual can represent a party, but place the integrity of the process

as a whole over narrower party interest. In the long run, this approach will be in the best interest of each and every party by establishing professional and impartial election management.

- **Independence:** The independence of an election management body pre-supposes its administrative and financial autonomy. The members should be appointed for a fixed term, and are in charge of implementing the election in line with the law. An independent election body should not report as a subordinate body to any governmental authority, although an electoral authority has the duty to publish a public report on the electoral process and to respect the financial laws of the country. The most important rule to ensure independence is the non-interference of the government. In this case, the independence enhances the impartiality of the members by protecting them from undue pressure, by ensuring job security, and by providing sufficient remuneration. The fact that such a body doesn't have to report to the government, which is the ruling party in a transition period, is the most important factor in the independence of the institution.
- **Competence and efficiency:** An electoral body must conduct the election process according to the timeline and conditions determined by the law. To attain this objective, the electoral authority has to be competent both at policy making and implementation. Each step of the process has to occur as scheduled and each task has to start and finish successfully on time. Problems have to be resolved immediately, as a problem in one phase of the electoral process will only create problems for each ensuing stage of the process. If the electoral authority is unprepared for the process, and is weak in both its planning and administrative abilities (such as the late procurement, the short supply, and the late delivery of election materials), then its credibility is certain to suffer and it cannot command the confidence of the electorate.
- **Transparency:** An electoral process is a public exercise and the electoral authority is responsible for informing the voters and parties of the various steps and decisions taken by publishing all the documents related to the election, by consulting the various actors in the process, and by constantly informing the population. The electoral authority has to publicize the timetable, the regulations and procedures as well as the mechanics of the election. Public information and civic education programs are an integral part of a transparent process. Openness to the media and relations with the parties generally enhance the transparency of the process. The people should know at any time what is going on in order that they can evaluate the process. Transparency includes a public post-election report on the electoral process and a full financial report.
- **Credibility:** The success in conducting the various steps of the electoral process with impartiality, independence, transparency, fairness, and competence helps to build the credibility of the electoral authority. The voters and the parties will then entrust the body and respect the measures taken to ensure the fairness and freedom of the process. By being credible, the electoral authority will create an environment inviting the electors to vote and assuring them their votes will count. It will also create a foundation

for the future where the electorate, based on its positive experience, will continue to participate in the process.

B. Operational Standards for Election Administration

- **Management:** The management of the election must safeguard fundamental qualities of an election process: universal, free, equal, fair, secret, transparent, and accountable. For example, the registration/polling stations must be located to provide equal access to the voters; the voters have the right to appear in person before an electoral authority to register and to freely access a polling station in a reasonable time to cast their vote in secret; the voters should have trust in the electoral machinery that the votes cast will be accurately reflected in the counting and final results. The management of the election has to be conducted professionally, and must demonstrate impartiality, competence, and efficiency. Technology support will play an increasingly key role and will change election administration in the future.
- **Procedures and regulations:** Each step of the process and almost each operation are determined by the election regulations and procedures. To avoid any arbitrary interpretation of the law, and to guarantee a uniform application of the law, the regulations and procedures should provide clear guidelines and operational instructions. The voters and the parties are entitled to know the rules of the game in advance. The mechanics of the election are a means of regulating the democratic process, and directly impact on the fairness and the freedom of the process. The registration steps, the requirements to register, the voting steps, the delivery and control of the election materials, the layout of the polling station, the counting procedure, the publication of the results, all represent the totality and credibility of the process. The election mechanics aim at facilitating the votes of the electors, providing control and transparency to guarantee the credibility of the process.
- **Material design:** Material design and commodities must adhere to the highest criteria and fulfill all legal requirements. Fraud and manipulation are an ever-constant threat to a fair and free electoral process, and one of the best safeguards of the process is the design and procurement of quality materials with the best security features. These can include: security paper with a watermark; numbered stubs for ballots; election commission records documenting each operation during polling, counting and consolidation of the results; numbered seals on ballots boxes or transportation bags; tamper evident bags for the delivery of the ballots and commission records; indelible ink to prevent double voting; movement control and reconciliation forms for delivery of materials. These types of safeguards permit a fair and free process, and their procurement sends a clear message that the election administration is not willing to tolerate manipulation and fraud.

Poorly designed materials will not allow proper control and will open doors for fraud and manipulation. Unnumbered ballot stubs make it impossible to control and trace the

number of ballots delivered and to account for them. Unnumbered seals can be replaced easily; an ordinary envelope can be easily opened and replaced by another one. The quality of the materials and the mechanics of the election are closely linked and are complementary to each other; the best mechanics with poor materials does not guarantee a sound process and poor mechanics with good materials may also jeopardize the process.

- **Systems and methods:** Systems and methods are needed for a smooth operation and administration of the process. Registration of voters, registration of parties and candidacies, procurement, control, counting and consolidation, communication and information pattern, and complaints processing are all operational systems and methods directly linked to the success of the electoral operations. Human resources management, technology support, financial and inventory systems are essential to the success of an electoral process and are linked to the administration of the process.

C. Structure of the National Election Commission

Election administration structures for the June 1999 elections were largely carried over from prior practices. The result was a multi-track authority rather than a multi-layer authority, in which the KPU, PPI, and KPU Secretariat proceeded along their own planning course, with very little communication between each entity, and without clearly defined roles or responsibilities.

The new feature of this commission was the inclusion of the political party representatives. This decision was intended to permit some multi-party control of the system, but control was equally shared between the 5 government representatives and the 48 party representatives. While this formula did open up the process for political parties, it failed to achieve an independent commission. Structural, communication, and operational problems were evident shortly after the KPU commenced its work. The government representatives on the KPU conducted themselves in a remarkably constructive and independent manner. However, the government still exercised vast control of the process through the corps of civil servants making up the KPU Secretariat.

The law granted broad authority to the KPU for policy decisions, and provided for an implementation body known as the PPI. Members of the PPI were supposed to mirror the KPU, with 48 party representatives. In fact, it was its seven member executive committee that de facto formed the working PPI. The PPI Executive Committee were also KPU members, intended to establish a clear bridge between election policy and its implementation and to help prevent KPU policy decisions from becoming too lofty or abstract. However, the PPI was never properly financed or staffed to undertake its legally mandated responsibility, and was effectively sidelined by the government appointed KPU Secretariat. The KPU Secretariat not only implemented the election, in some cases it also usurped the role of the KPU itself by making policy decisions.

The KPU/PPI role as an independent election management body was further undermined by lower level Secretariats, which functioned as a parallel decision making structure down to PPK level, rather than being integrated within the election structure and responsible to the multi-party/government controlled election committees. The Secretariat at each level had a confused and even conflicting line of reporting and accountability. The Secretariat was operationally reporting to the election commissions, and administratively to the government through the Ministry of Home Affairs or local government executive authorities.

This problem was worsened by the election committees' lack of administrative and financial autonomy. There is no clear line between the local authorities and electoral authorities when civil servants are answerable to the government and control the funds.

Direct lines of authority were clearly missing. In order to seek clarification about election administration issues at the central level, it was necessary to speak to KPU Chairman Rudini, PPI Chairman Jacob Tobing, and KPU Secretary General Amur Muchasim. Sometimes their information converged, but often it was contradictory. Apart from intermittent and ad hoc decision making by Chairman Rudini, there was no chief electoral officer in this structure who was issuing instructions.

Recommendation - The People's Representative Assembly (DPR) should engage in a comprehensive review of the election process based upon the experience of 1999, including immediate reconsideration of election administration structures and the role of the KPU. The KPU needs to be restructured prior to the end of its current term under the law.

The MPR has announced in the Broad Outlines of State Policy Guidelines that the KPU will be restructured in 2004 as a neutral, independent body. It may be possible to establish a commission of prominent and trusted persons at the national level to form the National Election Commission, but in a society with engrained political loyalties and patronage systems, it will be difficult to assign neutral individuals below national level. Some thought should be given to maintaining the role of political parties on election commissions, in order to provide competitive "checks and balances" in politically astute election administration. Perhaps there could be a balance of party members with distinguished representatives from Indonesia's civil society.

The Commission mandated to hold the election should be appointed by the DPR and should report to the DPR through an annual public report of its activities and through a public, audited, annual, financial report. This Commission should also receive full administrative and financial autonomy and hire its own staff. (See *IFES Pre-election Technical Assessment for Indonesia*, 1998)

D. Structure of the Election Administration (Management)

For the 1999 election, the former Home Affairs Election Institute (LPU), which conducted the elections under the prior regime, was effectively reappointed as the Secretariat of the

KPU. There are many individuals from this institute who have acquired experience and are competent. But the approach for a democratic election contested by 48 parties is quite different from the old-style election controlled by the government. It was unreasonable to expect a civil service corps to adopt a new approach to elections overnight without sufficient mechanisms for accountability.

The engine for change in this election should have come from the newly restructured KPU and the PPI. But the conduct of some party representatives on the KPU made its proceedings more and more unmanageable, and the PPI was never properly staffed and financed. The vacuum created by a dysfunctional KPU would not have been so great had the PPI been equipped to fulfill its implementation mandate.

Recommendation - The election administration structure will likely require significant reorganization, including establishing a general election secretariat (a civil service body that would provide administrative support for the election commission) reporting to the KPU and mandated to implement KPU policy. Electoral tasks can be grouped in divisions headed by a director and subdivided into services responsible for specific operational tasks, such as planning, voter registration, voting, counting and tabulation, material design and production, communication, transportation and material distribution, and technology support.

Only the national administration need be permanent. However, it is important to build the capacity of personnel at all subordinate levels to plan, organize, and manage elections, and find a means to ensure continuity by retaining the same people. This may mean appointing the PPD-I, PPD-II, PPK, and PPS officials for a fixed term of 5 or 10 years, even if they are only called to action for the election process.

E. Technology Support

Technology advancement in the election process provides valuable support to election commissions. More and more election commissions, even in transitional democracies, are operating with sophisticated technological support. It has become an integrated part of election operations and, in many commissions, is established as a full division or service. In the future, it is even possible that electronic voting will replace the hard copy system in most of the world, and those national commissions having established and fine tuned their technology support unit will progressively and painlessly implement electronic voting.

In Indonesia's 1999 elections, technology was only partially utilized, while many operations should have benefited from greater technological support. The time to undertake basic tasks should have been shorter with better controls. A country like Indonesia, with more than 176 universities, has the capacity and resources to modernize its election administration and to bring it in line with the other advanced countries of the world.

Recommendation - The KPU should appoint a task force to evaluate the need for technology support for the 2004 election, and progressively implement the proposal by computerizing 1) an electoral database of its committees and staff, 2) a permanent register of voters, 3) a candidate database, 4) a material distribution system, and 5) an election results reporting system.

F. Planning

There appeared to be no comprehensive or detailed plan for the 1999 elections, although the KPU had worked on preparations for the 1999 electoral process since 1998. The KPU relied upon 1997 methods rather than developing a new plan more suited to the new situation. One of the consequences was that the number and list of polling stations were only known by local authorities. Political parties and non-governmental organizations (NGO) involved in observation were left in the dark on the number of party agents and observers to be recruited for the polling stations.

It was the intention of the drafting committee to increase the number of voters per polling station by up to 700. This would reduce the number of polling stations, cut the human resources needed to staff the stations, and realize an economic dividend by needing fewer materials. In order to achieve this, a comprehensive approach was needed, including an assessment of the average time for voting, and simplification of the voting procedures, the mechanics, and the forms.

There were 320,000 polling stations in 1997 and a slightly lesser number in 1999. This number was only made public a month before the election, and was inconsistent with KPU Regulation #63 providing for the maximum number of polling stations to be 250,000. The KPU Secretariat actually acknowledged that they had never found this regulation to be realistic, and were always planning a figure of 300,000-plus polling stations (although they seem to have failed to notify the KPU of this fact). It was astounding that on election day and two weeks thereafter, the KPU Secretariat could not identify the final number of polling stations. The final number ended up being approximately 303,000 (Attachment C).

Recommendation - The right to vote is a basic right that has to be facilitated by the electoral authority, and it includes voter access. Using the registers established in 1999, the KPU should review the plan for the polling stations. If elections are to be more efficiently administered in Indonesia, with more focused training for polling station committees and the opportunity for parties to recruit and field election workers and observers, then the number of polling stations should be reduced significantly. Polling stations were observed in rural areas, often less than a kilometer apart, which had 300/350 registered voters. These stations, for example, could have been combined.

In determining the area served by one polling station, the criterion generally used in rural areas is a radius of 5km, depending on the geography. In urban areas, polling stations are

established by street, or in Indonesia by Rukun Tetangga/Rukunwara (RT/RW). However, two or more can be combined depending on the number of voters.

Obviously, there are a number of places where polling stations will contain a smaller number of voters. But given that Java, Kalimantan, and Sumatra contain 75% of the population, careful planning should reduce the number of stations accordingly while respecting the rights of the voters. Mobile polling stations should be considered mainly for scattered small communities on islands, isolated areas, hospitals, nursing homes, and jails. Advanced polling should also be considered to avoid transfer certificates (A2 forms issued to voters which allowed them to vote in a polling station other than the one where they were registered) and reduce the possibility for fraud.

It is essential to have an accurate plan for the polling stations before starting the registration of voters. A good plan for the number and size of stations will allow for better, more cost efficient planning of the materials needed. This planning should be carried out as soon as possible and reviewed every year in combination with revision of the voter register.

The practice of setting up outdoor polling stations appears to be a good idea and should be maintained. The property should be public and safe, permit free access for the voters, and be free from any kind of intimidation. For example, it should not be in the yard of a former or present village chief.

G. Regulations, Procedures, and Mechanics

i. Time for Voting

It was observed in most polling stations that by 1 or 2 p.m. most of the registered voters had cast their ballots. The average amount of time it took for one person to cast a vote was approximately 1 minute, 20 seconds.

Recommendation - Voting hours should be extended by starting earlier at 7a.m. and closing at 3 p.m. This would provide for 8 hours of voting and enough time to cater to more than 800 voters per polling station (TPS). Expanding the voting hours, along with reducing the number of polling stations and simplifying the voting steps and forms, would contribute to quicker balloting and vote counting.

ii. KPPS

In accordance with the law, the KPPS chairman was tasked with signing and issuing the ballots which kept him busy and prevented him from general supervision of the voting operations. In many cases, 3 or 4 members of the KPPS were seated at the same tables. If the ballot is redesigned and printed with a numbered stub, then no signature will be necessary and one person would be sufficient to issue the ballots.

Recommendation - Amend the law so that the chairperson is not assigned tasks, and is able to supervise the process and address any objection or complaint. The secretary should verify the name of the elector on the register and complete the Statement of Polling and Counting; the vice chair should issue the ballots and give the instructions on voting; one of the clerks should watch the ballots boxes, and the other should apply the indelible ink on voters' fingers.

Five members for the KPPS (polling station committee) seems sufficient if the layout of the polling station is adequate, a smooth one-way flow of voters is respected, and the procedures are simplified. A security guard should be posted at the entrance and the exit and should not have any task other than to guard the TPS. (In some stations, for example, guards controlled the flow of voters into the TPS.)

iii. *Polling*

During the last election, TPS materials were locked in a ballot box with the instruction to open on election day morning at 8 a.m. This delayed the beginning of polling by one hour. The KPPS members were not trained in the methodology to count the ballots received. The number was not recorded immediately on Statement C and C1; nor was the number of additional ballots received recorded on C4 when the additional ballots were delivered separately. The same thing occurred at the close of polling when findings were not recorded on Statement C1 and C5 after the unused ballots were counted. This created confusion, delayed counting, and complicated the reconciliation of the ballots. (See Attachment E for samples of these C forms.)

Recommendation - Package the election materials, except for the ballots, to allow for their verification at a preparation meeting on the day before polling. In the morning, half an hour before polling, only the ballots are counted; if they are bound in booklets of 50 with serial numbers, the control of their numbers is facilitated. Polling materials can be set up, and verification of party agents' and observers' accreditation can be done as early as one hour before opening the TPS. The KPPS should be better trained on opening and closing procedures, especially the importance of filling in the appropriate Statements immediately at the opening of polling.

iv. *Counting*

Observers generally viewed the counting of the ballots as transparent and fair. Each vote was announced clearly and each ballot displayed to party agents and observers. The methodology of separating ballots by party in piles of 25 or 50 was not used, creating more difficulty in tabulating the number of ballots for each party. In some instances, when ballots for one election were placed in the wrong ballot box (e.g., DPR ballot placed in DPRD-I box), this delayed the final count, the reconciliation of the ballots, and the completing of Statement C1. The large tally sheets were not used in many polling stations. The A-4 booklet (24 pages) containing the C forms was distributed to party agents. This was not

necessary because party agents only wanted the reconciliation of the ballots and the results by party.

Recommendation - To facilitate the count and to enable the reconciliation of the ballots, it is recommended that each box be initially opened, ballots counted, and misplaced ballots placed in the correct box. The total number of ballots for each level of election (in each box) should be recorded on Statement C1 and the ballots reconciled before actual vote counting starts. Use of the regular tally sheets and the results sheet should be emphasized over the large tally sheet. The results sheet, and not the Statement, should be distributed to party agents for their verification and copying.

H. Materials

i. *Registration Materials*

The design of the register and the notice of registration appear fine, although complaints were made about the application form for registering to vote. A simple booklet containing the registration application, the notice, and a consecutively numbered stub would be sufficient. (The application and the notice in 1999 were printed on the same sheet but not numbered.) The stub can be further used to computerize the voter register.

Recommendation - The registration form should be redesigned in the format of a booklet including the Notice of Registration (Registration Card) and an identical stub consecutively numbered. The use of a formal register book must continue as long as the register is not permanent or computerized. A column should be added to record the serial number of the application stub.

ii. *Design and Packaging of the Ballots*

In the June 7 election, the design of the ballot appears to have been acceptable to the voters (Attachment M). Considering there were 48 parties, the number of invalid ballots was quite low, varying from 4 to 6%. The major weakness of the ballot was the absence of numbered stubs. This resulted in a lack of security for the ballots, the inability to control the number and movement of the ballots, and the inability to account for them through the reconciliation process. The paper used for printing the ballots also lacked security features. It was fortunate that no major fraud was committed because these deficiencies presented quite an opportunity for fraud and manipulation. The identification of the KPPS, their three signatures, and the hologram on the back of the ballot were all last minute measures to compensate for the absence of the two major security features of a good ballot: a numbered stub and security paper.

Recommendation - The layout of the parties on the ballot should be simple for the voter to discern. The ballot layout could be slightly improved by reducing the lost space on the upper part, enlarging the party number, and spacing each party box more. (On the 1999

ballot, 10 cm were lost on the upper part; at least 5 cm can be used for spacing the party boxes.) The identification of the polling station on the back, the signatures, and the hologram should be deleted and replaced by a numbered stub and the use of security paper. If a signature is considered essential to the validity of the ballot, it is recommended that a small box in the upper left or right corner of the ballot be used to affix the initial of the clerk responsible for issuing the ballots.

The criteria for a secure ballot is the use of secure, watermarked paper, which is hard to duplicate and thus prevents the possibility for fraud. A numbered stub should be used for monitoring the number and movement of the ballots. It is strongly recommended to produce ballots printed with consecutively numbered stubs, bundled in booklets of 50, with the first and last serial number printed on the cover.

It is also recommended that the booklets be packaged for large, medium, and small polling stations to avoid delivering an unnecessary number of ballots, to simplify the logistics, and to save money. A large TPS could be 750 ballots, a medium one 450, and a small one 250. They can be wrapped in clear plastic with the serial numbers printed on the outside, allowing for visual control.

Regarding the security paper, this feature can be resolved easily if the KPU contracts a paper manufacturer to supply a specific security paper designed and produced solely for the Election Commission. Having no by-election in the proportional system, this paper can be produced prior to the election period, stored, and secured while waiting for parties to qualify to run in the election. When the time comes to print the ballots, the necessary quantity of security paper is immediately delivered to the printer/s to whom the contract was awarded. The weight of the paper delivered is carefully recorded; the printer, once the ballots are printed, must produce the ballots and turn over any remaining paper, even the cuttings.

iii. Ballot Box Seals

Ballot box seals are used to prevent tampering, manipulation, and fraud. To offer the proper guarantee, seals must be numbered, and the number is usually recorded on the polling station Statement. Paper seals issued by the KPU were similar to ones used in the past in Indonesia and were not numbered. Numbered padlock or pull-lock seals were not used. It would have been easy to replace an unnumbered seal anywhere.

Recommendation – Numbered paper seals and numbered padlock or pull-lock seals should be designed and procured. The paper seals can be used to seal the cover of the ballot boxes and the envelopes containing the Statements and the ballots. Pull-lock seals can be coupled with a padlock or used instead of a padlock. They offer more security than a padlock, which can be opened easily without a key.

iv. *Forms*

Generally speaking, a form is a document for organizing information used to facilitate the administration of a process or program. There are various needs for election forms: to record the quantity of materials moved, delivered, used, unused, or spoiled; to record events that take place during the electoral operations of registration, polling, counting and consolidation of the results; to record objections or complaints; to register the competing parties and the candidacies; to communicate a decision. Forms are usually grouped by category: administrative, operational, and grievance. A good form is simple, easy to use, and provides all the necessary information. As a principle, where the law imposes a requirement, the KPU should provide a relevant form to facilitate its work and to ensure uniformity.

In the 1999 election, the forms used were the same as in previous elections except for the Party Agent, the Observer Accreditation, and the D4 forms. The C1 Statement was amended to include reconciliation of the ballots. These were improvements on the past. (See attachment D for a list of the forms used in the election. See Attachments E, F, G, and H for samples of counting and consolidation forms used.) The bundling of booklets for the TPS, PPS, PPK, and PPD-I proved a practical procedure that should be continued.

There were, however, too many unnecessary forms that were too lengthy to complete. At the same time, very important control forms were missing, such as a ballot movement control form and a shipment advice form that follow the ballots from the printer to the TPS. The party registration and candidacy forms could have been combined in two or three pages. The polling station C forms could have been simplified. During counting, the large tally sheets used to record the votes enabled the public to witness the count. Though it was a good idea, it was not very practical—with 48 parties on the ballot it required 10 large sheets and a 5-meter-wide board. Precious time was lost because the clerks had to work with 10 pages, constantly switching from one to another.

Only three forms are necessary for the polling station: the Statement of Polling and Counting (e.g., form C in Attachment E); the Tally Sheets (e.g., form C2 in Attachment F); and the Results Sheet (e.g., form C1 in Attachment E). The same form can be used for opening polls, for recording objections and complaints, and for counting. The Tally Sheets are absolutely necessary in a manual voting system. The Results Sheet should be posted and distributed to party agents.

Recommendation – IFES recommends a number of measures to simplify and improve the use and control of election forms and statements:

- **Category of forms:** Label the forms by category so that it's easy to identify which form is used and for what purpose.

- **Format of forms:** Adopt the A4 format for forms, except for the tally sheet and the D4 spreadsheet (Attachment H). This will simplify both the printing and the logistics.
- **Party registration and candidacy forms:** Review the party registration and candidacy forms for the legal information needed. Simplify the forms. For every election, parties will still have to register to compete in the election; this registration can be done simultaneously when filling the candidacies. It is also recommended that the forms be printed in a booklet.
- **Control forms:** Design and produce Movement Control and Shipment Advice forms for the delivery or recovery of the election materials. The forms allow for control on the quantity, destination, and tracking of the materials delivered.
- **Polling station forms:** Design a single statement for polling and counting of not more than 4 pages; a tally sheet simpler than the one designed in 1999, in the format of a spreadsheet printed on one large sheet, is recommended. The results sheet should be retained and its distribution increased, but made one page only.
- **PPS, PPK, PPD-I, PPD-II forms:** For the other committees responsible for the consolidation of the results, a Statement of the Consolidated Results can be designed and printed similarly to the polling station form; again, it should be very simple and easy to use while at the same time facilitating verification of the results. It is strongly recommended that spreadsheets D4, DA4, DB4, DC4, and DD4 be continued.¹⁰
- **Grievance forms:** Design and produce a single objection or complaint form that can be used at all levels and would include the Notice of Hearing. The other form to be produced is the Notice of Decision Form.
- **Accreditation forms:** Two forms are needed, one for the organizations and one for the observers. The same form can be used for international and domestic observers.
- **Envelopes and bags:** The envelopes used in the last election were pre-printed, but those used for the election committee Statement were not tamper evident and were easy to open and reseal. Pre-printed paper envelopes should continue to be used for the spoiled, unused, valid, and invalid ballots and the Statement; all the envelopes should be placed inside a pre-printed tamper evident bag. The bags should be an adequate size, with one side pre-printed showing the logo of the KPU and the identification of the polling station. Similar bags should also be used for the Statements of the PPS, PPK, PPD-II, and PPD-I. Each envelope and bag should also be numbered by category, like the forms, to be easily identified, e.g., KPU 1130, KPU 1131, etc.

¹⁰ The D4 forms noted here are similar to the PPS consolidation forms in Attachment H. The letters A, B, C, and D refer to the levels of election committee: D4 is for PPS, DA4 for PPK, DB4 for PPD-II, DC4 for PPD-I, and DD4 for PPI. See Attachment D for a complete list of counting, consolidation, and other election-related forms.

I. Systems and Methods

i. Voter Registration System

Voter registration is the administrative process for assuring each citizen's right to vote and for discouraging any attempt to vote more than once. Where there is no pre-existing civil register and identification (I.D.) card, double registration proves very difficult to control, except if the voter registration is computerized or photo identification is used.

Recommendation - The KPU should appoint a team to plan and implement a computerized, permanent, voter register, using a code compatible with the Institute of Statistics to identify provinces, regencies/municipalities, kecamatans, and villages. Revision should then be conducted every year during the last three months. The design of the registration form should be adaptable for computerization and the notice could become the registration card. A photo registration card can be considered to prevent double registration and offer a better guarantee for a reliable register.

ii. Voting Process

The layout of the polling station was in accordance with instructions and should be continued. The one-way traffic approach should be encouraged. The practice of building outdoor polling stations is good, and favors transparency in polling and counting.

The punching of the ballots seemed well understood by the population and can continue to be used in manual voting.

Locking materials in a ballot box to be verified just before the start of polling delayed polling by up to one hour in many polling stations. This operation should be conducted well before polling starts. The materials, except for the ballots, should be verified during a preparation meeting on the day before polling, allowing time to obtain missing materials. Displaying the empty ballot boxes and padlocking them went well and should be continued. However, numbered padlocks or pull seals are recommended for more security.

The Statement of Polling and Counting was not filled in at the opening of polling. In general, the instructions on how to vote were not properly given, mainly in regard to the folding of the ballots.

The close of polling was orderly and quite well conducted; the unused ballots were counted but the number was not immediately recorded on the Statement.

Recommendation - The current voting procedures should be continued in the future, but the tasks of each member of the KPPS should be reviewed: the secretary should verify the names on the register and complete the Statements; the vice-chair should issue the ballots; one clerk should monitor the ballot boxes; the 2nd clerk should apply the indelible ink to

voters' fingers; and the chairperson should oversee the process. The tables for the register and the ballots should be separate in order to provide enough work space and better ballot security. Numbered padlock, pull, or paper seals should replace the unnumbered ones.

iii. *Counting Process*

Displaying each ballot and announcing loudly for which party the vote is cast is an excellent practice. But, the counting process showed a lack of methodology and organization. When the ballots were counted to determine the total number in each ballot box, they should have been put in piles of 25 or 50. This would have allowed an easy verification of the count without having to restart. Because the ballots in each of the three boxes were not counted consecutively, it was impossible to record the number of ballots for each level of election due to misplaced ballots. The reconciliation of the ballots was not conducted immediately. It was attempted when the counting was over.

Therefore, in most cases, the Statement of Counting was not completed at the beginning of the count and the ballots were never fully reconciled. The absence of methodology slowed down and undermined the counting. Cross verification of the data was not conducted resulting in unreconciled statements.

Recommendation - A suitable counting method should be developed and the KPPS properly trained in it. The ballots for the three elections, DPR, DPRD-I, and DPRD-II, should be counted consecutively, allowing misplaced ballots to be switched to the correct pile and their numbers to be recorded for the ballot reconciliation. Delivering the Statements locked in the ballot boxes could be replaced by doing so in tamper evident bags that offer more security against fraud and manipulation.

iv. *Consolidation System*

Although a system was designed to consolidate the results at all levels, it was not implemented and the reception of the Statements was far from orderly. It was obvious that the election committees were not prepared to consolidate the results and, generally speaking, underestimated the task. This is likely due to their reliance on past experience when there were only three parties in the race. The use of spreadsheets (work sheets for tabulation of the consolidated results before the Statement is completed) was proposed for recording results from the previous level. However, election committees were not trained to use the sheets. (See Attachments G and H for samples of the consolidation forms.)

During the consolidation of the results, the most important operations were at the KPPS and PPS levels. Given the manual system used to consolidate the results, and the great difficulty in controlling and reconciling the number of ballots, mistakes were predictable. If the reconciliation of the ballots and the data were not rechecked for discrepancies or mistakes, it was impossible for the next level to balance its Statement.

Since the KPPS Statements and the ballots were not delivered to the PPI, the PPI had no means to verify the accuracy of the KPPS Statements and D4 Computer Forms. Retaining the ballots at the PPK or PPD-II level was a practice from the past which was kept in the 1999 election plan, even though the KPU was advised to change it. Under the present system, there is no way to obtain 100% of the results and to verify them.

Recommendation - Staff should be trained to identify and investigate discrepancies, to conduct recounts in case of unexplained discrepancies, and to explain them if they persist. Consolidation of results at four levels opens the process to error and manipulation. Officials should examine the possibility of consolidating the results at the PPS, but skipping the PPK level, and sending the consolidated results to the PPD-II for the DPRD-II, and the PPD-I for the DPRD-I and the DPR. This proposal will reduce the tabulation to two levels and may speed the process, although it will necessitate more logistical support.

v. *Observers Accreditation Process*

What started as a very simple accreditation process for the observers ended in a bureaucratic imbroglio. First, the KPU issued a regulation on the observation in which *Articles 2 and 4* went against the international norms of observation: the deployment and observation plans were to be communicated to the KPU and the observer groups were obligated to report to the KPU before publishing their findings. These articles were brought to the attention of the KPU, but nothing was done to amend the regulation to be consistent with international practice. Second, the KPU did not request that the government invite foreign countries to observe the electoral process. This led to a glitch requiring a business/social visa in order to be accredited as an observer; at the same time, one could not be issued a visa without an observer's accreditation. Third, the domestic observers in many cases had to fight to be accredited. Some committees simply refused to process observer applications because this was a new, unfamiliar experience for them and the KPU had not informed its subordinate committees, the civilian authorities, or the police about it. Fourth, the interpreters for the international observers were forced to register and to be accredited as observers in order to accompany the observers inside the election premises.

Recommendation - It is recommended the KPU review the regulations on observation, amend *Articles 2 and 4* to be consistent with the international rules of observation, and clearly define the accreditation process. It is also recommended the KPU ask the Indonesian government to invite foreign countries to observe elections, issue a pass to interpreters, and coordinate with the Ministry of Foreign Affairs to expedite the visa process so as not to create administrative obstacles to potential international observers.

The process to accredit domestic observers should also be reviewed and simplified; the whole accreditation process should not exceed 24 hours after the application is received. The KPU should publicize the role of the observers and properly inform the electoral, governmental, and police authorities about the status of observers.

vi. *Party Agent System*

The party agent accreditation went quite well. However, the election committees should be better educated on the right of the parties to appoint party agents who can observe the entire election process on behalf of their parties. Parties will also gain by being better trained in using Appointment Form G and the party agent system. The single page Appointment/Accreditation Form should continue to be used because of its convenience—on the same page the party appoints the agent, the agents accepts the appointment, and the electoral authority accredits the agent.

Recommendation - The KPU should design and develop an information/training packet on the party agent system for the parties. It should include a pamphlet, video, and/or VCD explaining how to use the party agent system, and how to plan and appoint party agents.

vii. *Training*

Since previous elections were organized by the Ministry of Home Affairs, civil servants were the management and polling staff. This year, even though a program was designed and funded by UNDP, it didn't reach the polling station committees to train them in polling and counting in most provinces. No training was planned for the consolidation teams, particularly at the PPS/PPK levels; this became a major detriment to their ability to process the election results quickly and accurately.

It is necessary to train election officials and staff when new rules are implemented; training is directly proportional to efficiency.

Recommendation - A training division should be established within the KPU to train KPU members and staff in management and operations, and to develop a "cascading" training program to train lower levels of election committees. A budget item should be earmarked for this program.

viii. *Public Information and Transparency*

Public information directly impacts on the transparency of the KPU and the election process. The KPU is responsible for accurately and regularly informing voters about the process, its steps and calendar, the election procedures, and the decisions of the Election Commission. It is responsible for publishing documents related to the election and making them available to the voters, the parties, and the media.

Commendable efforts were made to inform the public during the process. These included the opening of a press center, the establishment of a website on the Internet, the establishment of the Joint Operation Media Center for press conferences, etc. It was always extremely difficult, though, to obtain copies of regulations or decisions issued by the KPU. In addition, election materials were delivered in such a way that observers and party agents couldn't witness the delivery or reception of the materials, including the ballots.

Recommendations – The Election Commission should consider reorganizing the Public Information Bureau with a production room, a pressroom, and a radio/television studio. This Bureau should be mandated to inform the public about the electoral process, to link with the media, and to provide any public documents from the KPU as soon as they are issued. Similar services should be planned and provided at the provincial, regency/municipality, and kecamatan levels.

ix. Election Technical Assistance

Election advisory committees operating earlier in the process, Team-7 and Team-11, were open to technical assistance, but the KPU/PPI were reluctant to accept it. Some members of KPU sub-commissions did request assistance; PPI sought assistance and advice the most frequently. However, the KPU Secretariat never solicited any advice or assistance from the IFES team. Technical expertise was, for the most part, simply ignored or rejected. Counterparts were not appointed, or if appointed, didn't work as a team. Secrecy was the rule and information was difficult to obtain. It was disappointing that technical advisors were not allowed to contribute more to the process. Except for one advisor, this was the case for IFES, the Canadian International Development Agency (CIDA), the Institute for Democracy and Electoral Assistance (IDEA), and the Australian Election Commission (AEC); CIDA and IDEA terminated their election technical assistance programs through onsite advisors. There was, apparently, an inherent aversion to foreign involvement in the process.

V. RECOMMENDATIONS

A. The Legal Framework—The Law on General Elections

The Law on General Elections must be reviewed within a comprehensive effort towards reform of Indonesia's election laws and election administration bodies. That effort will require action by the People's Representative Assembly (DPR), in cooperation with the National Election Commission (KPU), and supported by civil society reform groups. The KPU has the legal mandate under *Article 11* of the election law to conduct an evaluation of the election process within three years. However, the DPR should also appoint a special committee to examine the election and party laws and seek to benefit immediately from the experience gained in the June election process. While the KPU may facilitate this review, genuine reform of the election system may demand changes in the powers, operations, and composition of the KPU itself. A comprehensive electoral reform effort should avoid partisan or institutional self-interest, and should be initiated as soon as possible. As part of this effort, the law needs to be more specific on fundamental issues of the process. This would help to prevent any future election commission from interpreting the law according to special interests or agendas.

Chapter I – Electoral System

The choice between proportional representation and majoritarian “district” electoral systems was a very controversial element in the development of Indonesia’s election law for the June 1999 elections. The topic remains hotly debated to this day. IFES recognizes this issue will require further and careful consideration, and that the choice of voting system is a unique political and cultural decision for each democracy. IFES would offer two observations to assist this choice:

- The effort under the current law to introduce a “district element” into a proportional representation system proved complicated and largely unrealized, at least in terms of establishing a real connection between voters and candidates. If the present system is retained, its proper implementation will require far more clarity and uniformity in application.
- There is a tendency in Indonesia to idealize a district system as a potential panacea for democratic development. While the values of constituency representation and candidate accountability are worthy goals, and a move toward a majoritarian “district” system may be desirable, steps in that direction should be carefully taken and transition measures fully considered. In the June 1999 elections, it seems clear that proportional representation served a valuable purpose in giving voice to a broad spectrum of political opinion and interests.

Chapter II - Election Administration Structure

As a general comment, the structure established by the law is an overly complicated relic of past election practices. The Broad Outlines of State Policy Guidelines (GBHN) call for an independent and non-partisan election administration after the mandate of the present KPU expires in 2004. It is somewhat ambiguous as to whether or not this same formula would apply to all levels of election commissions. A neutral election administration body, sharing the confidence of political parties, may be achievable at national level, but will be harder to establish below national level. A transitional democracy can benefit from the participation of political parties in the process, mutually policing the process and serving as a check against an entrenched government bureaucracy.

The options for composition and structure of election administration bodies include:

- (a) A commission composed of impartial members who enjoy the confidence of all parties, thus excluding appointed government and political party representatives. However, the mechanism to nominate and appoint such an impartial body would need a broad consensus among parties, and be pre-determined by the law in order to prevent manipulation during the process.
- (b) A commission including party representatives where the number of parties could be reduced. The reduction in the number of party representatives could

be in line with one representative for each party elected in the DPR, and one representing all the non-elected parties.

- (c) A commission including civil society group representatives, perhaps with equal votes to the group of government appointees and the group of political party appointees. Any decision to retain government appointees on the election commission should be made in relation to reducing the government influence on the process exercised through the KPU Secretariat.

It is imperative to review the structure of the election administration envisioned in the present law, which does not reflect the principles of an efficient election administration. It is recommended that a single authority be established that is mandated to organize the election and is fully empowered with administrative and financial autonomy. It should hire its own professional, independent staff and control its own budget. This authority would be appointed by the DPR and would determine the policies and control the process. The same principles of autonomy and control should apply through the entire administrative hierarchy.

Chapter III – Panwas

Comprehensive review and revision of the Law on General Elections should reconsider the role of Panwas as a supervisory and quasi-adjudicative body. The DPR should seek new structures and approaches to adjudication of complaints, resolution of disputes, and referrals of alleged violations to police or prosecutors. A revised system must include clear lines of authority and enforcement powers for administrative or adjudicative bodies. It must provide clear procedures, requirements, and timetables for filing complaints and for administrative or adjudicative action on such matters.

If Panwas is retained, it should be restructured and vested with adjudicative power to decisively resolve any election complaints or disputes. The composition of Panwas should not include members of the judiciary nor should it be appointed by courts, as this compromises the ability of courts to serve as independent mechanisms for appeal of Panwas decisions.

As for the monitoring of the electoral process, the law should state clearly that the government is willing to invite foreign countries and organizations to observe the process, which would eliminate any ambiguity about KPU accreditation of international observers.

Chapter IV – The Military

Mental disorder and status of prisoner should be defined more clearly to prevent any abuse of these provisions.

The military (TNI) should be granted the right to vote upon being excluded from a political role in the republic. It is unfair, and not in line with the United Nations Charter, to deprive

hundreds of thousands of citizens from their right to vote in exchange for appointing 38 TNI representatives to the DPR and 10% in the provincial and regency/municipality assemblies.

Chapter V – Voter Registration System

The registration system is basically sound but too complicated. It should be simplified into three stages: a simple registration period, a revision period, and a final register. The register should be permanent and computerized as soon as possible. Revision should be conducted every year during the last three months. The registration system should be reviewed to determine the number and location of polling stations.

The design of the registration form should be compatible for computerization, and the Notice of Registration can become the registration card. A photo registration card is preferable to prevent double registration and offer greater guarantee for a reliable register.

Chapter VI – Candidacies

The Law on General Elections for 1999 contained general and easily achieved organizational requirements for political party qualification to compete, including particularly easy transitional provisions for 1999. IFES recommends this section be reconsidered, perhaps towards a new approach combining automatic (“grandfathered”) provision for parties that were successful in 1999, and minimal signature petition requirements for new parties to demonstrate basic levels of popular support beyond merely “paper” committee structure.

Chapter VII – Candidacies and Assemblies

The provision allowing a person to run for only one assembly in any one constituency should be maintained. The declaration of not being a member of the Communist Party or any of its affiliate organizations should be deleted, as it constitutes a restriction of political and individual rights contrary to the United Nation Charter of Rights and to its conventions. Clarification is necessary regarding how the candidacies are filled for each assembly according to regency/municipality for the DPR and DPRD-I and by kecamatan for DPRD-II. The party organization level responsible for submitting the list of candidates should also be directly stated.

The forms to fill candidacies should also be simplified in order to make them easier to use and to allow faster screening and processing. Sets of forms for each assembly should be made available by the KPU. Most of the requirements of *Articles 43* and *44* can be included on a one-page form; only the declaration of personal wealth, the birth certificate, and the education diploma need to be separate documents.

KPU regulations regarding the formation and certification by election committees of candidate lists of political parties before the election must be consistent with procedures for

assigning seats to candidates after the election. These rules for party lists must decide how many candidates are to be identified with each district, including districts with larger population. The rules must also decide whether a party list must identify candidates for each district in an electoral area where it is competing.

Chapter VIII – Campaign Financing

The Law on General Elections and the Political Party Law must be expanded in their scope and detail regarding political finance regulation and made more consistent, particularly as to financial reporting. They should clearly delineate when and with respect to what particular political activity the jurisdictions of the election law and party law apply. Fundamental concepts must be defined: election campaign activity, campaign funds, and what constitutes expenditures or receipts by political parties or their candidates, including activities by other persons or groups who openly support them.

Comprehensive review and revision of election laws by the new DPR will also need to address those provisions regarding criminal conduct related to elections. Such conduct involves “money politics” beyond political finance regulation, such as vote buying, bribery of election officials, and other forms of electoral fraud and corruption.

The election law and party law should clearly state that it is prohibited to use any state funds, personnel, facilities, supplies, material, equipment, or any other state or government resources in support of any political party or candidate, except as authorized by law.

The election law should specifically identify contribution limitations for campaign funds of political parties, as distinguished from limits on donations to parties under the party law. In both laws, limitations upon contributions or total expenditures should be set reasonably and sufficiently high to permit parties to raise and spend adequate campaign funds and to discourage evasion of limitations and “off-the-books” financial activity.

The KPU should develop library services to facilitate meaningful disclosure of political party audited reports. Such services should offer access to reports and supporting documentation for the news media, academia, civil society, or any interested persons.

A system of graduated monetary fines, administrative sanctions, and criminal penalties should be established to appropriately fit the seriousness of particular violations of the law and political finance regulations, including failure to observe requirements for full and accurate reporting of political party receipts and expenditures. Obviously, the entire system of political finance regulation is useless without effective and fair enforcement of restrictions and requirements.

A comprehensive review and revision of the Law on Political Parties should eliminate the administrative role of the Supreme Court in regulating parties and receiving audit reports. The Court is not an administrative body, and its perceived “neutrality” should not be compromised. The court system generally should perform a more conventional

adjudicative role, including final appellate jurisdiction by the Supreme Court over election disputes and complaints.

Chapter IX - Election Materials and Consolidation of Results

As a general comment, IFES recommends simplifying the voting procedures, simplifying the forms, improving the security of the ballot, and using better materials to deter fraud and manipulation—for example, numbered stub ballots, numbered seals, and tamper evident bags.

The consolidation of the results could again prove to be very slow and problematic if not well organized and managed. This operation was definitely underestimated in this election, and the results were delayed to the point of seriously jeopardizing the integrity of the process. It became an embarrassment for the KPU and PPI. This situation could have been prevented by designing and implementing a comprehensive training program and by providing the necessary funding to rent consolidation centers and hire sufficient staff to control and consolidate the results.

Chapter X – Seat Allocation

The formula to allocate the seats to parties under proportional representation using a “quota” is standard and easy to apply; the seats not allocated through the quota are to be allocated using the largest remainder, also an internationally accepted method. If the Stembus Accord approach is ever considered again, there should be clarification as to how the largest remainder formula is applied when there are Accords. The KPU should also publicize the formula to explain it to the electorate.

Chapter XI – Notification of Candidate’s Election

Both articles of this chapter will gain in being clarified on the steps to announce the number and names of elected candidates for each party in each assembly and to officially notify them.

Chapter XII – Election Violations

Distinctions must be drawn in the law between administrative and criminal violations. For example, an election official refusing to register an applicant or refusing to perform an election administration act is not committing a criminal offence and should be disciplined by the electoral authority; by comparison, an individual responsible for counterfeiting election materials is liable for violating the electoral law and committing the criminal offence of fraud. A party, a candidate, and/or a supporter violating the campaign rules should be sanctioned by the KPU, unless violence or bribery was used. The KPU should be granted the authority to resolve the violations of the electoral law that are not criminal, while criminal offences should be referred to the appropriate prosecutor or court.

Chapter XIII – Re-balloting

Criteria based on the impact of violations on the final results should be clearly established to determine when an election has to be rerun. Irregularities, errors, and unfair practices do not always impact on the final results so as to change the position of the parties and their respective number of seats. In this case, a court should not grant a rerun election, even if the irregularities are acknowledged; rather, the individuals or parties would be prosecuted and punished but the election results will stand.

A manual counting/tabulation system like the one used for the 1999 election is subject to errors. These can be technical and can be explained by the lack of staff training in using the counting forms, and the absence of technological support to verify the results. As recommended in the *Election Administration* section, this system should be reviewed and simplified to facilitate its use and to offer more guarantees against fraud and manipulation. Instances of intentional fraud during the vote aggregation should be reported to KPU/PPI. The integrity of future elections that maintain the confidence of the electorate hinges upon limiting the possibility for manipulation of the results.

Chapter XIV – MPR Functional Group Representatives

Functional Group Representatives are a remnant of the New Order regime. The notion of “unrepresented” groups should be outdated in a competitive, inclusive, democratic system.

If representatives of the Functional (social) Groups for the MPR are maintained, they should be selected in a democratic manner from within their organization. Any member of a group should have the opportunity to run and the group should elect who is nominated. If a democratic procedure is not followed, the representatives would most likely be nominated by the group elite, ignoring the will of the majority.

As for the DPRD-I appointed representatives, the same democratic rule can be applied for their selection by allowing any citizen who qualifies to fill his/her candidacy. The DPRD-I would elect the five representatives once the candidacy period ends, the candidacies are screened, and the qualified candidates have had the opportunity to disclose the motives of their candidacy and their program to the Assembly.

All groups that are selected to nominate members to the MPR should be clearly selected before the election, unlike in this election. This would reduce negotiating among groups that may be partisan, particularly after the election day results are known. This seriously damaged the credibility of the 1999 election process.

Chapter XV – Government Intervention

Article 84 should be deleted to avoid any government intervention in the electoral process. An election law passed by an elected assembly should not be amended by the Executive

and its interpretation should stay with the electoral authority and the Supreme or Constitutional Court.

B. The Election Administration

Electoral Authority and the Structure of KPU and PPI

The election structure is inadequate and lacks the basic principles of an efficient election administration. The intended objective of the KPU should be to establish a single authority mandated to organize the election, fully empowered with administrative and financial autonomy. The election law should be reviewed as to the independent status of the electoral authority and its structure.

In view of the GBHN, a non-partisan and independent election commission has been mandated. The election commission should be permanent and selected among people known for their intellectual capacity, integrity, credibility, and honesty. This Commission should be mandated to hold the election, should be appointed by the DPR, should report to the DPR through an annual public report of its activities, and should account for its financial administration through a public, audited, annual financial report.

This Commission should also receive full administrative and financial autonomy and hire its own staff. The past situation in the republic, where the election was controlled by the ruling party and the results predictable, is still fresh in the minds of the people. Therefore, a clear line should be drawn between the civilian administration and the electoral administration (even by using a non-government building as office space).

Structure of the Election Administration

The election administration should be structured to respond to the needs of a democratic election process. In particular, a general election secretariat (a civil service body that would provide administrative support for the election commission) should be established which is clearly subordinate to the KPU. The secretariat should report to the KPU and not to the Ministry of Home Affairs. The secretariat should be mandated to implement the provisions of the election law, the regulations, procedures, and the decisions of the KPU. Electoral tasks should be grouped in divisions or bureaus headed by a director and subdivided in services responsible for specific tasks. For example, an operations division would include planning, voter registration, voting and counting, material design and production, communication, logistics, transportation, and technology support.

Only the national administration need be permanent. However, it is important to build the capacity of people at all subordinate levels to plan, organize, and manage elections by finding the means to retain competent people. This may mean appointing the PPD-I, PPD-II, PPK, and PPS officials for a fixed term of 5 or 10 years, even if they are only called back for the election process.

Technology Support

It is recommended that the KPU appoint a committee to evaluate the need for technology support for the 2004 election. It should also consider establishing an electoral database of its committees and staff using compatible coding with the Institute of Statistics, a computerized and permanent voter register, a computerized candidacy system, a material distribution system, and a computerized results reporting system. The KPU can call on the services of the D4 Computer Program to be part of this task force and can benefit from their experience and lessons learned in computerizing the results of the 1999 election.

Planning the Process - Reduced Numbers of Polling Stations

Based on voter registries established in 1999, the KPU should review the planning of the polling stations and attempt to reduce their number. This would streamline the process, eliminate redundant polling stations, reduce costs, and increase efficiency. It would be easier for political parties to recruit the large numbers of poll workers and observers necessary for carrying out this process and ensure that they are properly trained. It would also be easier for NGOs to monitor the process.

It is essential to have an accurate plan concerning polling stations before starting voter registration. A good plan for the number and size (number of voters assigned) of polling stations will allow better, more cost-efficient planning and procurement of the materials needed. This planning should be done as soon as possible and reviewed every year in December in combination with the revision of the register.

In determining the area served by one polling station, the criterion generally used in rural areas is a radius of 5km, depending on the geography. In urban areas, polling stations are established by street or, in Indonesia, by RT/RW. Currently, in some areas, two or more stations can be combined depending on the number of. There are obviously a number of places where polling stations will contain a smaller number of voters. But, considering that Java, Kalimantan, and Sumatra contain 75% of the population, careful planning should reduce the number of stations accordingly, while respecting the rights of the voters and accommodating their needs.

Mobile polling stations should also be considered mainly for scattered small communities on islands, isolated areas, hospitals, nursing homes, and jails. This could broaden participation, but would need to be appropriately controlled as such provisions can be open to election fraud. Advanced polling should be considered to avoid transfer certificates and reduce the possibility for fraud.

Outdoor polling stations appear a good idea and should be maintained. Polling stations should be established on public property, free access to voters must be safeguarded, and any kind of intimidation cannot be permitted.

Regulations and Procedures

The voting hours should be extended, starting earlier at 7 a.m. and closing at 3 p.m. for 8 hours of voting – with a reduced number of stations. This would provide enough time to cater to more than 800 voters per TPS. This measure, if taken with simplification of the voting procedures and the forms, will contribute to quicker balloting and vote counting.

It is also recommended, as a practical application, to clearly separate the administrative decisions of the KPU/PPI and their Operational Instructions from the Regulations and Procedures.

KPPS: Maintain the number of KPPS members at 5 and retain 2 security guards. Amend the law so that the chairperson alone is not assigned any task, and thus is able to supervise the process and address any objection or complaint. The secretary should verify the name of the elector on the register and complete the Statement of Polling and Counting; the vice chair should issue the ballots and give the instructions on voting; one of the clerks should watch the ballots boxes and the other should apply the indelible ink to voters' fingers.

Polling Materials: Permit polling materials to be checked in advance. Package the election materials, except for ballots, to allow for verification on the day before polling. In the morning, half an hour before polling, only the ballots are counted; ballot control is facilitated if they are bound in booklets of 50 with serial numbers. Polling materials are displayed, and verification of accreditation of party agents and observers can be done as early as one hour before opening the polling station. The KPPS should be better trained on opening and closing procedures, highlighting the necessity to start filling in preliminary information in the Statements at the opening of polling.

Counting Method: To facilitate the count and to enable the reconciliation of the ballots as the total is counted, it is recommended that each box be opened and counted, and misplaced ballots be placed in the correct box. The number of ballots for each level of election should be recorded on Statement C1, and the ballots reconciled before counting starts.

Use of the regular tally sheet and the results sheet should be emphasized. The large tally sheet is interesting and lends transparency to the process; however, it is unnecessary and can distract attention from the regular tally sheet and results sheet. Finally, the results sheet and not the Statement should be distributed to the party agents.

Materials

Registration materials: The use of a formal register book must continue as long as the register is not permanent and computerized. A column to record the serial number of the registration form should be added. The registration form should be redesigned in the format of a booklet, including the Notice of Registration (which can become the registration card) and an identical stub consecutively numbered.

Ballots: The criteria for a good ballot should include the use of security paper to prevent duplication, the use of a numbered stub for monitoring the number and movement of the ballots, and simplicity in the layout of the parties.

It's possible that the layout can be slightly improved by reducing the lost space on the upper part, enlarging the party number, and spacing each party box. On the 1999 ballot, 10 cm were lost on the upper part; at least 5 cm can be used to improve the spacing of the party boxes.

The identification of the polling station on the back of the ballot, the KPPS signatures, and the hologram should all be deleted and replaced by a numbered stub and the use of security paper. If a signature is considered essential to the validity of the ballot, a small box can be used in the upper left or right corner of the ballot to affix the initial of the clerk responsible for issuing it.

It is strongly recommended that ballots be printed with a consecutive numbered stub, bundled in booklets of 50, with the first and last serial number printed on the cover. The booklets could be packaged according to the size of TPS—large, medium, and small—to avoid delivering an unnecessary number of ballots, to simplify the logistics, and to save money. A large TPS could be approximately 750 ballots, a medium one 450, and a small one 250. The ballots can be in clear plastic wrap with the serial numbers printed on the outside, allowing visual control.

Regarding security paper, this feature can be resolved very easily if the KPU contracts a paper manufacturer to supply a specific security paper designed and produced solely for the Election Commission. Having no by-election in the proportional system, this paper can be produced in the year preceding the election, and stored and secured while waiting for parties to qualify to run in the election. When the time comes to print the ballots, the necessary quantity of security paper is delivered to the printer(s) to whom the contract was awarded. The weight of the paper delivered is carefully recorded; the printer, once the ballots are printed, must produce the ballots and any remaining paper, even the cuttings.

Numbered seals: Numbered paper seals and numbered padlock or pull-lock seals should be designed and procured. Paper seals can be used to seal the cover of the ballot boxes and the envelopes containing the Statements and ballots; pull-lock seals can be coupled with a padlock or used instead of a padlock because they offer more security. A padlock can be opened easily, even without a key.

Category of forms: Forms should be labeled by category so that it's easy to identify which form is used and for what purpose.

Format of forms: A4 format should be adopted for all forms, except for the tally sheet and the D4 spreadsheet. This will simplify both the printing and the logistics.

Party registration and candidacy forms: The party registration and candidacy forms should be reviewed for the legal information needed, and they should be simplified. Parties will still need to register to compete in each election. This registration can be done simultaneously when filing the candidacies. The forms should be printed in booklet style.

Control forms: The design and production of Movement Control and Shipment Advice forms for the delivery or recovery of the election materials is recommended. These forms allow for control of the quantity, destination, and tracking of the materials delivered.

Polling station forms: A single statement for polling and counting of not more than 4 pages can be designed for polling stations. A tally sheet simpler than the one designed in 1999, in the format of a spreadsheet printed on one large sheet only, is also recommended. The results sheet should be retained and its distribution increased, but it should be one page only.

PPS, PPK, PPDI, PPDII forms: For the other committees responsible for the consolidation of the results, a statement can be designed and printed that is very similar to the polling station form. It should be very simple and easy to use while at the same time allowing verification of the results. The continued use of spreadsheets D4, DA4, DB4, DC4, and DD4 is strongly recommended.

Grievance forms: It is recommended to continue using pre-printed paper envelopes for the spoiled, unused, valid, and invalid ballots and the Statement; however, these envelopes must be placed inside a pre-printed tamper evident bag. The bags should be an adequate size, and one side should be pre-printed with the logo of the KPU and the identification of the polling station. Similar bags should also be used for the Statement of the PPS, PPK, PPD-II, and PPD-I. Each envelope and bag should be numbered by category, like the forms, to be easily identified (e.g., KPU1130, KPU 1131, etc.).

Systems and Methods

Registration system: The KPU should appoint a team in charge of planning a computerized, permanent, voter register, using a code compatible with the Institute of Statistics to identify the provinces, regencies/municipalities, kecamatans, and villages.

Voting system: Current voting procedures can be continued in the future but the tasks of each member of the KPPS should be reviewed. The secretary should verify the names on the register and complete the Statements; the vice-chair should issue the ballots; one clerk should monitor the ballot boxes; the 2nd clerk should apply the indelible ink to voters' fingers; and the chairperson should oversee the entire process. The tables for the register and the ballots should be separate in order to provide enough workspace. Numbered padlock, pull, or paper seals should replace the unnumbered ones.

Counting system: The ballots for the three elections should be counted consecutively, after counting and reconciliation of total ballots. This would allow the misplaced ballots to be

switched to the correct pile and their numbers to be recorded for reconciliation. A proper counting methodology should also be developed and the KPPS properly trained.

Consolidation system: The proposed consolidation system was adequate in theory, but its implementation was deficient. Staff should be trained to identify and investigate discrepancies and to explain them if they persist. Consolidation of results at four levels involves a lot of handling and opens the process to error and manipulation. Officials should examine the possibility of consolidating the results at the PPS, but skipping the PPK level, and sending the consolidated results to the PPD-II for the DPRD-II, and the PPD-I for the DPRD-I and the DPR. This proposal will reduce the tabulation and handling to two levels and may speed the process.

Observers accreditation system: It is recommended that the KPU review the regulation on observation, amend *Articles 2 and 4* to be consistent with international rules of observation, and clearly define the accreditation process. It is also recommended the KPU ask the Indonesian government to invite foreign countries to observe elections, issue a pass to interpreters, and coordinate with the Ministry of Foreign Affairs to facilitate the entry visa for observers.

The process to accredit the domestic observers should also be reviewed and simplified; the whole accreditation process should not exceed 24 hours after the observer application is received.

The KPU should publicize the role of the observers and properly inform the electoral, governmental, and police authorities of the status of the observers.

Party agent system: The KPU should design and develop an information/training package on the party agent system for the political parties. It could include a pamphlet, video, and/or VCD explaining how to use the party agent system and how to plan and appoint the party agents.

Training

A training division should be established within the KPU, to train KPU members and staff in management and operations. A budget item should be earmarked for this program. Emphasis should be placed on new security and accountability measures to improve the integrity of the election administration process.

Public Information and Transparency

The Public Information Bureau should be reorganized with a production room, a pressroom, and a radio/television studio. The bureau should be mandated to inform the public on the electoral process, to link with the media, and to distribute any public KPU documents as soon as they are issued. Similar services should be planned and provided at the provincial, regency/municipality, and kecamatan levels.

VI. CONCLUSIONS

The June 7, 1999 parliamentary elections in the Republic of Indonesia were a transitional step towards democratic rule and professional, independent, election administration. Although, for the most part, election day was a peaceful expression of the will of the people, the election process was seriously flawed administratively.

The turnout was high, proving the enthusiasm of the population for the process and the success of the voters' information and civic education campaigns. No major scam or attempt to fraud was observed on the part of parties, their supporters, or international and domestic observers.

But, the election administration was not structured to efficiently administer a democratic election and did not apply the basic principles of election administration. The mechanics, the forms, and the procedures could have been simpler and more functional; the materials more secure and of better quality; the election workers could have been better trained and more competent. The major weaknesses were the absence of adequate planning, the poor quality of the materials selected, the complicated procedures and forms, the lack of training of the administration, and the absence of control. It was fortunate and welcome that the electorate was very patient and cooperative so that even in poor conditions, the voting and counting occurred without major irregularity and incident.

The consolidation of the results was more problematic than expected. If there had been better planning and preparation this process could have run more smoothly. The slowness of the operation has cast further doubt on the administrative capacity of the election administration and the KPU.

A major review of the election law should be quickly conducted and an ad hoc team should be appointed to begin this review immediately. This last election was a step forward for the republic but the next process may be more difficult to manage and the actors more demanding. The organization of the 1999 election constitutes a foundation on which to build, provided lessons are learned and there is no hesitation to replace obsolete practices with an improved and more effective system. As the electorate and political parties mature, election administration in Indonesia will increasingly need to be professional, competent, and efficient.

Attachment A

“Money Politics”

Regulation of Political Finance in Indonesia



International Foundation for Election Systems

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Republic of Indonesia

“MONEY POLITICS”

Regulation of Political Finance in Indonesia

Analysis and Recommendations

December 1, 1999

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I. INTRODUCTION

Indonesia's transition to an open and multi-party democracy is burdened by the legacy of widespread corruption that supported the prior authoritarian one-party rule. Indonesians call the broad issue of corrupting influences upon government "money politics." This term encompasses more than the giving of financial aid to candidates and parties during election campaigns. The expression includes the actual buying of voter support during elections, the less direct exchange of favorable government benefits or treatment for political support and the direct bribing of government officials throughout the processes of administration and governance.

Therefore, to analyze "money politics" in Indonesia, it is first necessary to distinguish separate manifestations of corruption or improper influence upon the political process, while recognizing their interrelationship. It is then possible to consider particular means for control and deterrence of each element. Some practices within the larger meaning of "money politics" are difficult to control by regulation, such as inherent advantages of incumbent public officials who can make promises or initiate policy or public works projects favored by the public. More direct forms of money's influence upon politics can be subject to administrative regulation or criminal sanction, or can at least be made more transparent and subject to political constraints.

The focus of this report is regulation of political finance in elections in Indonesia. At the outset, however, IFES notes the closely related issues of both election-related bribery and ethics rules for public officials.

Election Bribery and Fraud

The Law on General Elections that governed the elections for legislative assemblies held on June 7, 1999, included provisions making vote-buying and other forms of election fraud illegal. *Article 73* specifies eleven types of illegal conduct related to elections and provides for criminal sanctions for violations. Prohibited conduct includes:

- (3) Whoever during the election [held pursuant to the law] bribes someone with gifts or promises so that he will not exercise his right to vote or that he is asked to perform his right in certain ways will be sentenced with maximum three years in jail. That sentence will also be imposed upon electors who receive bribes or promises to [affect their right to vote].

Thus, vote buying (and selling) is a specific type of election fraud subject to criminal penalty. Other forms of "money politics" affecting the election process, such as bribing election officials to improperly interfere with voter registration or voting, or to manipulate vote counting, are also illegal and can and should be punished directly under existing law.

IFES recommends these issues of criminal conduct related to elections be addressed in a comprehensive review and revision of election laws by the new People's Representative Council (DPR) as soon as possible. The review should specifically include how to improve the complaint adjudication process and strengthen law enforcement mechanisms (which will require redefining or redirecting the role and authority of *Panwas* supervisory commissions). The current criminal

prohibitions upon fraudulent and corrupt behavior in elections will not be effective, nor taken seriously by the public and by officials, until they are fully enforced.

Legislative Ethics

The corrosive affect of money upon politics continues after elections. IFES recommends the new DPR address legislative ethics issues immediately, in advance of any longer-term review of election laws and processes. The DPR should establish clear prohibitions on bribery or any form of improper financial influence of legislators or their staffs. It should enact internal enforcement mechanisms and, importantly, financial disclosure requirements for legislators in order to facilitate efforts to discourage corruption.

New and comprehensive ethics rules for DPR members and staff are not only necessary for their own important deterrence of corruption, but also to fully complement and complete any regulation of political finance generally. While a reformed political finance system may not be airtight, it cannot sustain broad gaps and loopholes, including undisclosed financial support to parties and candidates between election campaigns or to officeholders or their intermediaries.

II. POLITICAL FINANCE REGULATION UNDER EXISTING LAW

Law on General Elections

The "political laws" approved by the People's Representative Council (DPR) and signed by President Habibie early in 1999 addressed aspirations for controls upon political finance in general terms. The Law on General Elections (known as Law Number 3 of 1999) ultimately contained only two articles on this issue:

Article 48

- (1) Funds for election campaign of respective contesting political party can be obtained from:
 - a) Contesting political party;
 - b) Government, coming from State Budget and Regional Budget;
 - c) Other independent groups such as private entities, companies, foundations, or individuals.
- (2) Limit of campaign funds that may be accepted by contesting political parties is stipulated by KPU.
- (3) Foreign countries are not allowed to give funds and other aids for election campaigns.
- (4) Breaches of the regulation of campaign funds as referred to in paragraphs (1) and (2) are subject to sanction as referred to in Article 17, par. 2 and Article 18, par. 2 of Law Number 2 of 1999 on Political Parties.

Article 49

- (1) Funds for election campaigns as referred to in Article 50 are subject to auditing by a Public Accountant, and the results shall be reported by contesting political parties to the KPU 15 (fifteen) days before the polling day and 25 (twenty-five) days after.

- (2) Breaches on the regulation referred to in paragraph (1) are subject to administrative sanction in the form of the cessation of funds from the State/Regional Budget.
- (3) A contesting political party which breaks the campaign fund limits is subject to administrative sanction, meaning not to be allowed to participate in the following election.

These provisions of the election law regarding regulation of political finance, as approved by the prior DPR, were disappointing. Compared to the more comprehensive treatment afforded these issues in the draft election law proposal of the Ministry of Home Affairs, *Articles 48 & 49* appear chopped up and truncated. *Article 49* even includes a mistaken reference to *Article 50* (which is now part of the law's next chapter on vote counting) instead of *Article 48*, an indication this section was hastily completed in the final DPR negotiations over the law in January 1999.

The jurisdictional scope of these provisions for political finance regulation in the 1999 elections was uncertain. The law's official campaign period was only three weeks (May 19 to June 5), but parties began campaign activities immediately upon being qualified to contest the elections in early March. Whether the political finance provisions would only apply to money raised and spent during the official period was unclear. As it turned out (discussed more fully in the next section), the first audited reports of political parties required by the National Election Commission (KPU) – and the only reports submitted prior to election day – covered only the period from March 5 through May 18, the day before the official campaign period began. But the rationale for the scope of the law was never fully clarified by the KPU.

Moreover, the interrelationship between regulation of party campaign funds under the election law and regulation of financial activity of parties generally under the political party law (discussed immediately below) remains ambiguous. The supplementary "Explanations" attached to the election law specifically distinguished general party funds raised pursuant to the political party law from the campaign funds regulated under the election law's *Article 48(2)*, but offered no further explanation of how and when the line is drawn.

The election law, in another example of leaving significant details of implementation to the KPU, provided that limitations upon campaign funds that could be accepted by contesting political parties were to be determined by the KPU. This provision was interpreted by the KPU to mean "spending caps" – limitations upon overall campaign spending by parties. On the day before the official campaign period began, the KPU announced by decree that parties' national spending limits would be set at one hundred and ten billion rupiah (US\$ 13.8 million). Specific limitations were also set at every level of party organization, ranging from 100 million rupiah (US\$ 12,550) at the provincial level down to one million rupiah (US\$ 125) at the village level. These limits clearly seem to contemplate national, top-heavy campaigns by the parties. They also seem to need clear reporting requirements and effective enforcement mechanisms for their implementation that are far beyond the capacity of the present election system.

The KPU did not specifically set limitations upon amounts of contributions from entities and individuals to political parties' campaign funds. Despite the distinction raised in the election law's "Explanations" regarding party funds, contribution limits were simply borrowed from the political party law regulating general party funds (discussed next).

Law on Political Parties

The political party law contained several provisions in Chapter VI related to political finance regulation:

Article 12

- (1) Finances of the political party are collected from:
 - a) contributions of members
 - b) donations
 - c) other legal undertakings.
- (2) The political party receives annual assistance from the state budget, which is specified based on the total votes collected in the previous general election.
- (3) The specification on the annual assistance referred to in paragraph (2) is provided in a government regulation.
- (4) The political party is restricted from receiving donations and assistance from foreign organizations.

Article 13

- (1) The political party is a non-profit oriented organization.
- (2) To be consistent with paragraph (1), a political party is prohibited from establishing a corporation and/or owning shares in a corporation.

Article 14

- (1) The maximum total donation from each [individual] person receivable by the political party is fifteen million rupiah (US\$ 1875) within the period of one year.
- (2) The maximum total donation from a business company and other organizations receivable by a political party is one hundred and fifty million rupiah (US\$ 18,750) within the period of one year.
- (3) Donation in the form of articles is assessed according to the current market values and is treated similarly as the monetary donation.
- (4) The political party keeps the register of donors and the amount of donations, which is subject to auditing by a public accountant.

Article 15

- (1) The political party is required to report the list as referred to in Article 14, par. 4, including its financial report at each end of the year and each 15 (fifteen) days prior to and 30 (thirty) days after the general election to the Supreme Court of the Republic of Indonesia.
- (2) The report as referred to in par. 1 may at any time be audited by the public accountant appointed by the Supreme Court of the Republic of Indonesia.

As noted above, the limits upon contributions to parties from individuals and entities for the election period were seemingly lifted from the party law's annual limits and applied without further clarification to campaign funds that were to be regulated by the KPU. Since the election law's "Explanations" specified that campaign funds of parties were separate from general party funds, it is unclear whether contributions made during the election period would count against the annual limitations for contributions to parties under the party law.

The election law was also silent as to the level of detail of information to be reported in party audits. As described in the next section, the contents and comprehensiveness of audited reports were ultimately determined (with some difficulty) by public accountants trying to apply normal professional standards for audits to the sketchy information provided them by parties.

It should also be noted the reporting regime under the party law is oddly inconsistent with the reporting requirements of the election law for post-election reports (30 days in the party law versus 25 in the election law). Moreover, the party law requires political party financial reports to be filed with the Indonesian Supreme Court. That particular idea probably resulted from a sense of the Court's neutrality. However, that role puts the Court in an inappropriate position as an election administration body when the Court should instead be available as a neutral legal recourse for enforcement of the election law and for election disputes, including those regarding party finance reports.

However, the Supreme Court apparently felt obligated to implement the administrative policies and to embrace its role under the political party law – even in the midst of the election campaign. On May 20, 1999, the Court issued a decree containing regulations regarding its oversight of political parties and its powers to sanction them for violating the political party law. The regulations included forms for parties to report political finance activity, including receipt of donations and making expenditures. It does not appear the Supreme Court took any legal action against parties pursuant to its regulations, nor did parties appear to recognize a separate responsibility to report “campaign funds” to the Court.

Ultimately, without justification under the law, the KPU reconciled these two political finance reporting systems under the election law and political party laws by ignoring the laws' reporting timelines and by sending copies to the Supreme Court of parties' audited reports of campaign funds first submitted to the KPU (along with a copy of the KPU's general summary). The KPU cast off responsibility for investigating or punishing any failures or violations relating to reporting requirements to the Court. As of this writing, the Supreme Court has not initiated or referred any enforcement actions against any party for breaches of political finance rules, but has complained that the KPU political finance reporting format is not consistent with the forms presented in the Court's Decree of May 20.

Although mentioned by the political party law, the election law omitted the provision in the draft election law proposal of the Ministry of Home Affairs that explicitly recognized the providing of goods or services (“in-kind” donations) as limitable and reportable contributions. The concept was reintroduced in weaker form in the election law in supplemental “Explanations” for *Article 48(1)*. As discussed below regarding implementation of these provisions, this lack of attention to non-monetary support of parties and candidates was widely viewed by observers to be a significant “off-the-books” loophole in regulation of party campaign funds under the law.

The election law also omitted any provision to limit contributions to candidates directly (or candidate reporting requirements), which were included in the draft election law proposal of the Ministry of Home Affairs. This omission may simply have resulted from a sense that those limits for candidates had been made unnecessary by the final law's return to a party-based proportional representation voting system (the draft proposal contemplated a new modified

"district" system). The omission may also have reflected incumbent DPR members' aversion to limits or reporting obligations for candidates. However, the election law did not contain any direct restrictions upon candidates raising and spending money for campaign purposes, nor any requirements that such candidate financial activity be directed through their political party campaign funds or reported.

III. IMPLEMENTATION OF POLITICAL FINANCE REGULATION IN JUNE ELECTIONS

As described above, both the Law on General Elections and the Law on Political Parties require political parties to submit reports of their financial activity that have been audited by public accountants. For the election period, the KPU established a working group, Sub-commission C, to supervise implementation of the requirements for pre-election and post-election financial reporting by political parties.

Pre-election Audited Reports

The election law specified that pre-election reports of parties were to be submitted fifteen days before the election. The KPU arbitrarily extended the pre-election deadline to seven days before the election, openly acknowledging that parties had not submitted reports on schedule due to a lack of time to prepare them. According to initial reports from Sub-commission C, as of the new May 31 deadline, forty of forty-eight parties qualified to contest the election had submitted financial reports. Seven more submitted reports by mid-June, after the election. One party, which won no seats in the national DPR, did not submit a report at all. Subsequent KPU documentation is inconsistent with that description, however, and suggests even less responsiveness from parties in the first reporting phase. And, as noted above, this first set of audited reports of political parties – the only reports submitted prior to election day – covered only the period from March 5 through May 18, the day before the official campaign period began.

Public accountants who audited political party financial records were selected and paid by the KPU. Recruitment of auditors by the KPU began with an open public request to all CPA firms in Jakarta in May, but only thirty firms responded (all large accounting firms apparently declined to participate). Further help was solicited from the Indonesian Institute of Accountants to recruit the additional eighteen auditors. Accountants selected were required to swear they did not belong to a political party.

Based on information from KPU officials and accountants involved in this process, the audit work during this first phase of reporting was clearly superficial. Auditors examined only records provided by the political party to which they were assigned, and these records generally lacked significant detail or supporting documentation. Each auditor looked within the party's campaign fund records for obvious discrepancies and violations, such as for contributions from individuals or entities that exceeded the proscribed limitations. Auditors had no powers to investigate problems or demand further documentation from lower party committees or outside sources, such as television stations or other vendors.

Pre-election Financial Disclosure Efforts by KPU

On June 2, within 48 hours of receiving most political parties' reports, the KPU's Sub-commission C issued a cursory summary (less than 15 pages) of parties' financial activity based upon audited reports. This report summarized data and did not contain analysis or conclusions. The report was distributed to KPU members and the news media, but generated little news coverage or political attention. A few journalists, students, and groups (such as Indonesian Corruption Watch) examined the Sub-commission's report or individual party reports. However, since the party audits and KPU report were general and lacked significant detail or supporting documentation, the limited attention given to the reported information produced more questions and speculation than analysis. For this pre-election period audit – despite weeks of undisguised campaign activity – no party acknowledged spending over the 110 billion rupiah spending limitation set by the KPU (which was not announced by the KPU until the end of this period and may technically have applied only to the official election campaign period that followed). GOLKAR reported the highest amount of spending, at 75 billion rupiah (US\$ 9,375,000).

The Sub-commission's first summary report was submitted to the Supreme Court and to *Panwaspus* (the quasi-adjudicative Supervisory Commission at the national level) in mid-June. The KPU received no official response from either body. A report from *Panwaspus* to the KPU in late July with regard to allegations of election irregularities, during the political struggle at the KPU to certify the vote count, did not mention the Sub-commission's report or political finance problems (apart from allegations of vote-buying and other blatant forms of "money politics"). And it does not appear, at this writing, that any of the approximately two dozen cases that have gone to courts regarding election law violations involve breaches of rules governing political finance restrictions or reporting requirements.

Post-election Audited Reports

The schedule for submitting the post-election reports under the law was 25 days after the election, but the KPU's adherence to this reporting deadline was even more lax than for the first report. After the election, the protracted vote counting and certification process, internal wrangling over charges of vote irregularities, disputes over allocation of seats and, ultimately, general disinterest in reporting by parties after the election (especially losing parties) contributed to an ignoring of this legal responsibility by the KPU. Finally, in mid-September, the KPU voted to require post-election audited reports of political parties be submitted by the end of the month, and decided to have these reports cover the period of May 19 (the start of the official campaign period) through June 30. The same accountants were used for each party's post-election audited report as for the pre-election report. By October 1, however, only 15 parties had filed the post-election audited reports with the KPU, and the KPU extended the deadline for filing this second report – the only reporting of receipts and expenditures of the parties during the official election campaign period – into mid-November.

The second, post-election, audited reports of the political parties probably benefited from a collective effort of the accountants to bring some uniformity to the audit process – at least in presentation of data – during the second phase. Even more importantly, in a November summary report, Sub-commission C provided a more frank (if no more complete or coherent) view of

political finance regulation in the June elections. The report reviewed financial information from the first audited reports as well as the second, and offered some general and specific observations that serve as self-criticisms of the weak political finance system in Indonesia in 1999.

The KPU report acknowledged that most political parties did not have an appropriate bookkeeping system. Accountants familiar with the audit process described the reports as likely constituting only a fraction of political financial activity conducted by or associated with many, if not most, of the parties. Most parties did not record or report receipt of "in-kind" donations (goods or services), and failed to include spending by organizations that sponsored or supported parties. No party admitted spending over the KPU's campaign spending limit, although some reported contributions exceeding legal limits.

Excessive Contributions

In the first report, despite the annual limit upon contributions from individual donors of 15 million rupiah, GOLKAR acknowledged receiving two anonymous personal donations of 50 million rupiah each, and one for 25 million rupiah. Despite the annual limit upon contributions from business entities and organizations of 150 million rupiah, GOLKAR also reported receiving three contributions from corporations of (or nearly) 200 million rupiah (although GOLKAR informed the KPU the contributions came from separate subsidiaries of these companies, so as not to violate the limit). The Indonesian Democratic Party of Struggle (PDI-P) reported 304 unidentified donors, received three donations from individuals that exceeded the legal limit, and received a 400 million rupiah loan from an individual. The National Awakening Party (PKB) reported receiving two donations from individuals that exceeded the legal limit and four excessive contributions from business entities; the National Mandate Party (PAN) reported receiving one individual donation that exceeded the legal limit; the National Labor Party (PBN) reported receiving loans (or loans and contributions) from five individuals that exceeded the legal limit. Most of the 582,550,000 rupiah reported to have been received by the Justice and Unity Party (PKP) came from unidentified donors.

A few of the more noteworthy items in the KPU's review of the second audited reports include the following: five additional excessive contributions from individuals to PDI-P, plus six more excessive donations among 282 unidentified donors; donations to the United Development Party (PPP) from 168 party executives amounting to nearly 14 billion rupiah, all exceeding the legal limit of 15 million rupiah (ranging from 20 million to 1.25 billion rupiah). The KPU report for the second round of party audited reports, covering the official campaign period, notes that the auditor did not attach a list of donors to GOLKAR's report at the request of the party's executive board.

Lack of Enforcement Efforts

Despite the KPU's reports of acknowledged violations of contribution limitations and reporting requirements, and deep suspicions about unreported political finance activity, neither the KPU, *Panwas*, the Supreme Court, or any prosecutors appear to have initiated any enforcement actions against the political parties, persons, or entities involved. No cases involving specific political finance violations appear to be in progress or expected in the courts.

IV. RECOMMENDATIONS

1. Regulation of political finance under the Law on General Elections and Law on Political Parties must be reviewed, revised, and coordinated within a comprehensive effort towards reform of Indonesia's election laws and election administration bodies. That effort will require action by the People's Representative Council (DPR), in cooperation with the National Election Commission (KPU), and supported by civil society reform groups. The KPU has the legal mandate under *Article 11* of the election law to conduct an evaluation of the election process within three years. However, the DPR should also appoint a special committee to examine the election and party laws and seek to benefit immediately from the experience gained in the June election process. While the KPU may facilitate this review, genuine reform of the election system may demand changes in the powers, operations, and composition of the KPU itself. A comprehensive electoral reform effort should avoid partisan or institutional self-interest, and should be initiated as soon as possible.
2. Comprehensive review and revision of election laws by the new DPR will also need to address those provisions regarding criminal conduct related to elections that involve "money politics" beyond political finance regulation, such as vote buying, bribery of election officials and other forms of electoral fraud and corruption.
3. Even prior to review and revision of the laws governing political finance, and in order to fully complement such regulation, the new DPR should address legislative ethics issues by establishing clear prohibitions on bribery or improper financial influence of legislators, as well as internal enforcement mechanisms and financial disclosure requirements for legislators.
4. The Law on General Elections and the Political Party Law must be expanded in their scope and detail regarding political finance regulation and made more consistent, particularly as to financial reporting. They should clearly delineate when and with respect to what particular political activity the jurisdictions of the election law and party law apply. Fundamental concepts must be defined. These include election campaign activity, campaign funds, and what constitutes expenditures or receipts by political parties or their candidates, particularly as to activities by other persons or groups who openly support them. In order to facilitate enforcement of restrictions upon political party campaign funds and their full disclosure through audited reports, IFES recommends the following type of language be included in the election law:
 - All spending by a political party or its representatives for election campaign purposes, or to raise money for such purposes, must be conducted out of the party's official audited campaign fund. Political parties or their candidates may not use other funds or resources for election campaign purposes. Parties or their candidates may not cause, authorize, or consent to spending of other funds by other persons or entities for election campaign purposes in support of their party or its candidates, unless such spending is treated as a

contribution to that party's official campaign fund and reported on the next required audited report of that party.

- All funds collected or spent for election campaign purposes by a candidate must be directed through the official audited campaign fund of the political party by whom the candidate has been nominated and reported on the next required audited report of that party. Candidates may not use any other funds for election campaign purposes, except that candidates may use their own personal funds for minor personal expenses related to election campaign activity, and must report any such expenditures over [rupiah amount] on the next required audited report of their party.
 - Donations received by a political party in the form of goods or services, whether directly or indirectly, are equivalent to monetary contributions and are valued according to current market value. Providing of goods or services to, or in support of, a political party or candidate without payment, or for payment of less than full market value, is a contribution. Persons may volunteer their personal time to support a party or candidate without such time being viewed as a contribution, as long as such persons are not paid for their time by any other person or entity.
 - If a contribution is received by a political party that is prohibited or excessive in amount under the law, such contribution shall be returned to the donor in its entirety or in the amount that exceeds the limitation within 48 hours. The recipient political party shall enter a record of the circumstances of the returned contribution in its audited report.
 - Anonymous, undocumented, or cash contributions exceeding [rupiah amount] are prohibited. Anonymous contributions include any for which the full name of the contributor is not identified.
 - Donations directed through (falsely made in the name of) another person or entity are prohibited. It is impermissible for a person making a contribution, and who is identified as the contributor in the audited report of the recipient party, to be provided money or reimbursed by another person or entity for the contribution.
5. The election law and party law should clearly state that it is prohibited to use any state funds, personnel, facilities, supplies, materiel, equipment, or any other state or government resources in support of any political party or candidate, except as authorized by law.
 6. The election law should specifically identify contribution limitations for campaign funds of political parties, as distinguished from donations to parties under the party law. In both laws, limitations upon contributions or total expenditures should be set reasonably and sufficiently high to permit parties to raise and spend adequate campaign funds and to discourage evasion of limitations and "off-the-books" financial activity.

7. In order to promote full and accurate reporting of political finance activity of political parties through audited reports, IFES recommends the following steps or requirements be added to the election law and political party laws:
 - Political parties should be required to designate an officer of the party to be responsible for compliance with political finance regulations, including record keeping and reporting, and to employ professional bookkeepers to maintain proper records and documentation.
 - The KPU should develop standards consistent with professional accounting principles for recording transactions of political parties, and should provide training to political party officers and bookkeepers involved in compliance with political finance regulations.
 - Political parties should be required to record all transactions involving their campaign funds in the central national office in a timely manner (maintain a consolidated report of receipts and expenditures for auditing purposes), and maintain documentation to support such records.
 - Consideration should be given to providing national and provincial offices of political parties with computers dedicated to political finance record keeping and reporting, with specially designed software and internet links (perhaps with international donor support).
8. The KPU should develop library services to facilitate meaningful disclosure of political party audited reports. Such services should offer access to reports and supporting documentation for the news media, academia, civil society, or any interested persons.
9. A system of graduated monetary fines, administrative sanctions, and criminal penalties should be established to appropriately fit the seriousness of particular violations of the law and political finance regulations, including requirements for full and accurate reporting of political party receipts and expenditures. Obviously, the entire system of political finance regulation is useless without effective and fair enforcement of restrictions and requirements.
10. Comprehensive review and revision of the Law on General Elections should reconsider the role of *Panwas* as a supervisory and quasi-adjudicative body. The DPR should seek new structures and approaches to adjudication of complaints, resolution of disputes, and referrals of alleged violations to police or prosecutors. A revised system must include clear lines of authority and enforcement powers for administrative or adjudicative bodies. It must provide clear procedures, requirements, and timetables for filing complaints and for administrative or adjudicative action on such matters.
11. Comprehensive review and revision of the Law on Political Parties should eliminate the administrative role of the Supreme Court in regulating parties and receiving audit reports. The Court is not an administrative body, and its perceived “neutrality” should not be compromised. The court system generally should perform a more conventional adjudicative role, including final appellate jurisdiction by the Supreme Court over election disputes and complaints.

Attachment B

Election Material Distribution Checklist

THE STATUS OF ELECTION MATERIAL DISTRIBUTION ONE DAY PRIOR TO VOTING*

NO	PPD I	PPD II	FORM							MANUAL				OTHER ELECTION MATERIAL			
			C	Big C2 (to be posted)	D	DA	DB	D4 COMP	DA5	TPS	PPS	PPK	PPD II	BALLOTS	INK	HOLO-GRAM	SEAL
06-Jun-99																	
1	Irian Jaya	Biak	X	X	X	V	X	V	V	V	X	V	X	V (+)	150 (-37)	V (+)	V
2	Irian Jaya	Fak-Fak	V	X	X	X	X	X	X	-34	X	X	X	V	147 (-34)	90.000 (-37.620)	181
3	NTT	Bajawa	V	V	V	V	V	X	V	-100	V	V	V	V (to PPK)	300 (-300)	(-3000)	V
4	NTB	Lombok Tengah	V	V	V	V	-V	V	V	V	V	V	V	V	V	V	V
5	Bali	Amlupura	V	V	V	V	V	X	X	V	V	V	V	V	V (Red Color, H.10cm)	V	V
6	Sulawesi Utara	Gorontalo	V	V	V	V	V	V	X	X	X	X	X	7000 spoiled	V	V	V
7	Sulawesi Tenggara																
8	Sulawesi Selatan	Enrekang	V	V	V	X	X	X	X	V	V	V	V	Grey -2000	V	V	V
9	Sulawesi Selatan	Takular	X	V	V	X	X	X	X	V	V	V	X	V	V	V	V
10	Kalimantan Selatan	Muaratawe	V	V	V	V	V	V	X	V	V	-	-	V	V	V	V
11	Kalimantan Selatan	Panghulanbun	V	-	V	-600	X	X	V	V	-150	V	V	V	309 (-91)	-99000	X
12	Kalimantan Timur	Tenggarong	V	V	V	V	V	X	X	X	X	X	X	V	-317	V	V
13	Kalimantan Timur	Sampit	V	DPRD I (X), DPRD II (250), DPR (250), total TPS 798	X	V (190)	V (215)	X	X	V	V	V	V	V	V (-300)	V	V
14	Kalimantan Selatan	Tanjung		V	X	V	V	V	V	V	V	V	V		X	V	V

[illegible]

NO	PPD I	PPD II	FORM							MANUAL				OTHER ELECTION MATERIAL			
			C	Big C2 (to be posted)	D	DA	DB	D4 COMP	DA5	TPS	PPS	PPK	PPD II	BALLOTS	INK	HOLO-GRAM	SEAL
30	Jawa Timur	Kodya Malang	X	V	X	V	X	X	X	V	V	V	V	V	V	V	V
31	Sumatera Utara	Tarutung	V	V	X	X	X	X	X	V	X	X	X	V	V	V	
32	Sumatera Utara	Tebing Tinggi	V	V	V	V	V	V	X	V	V	V	V	V	V (-50)	V	V
33	Sumatera Utara	Toba Samosir	X	X	X	X	X	X	V	X	X	X	X	V	V (-)	V	V
34	Sumatera Utara	Sidikalang	V	-150	X	X	X	X	X	V	X	X	X	V	-80	V	V
35	D.I. Aceh	Meulaboh	V	V	X	X	X	X	X	V	X	X	X	V	V	V	V
36	D.I. Aceh	Langsa	V	V	V	V	V	X	V	V	V	V	V	V	V	V	V
37	D.I. Aceh	Tapak Tuan	V	V	X	X	X	X	X	V	V	V	V	X	-1455	V	V
38	Sumatera Barat	Lubuk Sikaping	V	V	V	V	V	X	V	X	X	X	X	V	V	V	V
39	Sumatera Barat	Sijunjung	V	X	V	V	V	V	V	V	V	V	V	V	-91	V	V
40	Sumatera Barat	Pariaman	V	V	V	X	X	X	X	V	V	V	V	V	-250	V	V
41	Sumatera Barat	Batu Sangkar	X	X	V	V	X	X	X	V	V	V	V	V	-700	V	V
42	Sumatera Barat	Painan	V	V	V	V	V	V	X	X	X	X	X	V	V (-104)	V	V
43	Riau	Batam	V	X	X	X	X	X	V	X	X	X	X	V	V	V	V
44	Riau	Dumai	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
45	Jambi	Muara Buliam	V	V	V	V	V	X	X	X	V	V	V	V	X	V	V

Note:

V : Election Materials received

X : Election Materials not received

* This survey of election material distribution was conducted at regency/municipality level, who were responsible for delivering to district and village level for distribution to Polling Stations

Attachment C

Projected and Actual Number of Polling Stations

**COMPARATIVE SOURCE OF INFORMATION
ON THE PROJECTED AND ACTUAL NUMBER OF POLLING STATIONS**

	I	II	III	IV
Provinces	Year '98 (Planning)	KPU Reg. No.63	Year 1999	KPU Reg. No.107
D.I ACEH	7720	6029	7352	7349
SUMATERA UTARA	17583	13732	17038	17515
SUMATERA BARAT	7308	5707	6761	6962
RIAU	7264	5673	6908	7052
JAMBI	3922	3063	3841	3805
SUMATERA SELATAN	11514	8984	11060	10972
BENGKULU	2244	1756	2194	2150
LAMPUNG	9500	7419	9116	8933
D.K.I. JAKARTA	12995	10148	10171	11894
JAWA BARAT	57631	45007	55285	53046
JAWA TENGAH	50591	39451	47674	47941
D.I. YOGYAKARTA	5577	4355	5251	5311
JAWA TIMUR	54899	42874	50681	52173
KALIMANTAN BARAT	6872	5301	6637	6553
KALIMANTAN TENGAH	3387	2613	3355	3421
KALIMANTAN TIMUR	3506	2705	3411	3484
KALIMANTAN SELATAN	5377	4148	5117	5112
BALI	5667	4372	5490	5399
NUSA TENGGARA BARAT	5779	4458	5721	5509
NUSA TENGGARA TIMUR	6728	5190	6943	6408
TIMOR TIMUR	963	743	917	919
SULAWESI SELATAN	17267	13334	16435	16432
SULAWESI TENGAH	3270	2526	3265	3145
SULAWESI UTARA	4416	3374	4180	4286
SULAWESI TENGGARA	2441	1883	2439	1883
MALUKU	3501	2701	3318	3334
IRIAN JAYA	3220	2454	3289	2873
TOTAL	321142	250000	303849	303861

Column I: The number of Polling Stations as planned by the KPU Secretariat according to 1998 planning figure

Column II: The number of Polling Stations envisaged and regulated by the KPU

Column III: The unofficial figures from Provincial Election Commissions (PPD-I) as reported to IFES

Column IV: The official number of Polling Stations released by the KPU after the elections

Poso (800)

Luwuk (756)

Toli-Toli (405)

Donggala (982)

Palu (322)

Attachment D

Forms Used for the 1999 General Election

FORMS USED FOR 1999 GENERAL ELECTION

Reg.No	Level	Model	Form/Document Name	Nama Formulir/Dokumen
KPU 18	TPS	A	Elector Data and Notice of Registration	Data Pemilih dan Tanda Bukti Pendaftaran
		A1	Preliminary/Official Register of Electors	Daftar Pemilih Sementara/Tetap
		A2	Certificate of Transfer	Surat Keterangan Tidak Memilih di Tempat Pemilih Terdaftar
		A3	Statement of the Counting of the Registered Electors Number	Berita Acara Penghitungan Jumlah Pemilih yang Terdaftar
		A4	Register of the Number of Registered Electors	Daftar Jumlah Pemilih yang Terdaftar
KPU 14		B	Candidacy Form of DPR/DPRD I/DPRD II member of 1999 General Election	Surat Pencalonan Anggota DPR/DPRD I/DPRD II Pemilihan Umum 1999
		BA	The List of Candidates for the Election of DPR/DPRD I/DPRD II members	Daftar Nama Calon untuk Pemilihan Umum Anggota DPR/DPRD I/DPRD II
		BB	Acceptance Form to be the member of MPR/DPR/DPRD I /DPRD II	Surat Pernyataan Kesediaan Menjadi Calon Anggota MPR/DPR/DPRD I/DPRD II
		BB1	Notice of Candidate Qualification	Surat Keterangan Syarat-syarat Calon
		BB2	Statement of Loyalty to the Five Principles and 1945 Constitution for MPR/DPR/DPRD I/DPRD II Candidate	Surat Pernyataan Setia kepada Pancasila dan UUD 1945
		BB3	Statement of Personal Wealth of DPR/DPRD I/DPRD II Candidate	Surat Pernyataan Daftar Kekayaan Pribadi
		BB4	Curriculum Vitae of the Candidate of DPR/DPRD I/DPRD II	Daftar Riwayat Hidup
KPU 51		BC	Preliminary List of DPR Candidates.	Daftar Calon Sementara Pemilihan Umum Anggota DPR
		BC1	Official List of DPR Candidates.	Daftar Calon Tetap Pemilihan Umum Anggota DPR
		BD	Preliminary List of DPRD I Candidates.	Daftar Calon Sementara Pemilihan Umum Anggota DPRD I
		BD1	Official List of DPRD I Candidates.	Daftar Calon Tetap Pemilihan Umum Anggota DPRD I
		BE	Preliminary List of DPRD II Candidates	Daftar Calon Sementara Pemilihan Umum Anggota DPRD II
		BE1	Official List of DPRD II Candidates	Daftar Calon Tetap Pemilihan Umum Anggota DPRD II

Reg.No	Level	Model	Form/Document Name	Nama Formulir/Dokumen
KPU 32	TPS	C	TPS Statement of the Poll and the Count	Berita Acara Pemungutan Suara dan Penghitungan Suara di TPS dalam Pemilihan Umum Anggota DPR, DPRD I dan DPRD II
		C1	Statement of the Counting Result in Polling Station	Sertifikat Hasil Penghitungan Suara di TPS dalam Pemilihan Umum Anggota DPR, DPRD I dan DPRD II
		C2	Polling Station Counting Sheet	Catatan Penghitungan Suara di TPS Pemilihan Umum Anggota DPR, DPRD I dan DPRD II
		C3	Statement of Party Agents' Objection and Particular Incident Related to the Polling and Counting in TPS	Pernyataan Keberatan Saksi dan Kejadian Khusus yang Berhubungan dengan Pemungutan Suara dan Penghitungan Suara di TPS dalam Pemilihan Umum Anggota DPR, DPRD I dan DPRD II
		C4	Statement of the Counting of Supplementary Ballots Received by the Polling Station Election Committee	Berita Acara Penghitungan Surat Suara Tambahan yang Diterima KPPS dalam Pemilihan Umum Anggota DPR, DPRD I dan DPRD II
		C5	Statement of the Counting of Supplementary Ballots Used by the Polling Station Election Committee	Berita Acara Penghitungan Surat Suara Tambahan yang Digunakan KPPS dalam Pemilihan Umum Anggota DPR, DPRD I dan DPRD II
	PPS	D	PPS Statement of Consolidation	Berita Acara Penghitungan Suara PPS
		D1	PPS Statement of the Consolidated Results	Sertifikat Tabulasi Hasil Penghitungan Suara PPS
		D2	Statement of Party Agents' Objection And Particular Incident Related to the Consolidation of Results at PPS for the Election of DPR, DPRD I, and DPRD II Members	Pernyataan Keberatan Saksi dan Kejadian Khusus yang berhubungan dengan Penghitungan Suara di PPS dalam Pemilihan Umum anggota DPR, DPRD I dan DPRD II
		D3	Statement of The Counting Of PPS Supplementary Ballots for the Election of DPR, DPRD I, And DPRD II Members	Berita Acara Penghitungan Suara Tambahan PPS dalam Pemilihan Umum anggota DPR, DPRD I dan DPRD II
		D41	PPS Worksheet for the Consolidation of TPS Results for the election of DPR members (2 copies; 1 copy is sent directly to PPD II)	Sertifikat Rincian Hasil Penghitungan Suara TPS dalam Pemilihan Umum Anggota DPR (rangkap 2, 1 copy dikirim langsung ke PPD II)
		D42	PPS Worksheet for the Consolidation of TPS Results for the election of DPRD I members (2 copies; 1 copy is sent directly to PPD II)	Sertifikat Rincian Hasil Penghitungan Suara TPS dalam Pemilihan Umum Anggota DPRD I (rangkap 2, 1 copy dikirim langsung ke PPD II)
		D43	PPS Worksheet for the Consolidation of TPS Results for the election of DPRD II members (2 copies; 1 copy is sent directly to PPD II)	Sertifikat Rincian Hasil Penghitungan Suara TPS dalam Pemilihan Umum Anggota DPRD II (rangkap 2, 1 copy dikirim langsung ke PPD II)

Reg.No	Level	Model	Form/Document Name	Nama Formulir/Dokumen
	PPK	DA	PPK Statement of Consolidation	Berita Acara Penghitungan Suara PPK
		DA1	PPK Statement of the Consolidated Results	Sertifikat Tabulasi Hasil Penghitungan Suara PPK
		DA2	Statement Of Party Agents' Objection And Particular Incident Related to the Consolidation of Results at PPK for the Election Of DPR, DPRD I, and DPRD II Members	Pernyataan Keberatan Saksi dan Kejadian Khusus yang berhubungan dengan Penghitungan Suara di PPK dalam Pemilihan Umum anggota DPR, DPRD I dan DPRD II
		DA3	Statement of The Counting of PPK Supplementary Ballots for the Election of DPR, DPRD I, And DPRD II Members	Berita Acara Penghitungan Suara Tambahan PPK dalam Pemilihan Umum anggota DPR, DPRD I dan DPRD II
		DA41	PPK Worksheet for the Consolidation of PPS Results for the election of DPR members	Sertifikat Rincian Hasil Penghitungan Suara PPS dalam Pemilihan Umum Anggota DPR
		DA42	PPK Worksheet for the Consolidation of PPS Results for the election of DPRD I members	Sertifikat Rincian Hasil Penghitungan Suara PPS dalam Pemilihan Umum Anggota DPRD I
		DA43	PPK Worksheet for the Consolidation of PPS Results for the election of DPRD II members	Sertifikat Rincian Hasil Penghitungan Suara PPS dalam Pemilihan Umum Anggota DPRD II
		DA5	Statement of PPK Consolidated Results for the need of the National Joint Operations and Media Centre	Sertifikat Tabulasi Hasil Penghitungan Suara PPK untuk keperluan Joint Operation Media Center
	PPD II	DB	PPD II Statement of Consolidation	Berita Acara Penghitungan Suara PPD II
		DB1	PPD II Statement of the Consolidated Results	Sertifikat Tabulasi Hasil Penghitungan Suara PPD II
		DB2	Statement Of Party Agents' Objection And Particular Incident Related to the Consolidation of Results at PPD II for the Election Of DPR, DPRD I, and DPRD II Members	Pernyataan Keberatan Saksi dan Kejadian Khusus yang berhubungan dengan Penghitungan Suara di PPD II dalam Pemilihan Umum anggota DPR, DPRD I dan DPRD II
		DB3	Statement of The Counting of PPD II Supplementary Ballots for the Election of DPR, DPRD I, And DPRD II Members	Berita Acara Penghitungan Suara Tambahan PPD II dalam Pemilihan Umum anggota DPR, DPRD I dan DPRD II
		DB41	PPD II Worksheet for the Consolidation of PPK Results for the election of DPR members	Sertifikat Rincian Tabulasi Hasil Penghitungan Suara PPK dalam Pemilihan Umum Anggota DPR
		DB42	PPD II Worksheet for the Consolidation of PPK Results for the election of DPRD I members	Sertifikat Rincian Tabulasi Hasil Penghitungan Suara PPK dalam Pemilihan Umum Anggota DPRD I
		DB43	PPD II Worksheet for the Consolidation of PPK Results for the election of DPRD II members	Sertifikat Rincian Tabulasi Hasil Penghitungan Suara PPK dalam Pemilihan Umum Anggota DPRD II

Reg.No	Level	Model	Form/Document Name	Nama Formulir/Dokumen
	PPD I	DC	PPD I Statement of Consolidation	Berita Acara Penghitungan Suara PPD I
		DC1	PPD I Statement of the Consolidated Results	Sertifikat Tabulasi Hasil Penghitungan Suara PPD I
		DC2	Statement Of Party Agents' Objection And Particular Incident Related to the Consolidation of Results at PPD I for the Election Of DPR, DPRD I, and DPRD II Members	Pernyataan Keberatan Saksi dan Kejadian Khusus yang berhubungan dengan Penghitungan Suara di PPD I dalam Pemilihan Umum anggota DPR, DPRD I dan DPRD II
		DC3	Statement of The Counting of PPD I Supplementary Ballots for the Election of DPR, DPRD I, And DPRD II Members	Berita Acara Penghitungan Suara Tambahan PPD I dalam Pemilihan Umum anggota DPR, DPRD I dan DPRD II
		DC41	PPD I Worksheet for the Consolidation of PPD II Results for the election of DPR members	Sertifikat Rincian Tabulasi Hasil Penghitungan Suara PPD II dalam Pemilihan Umum Anggota DPR
		DC42	PPD I Worksheet for the Consolidation of PPD II Results for the election of DPRD I members	Sertifikat Rincian Tabulasi Hasil Penghitungan Suara PPD II dalam Pemilihan Umum Anggota DPRD I
		DC43	PPD I Worksheet for the Consolidation of PPD II Results for the election of DPRD II members	Sertifikat Rincian Tabulasi Hasil Penghitungan Suara PPD II dalam Pemilihan Umum Anggota DPRD II
	PPI	DD	PPI Statement of Consolidation	Berita Acara Penghitungan Suara PPI
		DD1	PPI Statement of the Consolidated Results	Sertifikat Tabulasi Hasil Penghitungan Suara PPI
		DD2	Statement Of Party Agents' Objection And Particular Incident Related to the Consolidation of Results at PPI for the Election of DPR, DPRD I, and DPRD II Members	Pernyataan Keberatan Saksi dan Kejadian Khusus yang berhubungan dengan Penghitungan Suara di PPI dalam Pemilihan Umum anggota DPR, DPRD I dan DPRD II
		DD3	Statement of The Counting of PPI Supplementary Ballots for the Election of DPR, DPRD I, And DPRD II Members	Berita Acara Penghitungan Suara Tambahan PPI dalam Pemilihan Umum anggota DPR, DPRD I dan DPRD II
		DD41	PPI Worksheet for the Consolidation of PPD I Results for the election of DPR members	Sertifikat Rincian Tabulasi Hasil Penghitungan Suara PPD I dalam Pemilihan Umum Anggota DPR
		DD42	PPI Worksheet for the Consolidation of PPD I Results for the election of DPRD I members	Sertifikat Rincian Tabulasi Hasil Penghitungan Suara PPD I dalam Pemilihan Umum Anggota DPRD I
		DD43	PPI Worksheet for the Consolidation of PPD I Results for the election of DPRD II members	Sertifikat Rincian Tabulasi Hasil Penghitungan Suara PPD I dalam Pemilihan Umum Anggota DPRD II
KPU 32	ALL	G	Party Agent Appointment and Accreditation Form	Surat Akreditasi dan Surat Mandat Saksi Utusan Partai

Attachment E

Forms Used for Polling and Counting

(Forms C, C1, C3, C4, and C5)



**THE FORMS USED FOR POLLING AND COUNTING
IN THE ELECTION OF DPR, DPRD I, AND DPRD II MEMBERS
(C, C1, C2, C3, C4, AND C5)**

TPS :

NO. :

SUB-DISTRICT/VILLAGE :

DISTRICT :

REGENCY/MUNICIPALITY :

PROVINCE :

THE NATIONAL ELECTION COMMISSION

**STATEMENT OF POLLING AND COUNTING IN POLLING STATION
FOR THE ELECTION OF DPR, DPRD I, DPRD II MEMBERS**

Today on (date), the Polling Station Committee (KPPS) conducts the Polling Meeting located in:

Polling Station (TPS) :
 Village/Sub-District/Transmigration Unit :
 District :
 Regency/Municipality :
 Province :

The Polling Meeting, which is witnessed and monitored by party agents, completes 2 agendas, which are polling and counting for the election of:

DPR members in the Constituency of :
 DPRD I members in the Constituency of :
 DPRD II members in the Constituency of :

1. The Polling starts at 8 a.m. and ends at 2 p.m. local time by conducting the following activities:
 - a. Taking Oath Ceremony of KPPS members, reading aloud the President's Mandate, opening and moving out the contents of ballot box, closing and re-locking the box and placing it in a certain location determined, then giving explanation on the Voting Procedure.
 - b. Announcing the number of electors whose names are recorded in the Official Register of Electors in Polling Station.
 - c. Announcing the number of ballots for DPR, DPRD I, and DPRD II received from PPS.
 - d. Giving the opportunity to electors to vote.
2. The Counting starts after 2 p.m. and ends at local time by conducting the following activities:
 - a. Recording the number of electors giving vote.
 - b. Recording the unused ballots for DPR, DPRD I, and DPRD II.
 - c. Recording the spoiled ballots for DPR, DPRD I, and DPRD II.
 - d. Recording the invalid ballots for DPR, DPRD I, and DPRD II.
 - e. Counting the ballots by verifying them one by one to determine the valid or invalid ballots from electors and then counting the valid ballots obtained by each political party running the election.

This Statement is made in (.....) copies, which is signed by KPPS Chairperson and Vice-Chairperson as well as party agents present with the Attachment of:

1. Statement of the Count in Polling Station for the election of DPR, DPRD I, and DPRD II members (Model C 1).
2. Sheet of the Count in Polling Station for the election of DPR, DPRD I, and DPRD II members (Model C 2).

3. Statement of the Objection/Particular Incident of the Counting Results in Polling Station for the election of DPR, DPRD I, and DPRD II members (Model C 3).
4. Statement of the Counting of Supplementary Ballots Received by KPPS for the election of DPR, DPRD I, and DPRD II members (Model C 4).
5. Statement of the Counting of Supplementary Ballots used by KPPS for the election of DPR, DPRD I, and DPRD II members (Model C 5).

Each copy of this Statement is delivered to:

1. Village/Sub-District/transmigration Unit Election Committee of
2. Party agents.

Polling Station Election Committee

Name	Signature	Name	Signature
1. Chairperson	(.....)	5. Members	(.....)
2. Vice-Chairperson	(.....)	6. Members	(.....)
3. Members	(.....)	7. Members	(.....)
4. Members	(.....)		

Party Agents

Name	Representing the Party of	Signature
1.
2.
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46.
47.
48.

**STATEMENT OF THE COUNTING RESULT IN POLLING STATION
FOR THE ELECTION OF DPR, DPRD I, AND DPRD II MEMBERS**

Polling Station (TPS) :
 Village/Sub-District/Transmigration Unit :
 District :
 Regency/Municipality :
 Province :

1. Details of the number of ballots.

The number of electors:

NUMBER	DESCRIPTION	THE NUMBER OF THE BALLOTS		
		DPR	DPRD I	DPRD II
1	2	3	4	5
1	The number of ballots received from PPS			
2	The number of ballots used in all Polling Stations (TPS)			
	a. unused ballots			
	b. spoiled ballots			
	c. used ballots:			
	1) Valid ballots			
	2) Invalid ballots			
	TOTAL NUMBER			

2. Details of valid vote won by each political party.

NUMBER	POLITICAL PARTY RUNNING THE ELECTION	VALID BALLOTS		
		DPR	DPRD I	DPRD II
1	2	3	4	5
1.				
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
12				
13				
14				

15				
16				
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31				
32				
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34				
35				
36				
37				
38				
39				
40				
41				
42				
43				
44				
45				
46				
47				
48				
TOTAL NUMBER				

....., 1999

Polling Station Election Committee

Name	Signature	Name	Signature
1. Chairperson	(.....)	5. Members	(.....)
2. Vice-Chairperson	(.....)	6. Members	(.....)
3. Members	(.....)	7. Members	(.....)
4. Members	(.....)		

Party Agents

Name

Representing the Party of

Signature

1.
2.
3.
4.
5.
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**STATEMENT OF THE COUNTING OF SUPPLEMENTARY BALLOTS
RECEIVED BY THE POLLING STATION ELECTION COMMITTEE
FOR THE ELECTION OF DPR, DPRD I, AND DPRD II MEMBERS**

Today on (date), the Polling Station Election Committee (KPPS) holds the counting of supplementary ballots in 1999 Election located in:

Polling Station (TPS)	:	.....
Village/Sub-District/Transmigration Unit	:	.....
District	:	.....
Regency/Municipality	:	.....
Province	:	.....

The number of supplementary ballots received for the election of:

a. DPR members	:	.....	Sheets
b. DPRD I members	:	.....	Sheets
c. DPRD II members	:	.....	Sheets

This Statement is made in (.....) folds, which is signed by KPPS Chairperson and Vice-Chairperson as well as the party agents present.

Each fold of this Statement is delivered to:

1. Village/Sub-District/Transmigration Unit Election Committee of
2. Party agents present

Polling Station Election Committee

Name	Signature	Name	Signature
4. Chairperson	(.....)	5. Members	(.....)
5. Vice-Chairperson	(.....)	6. Members	(.....)
6. Members	(.....)	7. Members	(.....)
4. Members	(.....)		

Party Agents

Name	Representing the Party of	Signature
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**STATEMENT OF THE COUNTING OF SUPPLEMENTARY BALLOTS
USED BY THE POLLING STATION ELECTION COMMITTEE
FOR THE ELECTION OF DPR, DPRD I, AND DPRD II MEMBERS**

Today, on Monday, on (date), the Polling Station Election Committee (KPPS) holds the counting of supplementary ballots in 1999 Election located in:

Polling Station	:	.....
Village/Sub-District/Transmigration Unit	:	.....
District	:	.....
Regency/Municipality	:	.....
Province	:	.....

The number of supplementary ballots used for the election of:

1. DPR members	:	.....	Sheets
2. DPRD I members	:	.....	Sheets
3. DPRD II members	:	.....	Sheets

This Statement is made in (.....) folds, which is signed by KPPS Chairperson and Vice-Chairperson as well as the party agents present.

Each fold of this Statement is delivered to:

1. Village/Sub-District/Transmigration Unit Election Committee of
2. Party agents present

Polling Station Election Committee

Name	Signature	Name	Signature
7. Chairperson	(.....)	5. Members	(.....)
8. Vice-Chairperson	(.....)	6. Members	(.....)
9. Members	(.....)	7. Members	(.....)
4. Members	(.....)		

Party Agents

Name	Representing the Party of	Signature
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Attachment F

Polling Station Counting Sheet

(Form C2)

MODEL C2

[illegible]

<p>4 Indonesian Democrats Alliance Party</p> <p>Party Logo</p>		
<p>5 Indonesian Muslim Awakening Party</p> <p>Party Logo</p>		
<p>6 Islamic People Party</p> <p>Party Logo</p>		
<p>7 United Believers Awakening Party</p> <p>Party Logo</p>		

8
New Masyumi Party

Party
Logo

9
United Development Party

Party
Logo

10
Indonesian United
Islam Party

Party
Logo

11
Indonesian Democratic
Party of Struggle

Party
Logo

<p>12 Abulyatama Party</p> <p>Party Logo</p>		
<p>13 Independent Nationalist Party</p> <p>Party Logo</p>		
<p>14 Love the Nation Democratic Party</p> <p>Party Logo</p>		
<p>15 National Mandate Party</p> <p>Party Logo</p>		

16
Democratic People's Party

Party
Logo

17
Indonesian United Islam
Party 1905

Party
Logo

18
Democratic Catholic Party

Party
Logo

19
People's Choice Party

Party
Logo

<p>20</p> <p>Indonesian People's Party</p> <p>Party Logo</p>		
<p>21</p> <p>Masyumi Islamic Political Party</p> <p>Party Logo</p>		
<p>22</p> <p>Crescent Star Party</p> <p>Party Logo</p>		
<p>23</p> <p>Worker's Solidarity Party</p> <p>Party Logo</p>		

28
Republic Party

Party
Logo

29
Democratic Islam Party

Party
Logo

30
Indonesian National Party
Marhaen

Party
Logo

31
People's Consensus Party

Party
Logo

<p>32 Indonesian Democratic Party</p> <p>Party Logo</p>		
<p>33 Functional Group Party</p> <p>Party Logo</p>		
<p>34 United Party</p> <p>Party Logo</p>		
<p>35 National Awakening Party</p> <p>Party Logo</p>		

40
Love Justice Party

Party
Logo

41
Justice and Unity Party

Party
Logo

42
All-Indonesian Workers
Solidarity Party

Party
Logo

43
Indonesian Nation
National Party

Party
Logo

<div style="text-align: center; margin-bottom: 10px;"> 48 Indonesian Workers Party </div> <div style="border: 1px solid black; width: 80px; height: 60px; margin: 0 auto; text-align: center; line-height: 60px;"> Party Logo </div>	<table border="1" style="width: 100%; height: 100%; border-collapse: collapse;"> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> <tr><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></tr> </table>																																																																																																																				

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POLLING STATION ELECTION COMMITTEE

Name	Signature	Name	Signature
1. Chairperson	(.....)	5 Member	(.....)
2. Vice-Chairperson	(.....)	6 Member	(.....)
3. Member	(.....)	7 Member	(.....)
4. Member	(.....)		

Attachment G

Statements Related to the Consolidation of Results

(Forms D, D1, D2, D3)

STATEMENT OF CONSOLIDATION
SUB-DISTRICT ELECTION COMMITTEE

Nomor:

Today on (date), the Sub-district Election Committee (PPS) conducts the Consolidation of Votes for the election of DPR/DPRD I/DPRD II members in:

Village/Sub-District/Transmigration Unit :
District :
Regency/Municipality :
Province :

The consolidation of votes is witnessed by party agents, in the following details:

1. Recording the following data:
 - a. The number of polling stations, voters and votes obtained by each political party in the polling station.
 - b. The number of used, unused and spoiled ballots of each polling station in the Village/Sub-district.
 - c. The number of supplementary ballots in each polling station in the Village/Sub-district.
 - d. The number of valid votes obtained by each political party in the Village/Sub-district, the number of invalid votes, and announce them to the party agents present.
2. In conducting the consolidation of votes in the PPS there is/is no objection/particular incident from the party agents present, and decided at once by the Head of PPS after having consultation with the members.
3. The objection/particular incident submitted by the party agents present is:

.....

.....
4. Considering the submitted objection/particular incident, the decision of PPS Head is:

.....

.....

This Statement is made in folds, which is signed by PPS Chairperson, Vice-Chairperson, Secretary and the members, as well as party agents present with the Attachment of:

- 1. Statement of the Consolidation Result in the PPS (Model D 1).
- 2. Statement of the Objection/Particular Incident of the Consolidation Results in the PPS for the election of DPR,DPRD I, and DPRD II members (Model D 2).
- 3. Statement of the Counting of Supplementary Ballots Received by PPS for the election of DPR, DPRD I, and DPRD II members (Model D 3).
- 4. PPS Worksheet for the Consolidation of TPS Results for the election of DPR, DPRD I and DPRD II members (Model D41, D42, D43)
- 5. One (1) set of Statement of the Polling and Counting (Model C) to be submitted to the PPK.

Each fold of this Statement is delivered to:

- 1. District Election Committee of (attached with one complete set of Statement of the Polling and Counting Model C)
- 2. Party agents.
- 3. PPS File

Sub-district Election Committee

Name	Signature	Name	Signature
1. Chairperson	(.....)	5. Members	(.....)
2. Vice-Chairperson	(.....)	6. Members	(.....)
3. Members	(.....)	7. Members	(.....)
4. Members	(.....)		

Party Agents

Name	Representing the Party of	Signature
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**STATEMENT OF THE CONSOLIDATION RESULT IN PPS
FOR THE ELECTION OF DPR, DPRD I, AND DPRD II MEMBERS**

According to the consolidation of votes in:

Sub-district Election Committee (PPS) : Consists ofTPS
District :
Regency/Municipality :
Province :

1. Details of the number of ballots.

NUMBER	DESCRIPTION	THE NUMBER OF THE BALLOTS		
		DPR	DPRD I	DPRD II
1	2	3	4	5
1	The number of ballots received from all TPS			
2	The number of ballots used in all Polling Stations (TPS)			
	a. unused ballots			
	b. spoiled ballots			
	c. used ballots:			
	1) Valid ballots			
	2) Invalid ballots			
	TOTAL NUMBER			

2. Details of valid vote obtained by each political party.

NUMBER	POLITICAL PARTY RUNNING THE ELECTION	VALID BALLOTS		
		DPR	DPRD I	DPRD II
1	2	3	4	5
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TOTAL NUMBER				

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Polling Station Election Committee

Name	Signature	Name	Signature
4. Chairperson	(.....)	5. Members	(.....)
5. Vice-Chairperson	(.....)	6. Members	(.....)
6. Members	(.....)	7. Members	(.....)
4. Members	(.....)		

Party Agents:

Name	Representing the Party of	Signature
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Based on the consolidation of votes in:

Party agents' objection/particular incident is recorded as follow:

This image shows a full page of white paper with horizontal dotted lines. The lines are evenly spaced and run across the width of the page, typical of primary-ruled or handwriting practice paper. There are no margins, text, or other markings on the page.

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If one sheet of the form is full, please add with the new sheet to continue

**Sub-district Election Committee
CHAIRPERSON.**

(.....)

**STATEMENT OF THE COUNTING OF SUPPLEMENTARY BALLOTS
RECEIVED BY THE SUB-DISTRICT ELECTION COMMITTEE
FOR THE ELECTION OF DPR, DPRD I, AND DPRD II MEMBERS**

Today on (date), the Sub-district Election Committee (PPS) holds the counting of supplementary ballots in 1999 Election located in:

Village/Sub-District/Transmigration Unit	:	.....
District	:	.....
Regency/Municipality	:	.....
Province	:	.....

The number of supplementary ballots:

1. Received by KPPS under the administrative area of PPS for the election of:

a. DPR members	:	.....	Sheets
b. DPRD I members	:	.....	Sheets
c. DPRD II members	:	.....	Sheets

2. Received by KPPS under the administrative area of PPS for the election of:

a. DPR members	:	.....	Sheets
b. DPRD I members	:	.....	Sheets
c. DPRD II members	:	.....	Sheets

This Statement is made in (.....) folds, which is signed by PPS Chairperson, Vice-Chairperson, Secretary and the members, as well as the party agents present.

Each fold of this Statement is delivered to:

1. District Election Committee of
2. Party agents present.
3. PPS File.

Sub-district Election Committee

Name	Signature	Name	Signature
7. Chairperson	(.....)	5. Members	(.....)
8. Vice-Chairperson	(.....)	6. Members	(.....)
9. Members	(.....)	7. Members	(.....)
4. Members	(.....)		

Party Agents

Name

Representing the Party of

Signature

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Attachment H

**Forms for Consolidation of Results for DPR, DPRD I,
and DPRDII**

(Forms D41, D42, D43)

DPR

SUBDISTRICT ELECTION COMMITTEE		DISTRICT	
		REGENCY/MUNICIPALITY	
		PROVINCE	

[illegible]

24. PK									
25. PNU									
26. PNI Front Marhaenis									
27. IPKI									
28. P. REPUBLIK									
29. PID									
30. PNI Massa Marhaen									
31. MURBA									
32. PDI									
33. GOLKAR									
34. PP									
35. PKB									
36. PUDI									
37. PBN									
38. MKGR									
39. PDR									
40. P. CINTA DAMAI									
41. PKP									
42. SPSI									
43. PNBI									
44. PBI									
45. SUNI									
46. PND									
47. PUMI									
48. PPI									
VALID VOTES									
INVALID VOTES									
UNUSED BALLOTS									
SPOILED BALLOTS									
SUPPLEMENTARY BALLOTS									
TOTAL VOTES									
RECEIVED BALLOTS									

Date: ____/____/1999

SUBDISTRICT ELECTION COMMITTEE

	NAME	SIGNATURE
1. CHAIRPERSON	:	
2. VICE-CHAIR	:	
3. VICE-CHAIR	:	
4. VICE-CHAIR	:	
5. SECRETARY	:	
6. VICE-SECRETARY	:	
7. VICE-SECRETARY	:	
8. MEMBERS	:	
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Date: ____/____/1999

PARTY AGENTS

NAME	REPRESENTS	SIGNATURE
1	Partai Indonesia Baru
2	Partai Kristen Nasional Indonesia	.....
3	Partai Nasional Indonesia – Supeni	.....
4	Partai Aliansi Demokrat Indonesia	.....
5	Partai Kebangkitan Muslim Indonesia	.....
6	Partai Umat Islam	.....
7	Partai Kebangkitan Umat	.....
8	Partai Masyumi Baru	.....
9	Partai Persatuan Pembangunan	.....
10	Partai Syarikat Islam Indonesia	.....
11	Partai Demokrasi Indonesia – Perjuangan	.....
12	Partai Abul Yatama	.....
13	Partai Kebangsaan Merdeka	.....
14	Partai Demokrasi Kasih Bangsa	.....
15	Partai Amanat Nasional	.....
16	Partai Rakyat Demokratik	.....
17	Partai Syarikat Islam Indonesia 1905	.....
18	Partai Katholik Demokrat	.....
19	Partai Pilihan Rakyat	.....
20	Partai Rakyat Indonesia	.....
21	Partai Politik Islam Indonesia Masyumi	.....
22	Partai Bulan Bintang	.....

23	Partai Solidaritas Pekerja
24	Partai Keadilan
25	Partai Nahdlatul Umat
26	Partai Nasional Indonesia – Front Marhaenis
27	Partai Ikatan Pendukung Kemerdekaan Indonesia
28	Partai Republik
29	Partai Islam Demokrat
30	Partai Nasional Indonesia – Massa Marhaen
31	Partai Musyawarah Rakyat Banyak
32	Partai Demokrasi Indonesia
33	Partai Golongan Karya
34	Partai Persatuan
35	Partai Kebangkitan Bangsa
36	Partai Uni Demokrasi Indonesia
37	Partai Buruh Nasional
38	Partai Musyawarah, Kekeluargaan, Gotong Royong
39	Partai Daulat Rakyat
40	Partai Cinta Damai
41	Partai Keadilan dan Persatuan
42	Partai Solidaritas Pekerja Seluruh Indonesia
43	Partai Nasional Bangsa Indonesia
44	Partai Bhinneka Tunggal Ika
45	Partai Solidaritas Uni Nasional Indonesia
46	Partai Nasional Demokrat
47	Partai Umat Muslimin Indonesia
48	Partai Pekerja Indonesia

Date: ____/____/1999



DPRD I

SUBDISTRICT ELECTION COMMITTEE	DISTRICT	
	REGENCY/MUNICIPALITY	
	PROVINCE	

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25. PNU									
26. PNI Front Marhaenis									
27. IPKI									
28. P. REPUBLIK									
29. PID									
30. PNI Massa Marhaen									
31. MURBA									
32. PDI									
33. GOLKAR									
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35. PKB									
36. PUDI									
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47. PUMI									
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VALID VOTES									
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UNUSED BALLOTS									
SPOILED BALLOTS									
SUPPLEMENTARY BALLOTS									
TOTAL VOTES									
RECEIVED BALLOTS									

Date: ____/____/1999

SUBDISTRICT ELECTION COMMITTEE

	NAME	SIGNATURE
1. CHAIRPERSON	:	.....
2. VICE-CHAIR	:	.....
3. VICE-CHAIR	:
4. VICE-CHAIR	:
5. SECRETARY	:
6. VICE-SECRETARY	:
7. VICE-SECRETARY	:
8. MEMBERS	:	
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Date: ____/____/1999

PARTY AGENTS

NAME	REPRESENTS	SIGNATURE
1	Partai Indonesia Baru
2	Partai Kristen Nasional Indonesia	.....
3	Partai Nasional Indonesia – Supeni	.....
4	Partai Aliansi Demokrat Indonesia	.....
5	Partai Kebangkitan Muslim Indonesia	.....
6	Partai Umat Islam	.....
7	Partai Kebangkitan Umat	.....
8	Partai Masyumi Baru	.....
9	Partai Persatuan Pembangunan	.....
10	Partai Syarikat Islam Indonesia	.....
11	Partai Demokrasi Indonesia – Perjuangan	.....
12	Partai Abul Yatama	.....
13	Partai Kebangsaan Merdeka	.....
14	Partai Demokrasi Kasih Bangsa	.....
15	Partai Amanat Nasional	.....
16	Partai Rakyat Demokratik	.....
17	Partai Syarikat Islam Indonesia 1905	.....
18	Partai Katholik Demokrat	.....
19	Partai Pilihan Rakyat	.....
20	Partai Rakyat Indonesia	.....
21	Partai Politik Islam Indonesia Masyumi	.....
22	Partai Bulan Bintang	.....

23	Partai Solidaritas Pekerja
24	Partai Keadilan
25	Partai Nahdlatul Umat
26	Partai Nasional Indonesia – Front Marhaenis
27	Partai Ikatan Pendukung Kemerdekaan Indonesia
28	Partai Republik
29	Partai Islam Demokrat
30	Partai Nasional Indonesia – Massa Marhaen
31	Partai Musyawarah Rakyat Banyak
32	Partai Demokrasi Indonesia
33	Partai Golongan Karya
34	Partai Persatuan
35	Partai Kebangkitan Bangsa
36	Partai Uni Demokrasi Indonesia
37	Partai Buruh Nasional
38	Partai Musyawarah, Kekeluargaan, Gotong Royong
39	Partai Daulat Rakyat
40	Partai Cinta Damai
41	Partai Keadilan dan Persatuan
42	Partai Solidaritas Pekerja Seluruh Indonesia
43	Partai Nasional Bangsa Indonesia
44	Partai Bhinneka Tunggal Ika
45	Partai Solidaritas Uni Nasional Indonesia
46	Partai Nasional Demokrat
47	Partai Umat Muslimin Indonesia
48	Partai Pekerja Indonesia

Date: ____/____/1999

DPRD

11

SUBDISTRICT ELECTION COMMITTEE	DISTRICT	
	REGENCY/MUNICIPALITY	
	PROVINCE	

[illegible]

22. PBB									
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26. PNI Front Marhaenis									
27. IPKI									
28. P. REPUBLIK									
29. PID									
30. PNI Massa Marhaen									
31. MURBA									
32. PDI									
33. GOLKAR									
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35. PKB									
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38. MKGR									
39. PDR									
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SPOILED BALLOTS									
SUPPLEMENTARY BALLOTS									
TOTAL VOTES									
RECEIVED BALLOTS									

Date: / /1999

SUBDISTRICT ELECTION COMMITTEE

	NAME	SIGNATURE
1. CHAIRPERSON	:	
2. VICE-CHAIR	:	
3. VICE-CHAIR	:	
4. VICE-CHAIR	:	
5. SECRETARY	:	
6. VICE-SECRETARY	:	
7. VICE-SECRETARY	:	
8. MEMBERS	:	
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	2:	
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48 :

Date: ____/____/1999

PARTY AGENTS

NAME	REPRESENTS	SIGNATURE
1	Partai Indonesia Baru
2	Partai Kristen Nasional Indonesia	.....
3	Partai Nasional Indonesia – Supeni	.....
4	Partai Aliansi Demokrat Indonesia	.....
5	Partai Kebangkitan Muslim Indonesia	.....
6	Partai Umat Islam	.....
7	Partai Kebangkitan Umat	.....
8	Partai Masyumi Baru	.....
9	Partai Persatuan Pembangunan	.....
10	Partai Syarikat Islam Indonesia	.....
11	Partai Demokrasi Indonesia – Perjuangan	.....
12	Partai Abul Yatama	.....
13	Partai Kebangsaan Merdeka	.....
14	Partai Demokrasi Kasih Bangsa	.....
15	Partai Amanat Nasional	.....
16	Partai Rakyat Demokratik	.....
17	Partai Syarikat Islam Indonesia 1905	.....
18	Partai Katholik Demokrat	.....
19	Partai Pilihan Rakyat	.....
20	Partai Rakyat Indonesia	.....
21	Partai Politik Islam Indonesia Masyumi	.....

22	Partai Bulan Bintang	.....
23	Partai Solidaritas Pekerja	.....
24	Partai Keadilan	.....
25	Partai Nahdlatul Umat	.....
26	Partai Nasional Indonesia – Front Marhaenis	.....
27	Partai Ikatan Pendukung Kemerdekaan Indonesia	.....
28	Partai Republik	.....
29	Partai Islam Demokrat	.....
30	Partai Nasional Indonesia – Massa Marhaen	.....
31	Partai Musyawarah Rakyat Banyak	.....
32	Partai Demokrasi Indonesia	.....
33	Partai Golongan Karya	.....
34	Partai Persatuan	.....
35	Partai Kebangkitan Bangsa	.....
36	Partai Uni Demokrasi Indonesia	.....
37	Partai Buruh Nasional	.....
38	Partai Musyawarah, Kekeluargaan, Gotong Royong	.....
39	Partai Daulat Rakyat	.....
40	Partai Cinta Damai	.....
41	Partai Keadilan dan Persatuan	.....
42	Partai Solidaritas Pekerja Seluruh Indonesia	.....
43	Partai Nasional Bangsa Indonesia	.....
44	Partai Bhinneka Tunggal Ika	.....
45	Partai Solidaritas Uni Nasional Indonesia	.....
46	Partai Nasional Demokrat	.....
47	Partai Umat Muslimin Indonesia	.....
48	Partai Pekerja Indonesia	.....

Date: ____/____/1999

Attachment I

Law Number 3 of 1999 on General Election

**Republic of Indonesia's Law
Number 3 of 1999 on**

General Election

Indonesian People's Representative Council
In the name of God,

Considering:

- a. That based on the Constitution of 1945, Indonesia is a state founded on the sovereignty of the people.
- b. That election is the expression of the sovereignty of the people.
- c. That election is not only aimed at electing the representatives of the people who will sit at the People Deliberation's Assembly/Representative House, but also a means to realize the structure of national life spirited by Pancasila state ideology and Constitution of 1945 of the integrated Indonesian Republic.
- d. That to realize the sovereignty of the people and the exercise of the revised political life, it is imperative to hold a more democratic and transparent, honest and fair election by giving direct, public, free and confidential voting.
- e. That Law Number 15 of 1969 on the Election of Member of People's Deliberation Assembly/Representative Council, which has been amended by Law Number 4 of 1975, Law Number 2 of 1980, Law Number 1 of 1985 has not been in line with the development and demand of political life, so it necessary to revoke it.
- f. That in relation to items a, b, c and d and e it is necessary to stipulate an Election Law.

Observing:

1. Article 1 paragraph (2); Article 5-paragraph (1), Article 20-paragraph (1), and Article 27-paragraph (1) of Constitution of 1945.
2. Decree of People's Deliberation Assembly of the Republic of Indonesia Number XIV/MPR/1998 on the Amendment and Supplement of the Decree of People's Deliberation Assembly Number III/MPR/1988 on General Election.
3. Law Number 2 of 1999 on Political Party (State Gazette of 1999 Number 22 Addition of State Gazette Number 3809)
4. Law Number 4 of 1999 on the Structure and Position of People's Deliberation Assembly and People's Representative Council and Regional People's Representative Council (State Gazette of 1999 Number 24, Addition to State Gazette Number 3811)

With the approval of
PEOPLE'S REPRESENTATIVE COUNCIL OF THE REPUBLIC OF
INDONESIA

HAS DECIDED
To stipulate: THE GENERAL ELECTION LAW

CHAPTER I
GENERAL PROVISIONS

Article 1

- 1) General election is a means to implement the sovereignty of the people within the Integrated Nation of Republic of Indonesia founded on Pancasila state ideology and Constitution of 1945.
- 2) General Election is held in a democratic, transparent, fair and free way by giving and collecting votes in a direct, universal, free and secret ballot.
- 3) General Election is held once in 5 (five) years on a holiday or a day declared as a holiday simultaneously throughout the Integrated Nation of Republic of Indonesia.
- 4) General Election is held to elect Members of People's Representative Council, 1st Level Regional People's Representative Council, 2nd Level Regional People's Representative Council hereinafter referred to as DPR (People's Representatives Council), DPRD I (Provincial People's Representatives Council), DPRD II (Regency/Municipality People's Representatives Council), except for members of DPR, DPRD I and DPRD II from the Indonesian Armed Forces (ABRI).
- 5) General Election mentioned in paragraph (4) is also intended to fill the membership in the People's Deliberation Assembly, hereinafter referred to as MPR.
- 6) To vote in the election is the right of every citizen eligible to vote.
- 7) General Election is conducted using a Proportional Representation Election System based on a closed list of candidates.

Article 2

The planning, implementation, monitoring of General election is based on the principles of democracy spirited by Pancasila state ideology and Constitution of 1945.

CHAPTER II
ELECTORAL AREA AND NUMBER OF SEATS

Article 3

- 1) In electing the members of DPR, DPRD and DPRD II, each is stipulated by respective electoral area based on its level.
- 2) a. In electing DPR members, the electoral area (constituency) is the provincial level.

- b. In electing DPRD I members, the electoral area (constituency) is the provincial level.
- c. In electing DPRD II members, the electoral area (constituency) is the regency and municipal level.

Article 4

- 1) The apportionment of seats for each province is stipulated based on the number of population at the province, each regency/municipality level having at least one seat.
- 2) The apportionment of seats for DPR members for each electoral area (constituency) is stipulated by the KPU.

Article 5

- 1) The minimum number of DPRD I is 45 (forty-five) and the maximum 100 (one hundred).
- 2) The apportionment of seats for DPRD I referred to in paragraph (1) is based on the population of the province as determined below:
 - a) A province which population is 3,000,000 (three million) or less will be allocated by 45 (forty-five) seats.
 - b) A province which population is between 3,000,001 (three million and one) and 5,000,000 (five million) people will be allocated by 55 (fifty-five) seats.
 - c) A province which population is between 5,000,001 (five million and one) and 7,000,000 (seven million) people will be allocated by 65 (sixty-five) seats.
 - d) A province which population is between 7,000,001 (seven million and one) to 9,000,000 (nine million) people will be allocated by 75 (seventy-five) seats.
 - e) A province which population is between 9,000,001 (nine million and one) to 12,000,000 (nine million) people will be allocated 85 (eighty-five) seats.
 - f) A province which population is above 12,000,000 (twelve million) will be allocated by 100 (one hundred) seats.
- 3) Each regency/municipality at the DPRD II will be represented at least by 1 (one) seat.
- 4) The apportionment for seats for the DPRD I for each province is determined by the KPU.

Article 6

- (1) The minimum number of seats of DPRD II is stipulated minimum 20 (twenty) and the maximum 45 (forty five).
- (2) The apportionment of seats for members of DPRD II referred to in paragraph (1) is based on the population of each as determined below:
 - a) A regency with a population up to 100,000 (one hundred thousand) people will be allocated 20 (twenty) seats.
 - b) A regency with a population between 100,001 (one hundred thousand and one) to 200,000 (two hundred thousand) people will be allocated 25 (twenty-five) seats.
 - c) A regency with a population between 200,001 (two hundred thousand and one) to 300,000 (three hundred thousand) people will be allocated 30 (thirty) seats.
 - d) A regency level with a population between 300,001 (three hundred thousand and one) to 400,000 (four hundred thousand) people will be allocated 35 (thirty- five) seats.

- e) A regency level with a population between 400,001 (four hundred thousand and one) to 500,000 (five hundred) people will be allocated 40 (forty) seats.
- f) A regency level with a population over 500,000 (five hundred thousand) will be allocated 45 (forty-five) seats.
- 3) Each district (*kecamatan*) will be represented by at least 1(one) in the DPRD II.
- 4) The number of seats to be allocated for each regency/municipality for the election of the Members of DPRD II is determined by the KPU.

Article 7

Number of members of DPR, DPRD I and DPRD II is determined in accordance with Law Number 4 of 1999 on the composition of the MPR, DPR and DPRD.

CHAPTER III IMPLEMENTATION AND ORGANIZATION

Article 8

- 1) The President is responsible for the holding of the General Election.
- 2) The General election is conducted by a free and independent National Election Commission, composed of representatives of political party competing in the election and of the government, which reports to the President.
- 3) The National Election Commission (KPU) in paragraph (2) has its head/headquarter in the capital of the State.
- 4) The establishment of the KPU is legalized by the President.

Article 9

- 1) Membership of the KPU is composed of 1 (one) Representative from each political party contesting in the election and 5 (five) representative of the government.
- 2) The representatives of the Government and of the political parties have equal votes.
- 3) Representatives of political parties contesting in the Election are self-elected by each party and Representatives of the Government are appointed by the President.
- 4) The KPU is composed of a Chairperson, 2 (two) Vice-Chairpersons and Members.
- 5) The Chairperson and Vice Chairpersons are democratically elected by members of the KPU in the Plenary Session.
- 6) The term of office for the KPU members is 5 (five) years.
- 7) The KU determines its structure and internal rules.
- 8) In carrying out its mandate, the KPU is assisted by a General Secretariat headed by a Secretary General and a Vice-Secretary General.
- 9) The organization and structure of the KPU Secretariat are determined by the President.
- 10) The Secretary General and the Vice-Secretary General referred to in (8) are appointed and dismissed by the President.
- 11) In carrying out its mandate, the Secretary General referred to in paragraph (8) reports, for operational purpose to the KPU and, for administrative matters, to the government.

Article 10

In conducting the General Election, the KPU has the following duties and power:

- a) Planning and preparing the general election.
- b) Receiving the application for registration and deciding on their eligibility.
- c) Establishing National Election Committee hereinafter referred to as PPI and coordinating the activities from the national level down to polling stations level hereinafter referred to as KPPS.
- d) Determining the number of seats for DPR, DPRD I, and DPRD II.
- e) Determining consolidated election results for the DPR, DPRD I, and DPRD II.
- f) Collecting and processing of election results.
- g) Enacting the regulations and procedures.

Article 11

In addition to duties and power referred to in Article 10, at the latest three (three) years after the General Election, the KPU should revise the Election system.

Article 12

- (1) The PPI referred to in Article 10-paragraph c has its business headquarter in the capital of the State and serves as the KPU agent in conducting the Election.
- (2) The PPI is composed of representatives of political parties and of the government, and includes a Chairperson, a Vice-Chairperson, a Secretary, Vice Secretaries, and members.
- (3) The PPI Chairperson, Vice-Chairperson, Secretary, Vice Secretaries are democratically elected by and from the members of the KPU, not members of the Executive Committee.
- (4) The structure and membership of PPI is determined by a KPU regulation.

Article 13

The duties and power of PPI are:

- a) Establishing and coordinating the activities of Provincial Electoral Committee hereinafter referred to as PPD I throughout Indonesia.
- b) Receiving candidacies and deciding on their eligibility.
- c) Conducting a general election to elect the members of the DPR.
- d) Consolidating the election results for election of the members of DPR.

Article 14

- (1) PPD I established by the PPI referred to in Article 13 has its head office in the capital of the province and serves as PPI agent in conducting election in this province.
- (2) The PPD I is composed of representatives of political parties competing in the election and of the government, including a Chairperson, a Vice Chairperson, Secretary, Vice Secretaries, and members.
- (3) The PPD I Chairperson, Vice Chairperson, Secretary, Vice Secretaries are democratically elected by and among the members of PPD I.
- (4) The structure and membership of the PPD I is regulated by the PPI.

Article 15

The duties and power of the PPD I:

- a) Establishing and coordinating the activities of the Regency Electoral Committee hereinafter referred to as the PPD II in each regency/municipality.
- b) Receiving candidacies and deciding on their eligibility for DPRD I members for each electoral area.
- c) Conducting a general election to elect the members of the DPR and the DPRD I.
- d) Consolidating the election results for the election of the DPR and the DPRD I.
- e) Assisting the job of PPI.

Article 16

- (1) The PPD II established by the PPD I referred to in Article 15 has its head office in the capital of the Regency/Municipality and serves as PPD I agent in conducting election.
- (2) The PPD II is composed of representatives of political parties and of the government, and a Chairperson, Vice Chairperson, Secretary, Vice Secretaries, and Members appointed by the political parties and the government.
- (3) The PPD II Chairperson, Vice Chairperson, Secretary, Vice Secretaries are democratically elected by and among the members of the PPD II.
- (4) The structure the PPD II is regulated by the PPD I.

Article 17

The duties and power of PPD II are:

- a) Establishing and coordinating the activities of District Electoral Committee hereinafter referred to as the PPK in each electoral area;
- b) Receiving candidacies and deciding on their eligibility.
- c) Conducting the election of the members of the DPR and the DPRD I, and the DPRD II in their respective area.
- d) Consolidating election results to determine the election of the DPR, the DPRD I and DPRD II.
- e) Assisting the PPD I in carrying on their tasks.

Article 18

- (1) The PPK established by the PPD II referred to in Article 17 has its head office in the district town and serves as PPD II agent in conducting election.
- (2) The PPK is composed of a Chairperson, Vice Chairperson, Secretary, Vice Secretaries, and Members appointed by political parties competing in the election and the government.
- (3) The PPK Chairperson, Vice Chairperson, Secretary, Vice Secretaries are democratically elected by and among members of the PPK.
- (4) Structure of PPK is regulated by the PPD II.

Article 19

The duties and power of the PPK are:

- a) Establishing Votes Collection Committee hereinafter referred to as the PPS and coordinating their activities.
- b) Consolidating the election results in the election of the members of DPR, DPRD I, and DPRD II at the district level.
- c) Assisting the PPD II in carrying on its tasks.

Article 20

- (1) In carrying out their duties, the PPI, PPD I, PPD II and PPK are assisted by a Secretariat chaired by a Secretariat Head.
- (2) The composition, organization and structure of a Committee Secretariat referred to in paragraph (1) is regulated by a Decree of the Minister of Home Affairs.
- (3) Staff of the PPI secretariat are appointed and dismissed by the Minister of Home Affairs.
- (4) Staff of the PPD I Secretariat are appointed and dismissed by the Governor.
- (5) Staff of the PPD II and PPK Secretariat are assigned and dismissed by the Regent/Mayor.

Article 21

- (1) The PPS established by the PPK referred to in Article 19 item (a) is located in the related Sub-district/Village administrative capital/Transmigration Resettlement Unit and serves as PPK agent in conducting election.
- (2) Membership of the PPS is composed of representatives of political parties and the government, the structure of which includes a Chairperson, Vice Chairperson, Secretary, Vice Secretaries, and Members.
- (3) The PPS Chairperson, Vice Chairperson, Secretary, Vice Secretaries are democratically elected by and from members of the PPS.
- (4) Structure and membership of the PPS is stipulated by the PPK.

Article 22

The duties and power of the PPS are:

- a) Registering voters by forming voters' registration officials.
- b) Forming Poll Workers Group hereinafter referred to as the KPPS in line with TPS number.
- c) Assisting the job of the PPK.

Article 23

- (1) Members of the KPPS are composed of representatives of contesting political parties and/or public representatives.
- (2) Composition of the KPPS members are:
 - a) Chairperson also acting as member,
 - b) Vice Chairperson also acting as member,
 - c) Members.

- (3) Chairperson and Vice Chairperson of the KPPS are elected among and by the KPPS members.
- (4) Composition and membership of the KPPS are stipulated by decree of the PPS.
- (5) The number, tasks and obligations of the KPPS members as referred to in paragraph (1) are stipulated by the KPU.
- (6) The KPPS is completed with two members of civilian guards as security officers proposed by the chief of village or head of sub-district and stipulated by the KPPS.
- (7) Each contesting political party in the electoral area might send an agent to join the preparation of polling, implementation of polling and calculation of ballots at each polling station.
- (8) The agent of the contesting parties at the polling station has to show a statement of authorization from local party officials to the KPPS.

CHAPTER IV SUPERVISING AND MONITORING THE GENERAL ELECTION

Article 24

- (1) To observe the election an observation committee is established.
- (2) Supervisory Commission as referred to in paragraph (1) is formed at the national, provincial, regency/municipal, and district levels.
- (3) Members of Supervisory Commission at the National, Provincial, Regency levels are composed of Judges, Academics, and the Public.
- (4) Membership of Observation Commission at District level is composed of Academics and the public.
- (5) Composition of Supervisory Commission as referred to in paragraphs (3) and (4) is stipulated by Supreme Court for the National level, Head of the Appeal Court for the provincial Level, and Head of Court of first instance for the Regency/Municipalities and District Levels.

Article 25

Relation and structure between the Supervisory Commission and the KPU and the Executing Committee from the national level down to TPS (polling stations) will be regulated further by the Supreme Court after consultation with the KPU.

Article 26

The duties and power of the Supervisory Commission as referred to Article 24 are:

- a) Supervising all election steps,
- b) Settling disputes arising in the election,
- c) Following on findings, disputes and unsolvable disagreement to be reported to the authority (*police/court*).

Article 27

- 1) Election Monitoring Institutions either domestic or foreign are allowed to monitor election by registering to the KPU.
- 2) Election Monitoring Procedure by those institutions referred to in paragraph (1) is stipulated by the KPU.

CHAPTER V VOTING RIGHTS

Article 28

Citizens of the Republic of Indonesia hereinafter referred to as citizens aged 17 or married/once married at the time of vote collection for election are eligible to vote.

Article 29

- 1) To be able to exercise his right, a citizen must be registered as a voter.
- 2) To be registered as a voter, the following requirements must be met:
 - a) Definitely not suffering from mental disorder.
 - b) Currently not sitting upon a sentence in prison or confinement by an irrevocable verdict of a Court of Justice because of a criminal act punishable with at least five years of imprisonment.
 - c) Currently not being deprived of one's voting rights by an irrevocable verdict of a Court of Justice
- 3) Should an Indonesian Citizen after the registration process no longer fulfill the requirements stated in paragraph (2), the voting right could no longer be used.

Article 30

Members of the Indonesian Armed Forces are not allowed to use their voting right.

Article 31

The Minister of Justice informs the KPU on every irrevocable court decision concerning any individual who has been deprived of his voting right.

CHAPTER VI VOTERS REGISTRATION

Article 32

- 1) Casting votes is the right of eligible citizens.
- 2) Voters registration at the specified location is conducted actively by voters by showing the ID or other legal personal identification.
- 3) For villages, sub-districts/Transmigration Resettlement Units geographically not accessible by voters, or when the condition of the public is in such a way that they do not have initiatives, the PPS is obligated to actively register voters.
- 4) Schedule to start and to end voter registration is stipulated by the KPU.

Article 33

- 1) Voter registration as referred to Article 32 is conducted by writing down voter data in the Register of Electors.
- 2) Format of Register of Voters as referred to in paragraph (1) is stipulated by the KPU.

Article 34

- 1) Voters whose names have been registered in the Register of Electors as referred to in Article 33 shall be given registration slip serving as a summon letter.
- 2) Format of the summon letter is stipulated by the KPU.

Article 35

- 1) Citizens who are eligible to vote and domicile overseas shall register to local Overseas Election Commission hereinafter referred to as the PPLN.
- 2) The PPLN is located at the local representation offices of the Republic of Indonesia.
- 3) The PPLN is composed of representatives of Indonesian society determined by Head of Local Representation of the Republic of Indonesia, by considering incoming proposal from Central Officials of Contesting Political Parties.
- 4) Composition of the PPLN members is composed of a Chairperson, Deputy Chairperson, Secretary, and at least three members, then proposed to PPI to obtain Statement of Assignment.

Article 36

- (1) A voter can only be registered once in a register of electors.
- (2) In the event that a voter has more than a residence, he should decide one of the residences to be his permanent address.
- (3) If it is found out that he deliberately registers himself to more than one list, he will lose his voting rights.

Article 37

- (1) In the event that a voter has been registered in the register of electors as referred to in Article 33, then he moves to a different place, he can report it to the new local PPS.
- (2) The registered voter who has reported that he moves will receive a certificate of registration from the new PPS.
- (3) The registered voter who is not able to use his voting rights in the place where he has been registered is able to vote in other places. Regulation of this is stipulated by the KPU.

Article 38

- (1) The preliminary register of electors is published by the PPS to give opportunity for revision, which is then legalized by the PPK.
- (2) The preliminary register of electors, which has been improved and legalized into an official register of electors, is announced by the PPS.
- (3) The elector who has not been registered in the official register of electors can register himself in the additional register of electors.
- (4) The schedule and timetable for activities as referred to in paragraphs (1), (2,) and (3) are regulated by the KPU.
- (5) The copies of Temporary Register of Electors, Permanent Register of Electors, and Additional Register of Electors has to be forwarded to contesting political parties.

CHAPTER VII CONDITIONS TO PARTICIPATE IN THE ELECTION

Article 39

- (1) To qualify for the election, the political parties have to meet the following conditions:
 - a) The existence is admitted under the political party law.
 - b) To have branches in more than ½ (half) of the number of provinces in Indonesia.
 - c) To have branches in more than ½ (half) of the number of regencies/municipalities in the provinces mentioned in item (b).
 - d) To propose party name and symbol.
- (2) The registered but unqualified political parties as referred to in paragraph (1) are not able to participate in the election. Their existence, however, is admitted as long as they carry out their obligations as regulated in the political party law.
- (3) To be able to join the following election, political parties are required to have 2% (two percent) of the number of seats in the DPR or to have at least 3% (three percent) of the number of seats in the DPRD I or DPRD II which are distributed at least in ½ (half) of the number of provinces and in ½ (half) of the number of regencies/municipalities throughout Indonesia based on the election results.
- (4) The political parties that are not able to meet the conditions as referred to in paragraph (3) are restricted to join the following election, unless they make a coalition with other parties.
- (5) Registration of political parties to be a contestant in the election is stipulated with a decree by the KPU.

Article 40

The contesting political parties are not allowed to use the same or similar names or symbols to:

- a) Coat of arms of the Republic of Indonesia,
- b) Coats of arms of foreign countries,
- c) Indonesian flag,
- d) Foreign countries' flags,
- e) Personal pictures,
- f) The existing political party symbols,

CHAPTER VIII RIGHTS TO BE ELECTED AND CANDIDACY

Article 41

- 1) Each contesting political party can propose candidates to be members of DPR, DPRD I, and DPRD II for each electoral area.
- 2) The contesting political parties can propose names of candidates of DPR, DPRD I, and DPRD II, maximum 2 times (twice) the number of apportioned seats.
- 3) A candidate can only be proposed for one (one) People's Representative Body.
- 4) Candidates proposed by each political party have the same position, rights, and obligations.

- 5) The composing list of candidates for members of DPR, DPRD I, and DPRD II is conducted democratically by Central Board of Political Party by putting into consideration the written proposals from the Political party Officials at the Regency level.
- 6)
 - a. The list of candidates for DPR members is proposed by the party officials of Political Parties contesting the election mentioning which regency/municipality the candidate is proposed for.
 - b. The list of candidates for DPRD I members is proposed by the Provincial Board of Political Parties contesting in the election mentioning which regency the candidate is proposed for.
 - c. The list of candidates for DPRD II members is proposed by the Regency/Municipal Board of Political parties contesting in the election mentioning which district the candidate is proposed for.

Article 42

Members of the armed forces do not use the rights to be elected.

Article 43

- 1) Candidates for DPR, DPRD I, and DPRD II have to meet the following requirements:
 - (a) A citizen aged 21 (twenty-one) solemnly obeys the rules of God.
 - (b) Domicile in the territory of the Republic of Indonesia, evidenced by ID card or certificate from the village head on his permanent address.
 - (c) Able to speak Bahasa Indonesia, able to write and read
 - (d) Education minimum High School or having equivalent knowledge and experienced in social affairs.
 - (e) Loyal to Pancasila as ideological state foundation, the 1945 Constitution, and aspiration of 17 August 1945 proclamation.
 - (f) Not a member of banned Communist party, including its mass organization or someone indirectly or directly involved in "G 30 S/PKI" or other banned organization.
 - (g) His voting right is not being deprived based on the irrevocable court verdict.
 - (h) Not serving jail terms based on the irrevocable court verdict because of committing crimes punishable with 5 (five) or more years.
 - (i) Not suffering from a mental disorder.
 - (j) Registered in the register of electors.
- (2) Children and descendants of the people mentioned in paragraph (1) item (f) could be candidates for members of DPR, DPRD I, DPRD II, and unless stated otherwise by existing regulation.

Article 44

- (1) For the purpose of candidacy of DPR, DPRD I, and DPRD II, Officials of Political parties contesting in the election have to submit the following data:
 - (a) Certificate of candidacy signed by officials of political party at each corresponding level.
 - (b) Statement of willingness to be a candidate for DPR/DPRD I/DPRD II members.

- (c) Comprehensive CV.
- (d) Statement of personal wealth.
- (e) Statement of residence.
- (f) Other information referred to in Article 43.
- (2) Personal data forms as referred to in paragraph (1) stipulated by the KPU.
- (3) List of candidates and attachments are forwarded to:
 - a) PPI for candidates of DPR members,
 - b) PPD I for candidates of DPRD I members,
 - c) PPD II for candidates of DPRD II members,
- (4) Investigation on the completeness of data and legality of data as referred to in paragraph (1) is conducted by:
 - PPI for candidates of DPR members,
 - PPD I for candidates of DPRD I members,
 - PPD II for candidates of DPRD II members.
- (4) If a candidate is rejected because he is not qualified as a member as referred to in paragraph (1), the rejection is notified in writing completed with clear reasons to the contesting Political Parties which have proposed candidacy, while the candidate is given time to complete and or to improve the requirements of candidacy, or to contesting Political parties to propose other candidates during the time specified by PPI/PPD I/PPD II.

Article 45

- (1) The names of qualified candidates referred to in Articles 43 and 44 are compiled in the List of Candidates of DPR/DPRD I/DPRD II and legalized in the meetings of PPI/PPD I/PPD II.
- (2) The list of candidates of DPR/DPRD I/DPRD II, which has been legalized as referred to in paragraph (1), is announced in the State Gazette/Regional Notice as well as published widely and effectively in other media.
- (3) Mechanic and procedure of candidacy for DPR/DPRD I/DPRD II members are stipulated by the KPU.

CHAPTER IX ELECTION CAMPAIGNS

Article 46

- (1) To implement General Election, an election campaign is held.
- (2) People are given opportunity and freedom to attend Election Campaign as referred to in paragraph (1).
- (3) The election campaign is held upon the completion of the Register of Permanent Candidates of DPR/DPRD I/DPRD II members as referred to in Article 45 up to 2 (two) days before the polling day.
- (4) The theme of Election Campaign is the programs of respective contesting political party delivered by candidates of DPR/DPRD I/DPRD II members and/or campaigners and/or cadres of contesting political parties.
- (5) Contesting political parties have the same status, rights, and obligations to hold election campaigns.
- (6) Mechanics and schedule of election campaigns are regulated by the KPU.

Article 47

- (1) During the campaign, it is forbidden to:
 - a) Dispute state ideology; Pancasila state ideology and Constitution of 1945.
 - b) De-fame an individual, religion, ethnic group, race, groups and other political parties. Provoke and play one group against other group.
 - c) Create public disorder.
 - d) Threaten to conduct violence or suggest using violence to an individual or public group and/or other political parties.
 - e) Threaten or suggest using violence to take over the power from the legal government.
 - f) Use government facility and places of worship.
 - g) Mobilize people from one area to another area to join campaigns
- (2) Breaches on the regulation of election campaign as referred to in paragraph (1) might result in the campaign dispersal or dismissal by the authority (*lit: law enforcer*).

Article 48

- (1) Funds for Election campaign of respective contesting political party can be obtained from:
 - a) Contesting political parties.
 - b) The government, coming from State Budget and Regional Budget.
 - c) Other independent groups such as private entities, companies, foundations or individuals.
- (2) Limit of campaign funds acceptable by contesting political parties is stipulated by the KPU.
- (3) Foreign countries are not allowed to give funds and other aids for Election campaigns
- (4) Breaches of the regulation of campaign funds as referred to in paragraphs (1) and (2) are subject to sanction as referred to in Article 17 paragraph (2) and Article 18-paragraph (2) Law Number 2 of 1999 on Political Parties.

Article 49

- (1) Funds for election campaigns as referred to in Article 50 subject to auditing by a Public Accountant, and the results shall be reported by Contesting Political Parties to the KPU 15 (fifteen) days before the polling day and 25 (twenty-five) days after.
- (2) Breaches on the regulation referred to in paragraph (1) are subject to administrative sanction in the form of the cessation of funds from the State/Regional Budget.
- (3) Contesting political parties which breaks the campaign fund limits is subject to administrative sanction, meaning not to be allowed to participate in the following Election.

CHAPTER X COLLECTION AND COUNTING OF VOTES

Article 50

- (1) Collection of ballots to elect members of DPRD, DPRD I, and DPRD II at the polling station is conducted simultaneously throughout Indonesian territory on the date stipulated by the KPU.
- (2) Collection of ballots for citizens residing overseas, restricted to electing members of DPR, is conducted at the same time as the polling day to elect DPR, DPRD I, and DPRD II, stipulated by the KPU.

Article 51

- (1) PPS shall determine the number and location of polling station in such a way that vote collection can be done easily and smoothly.
- (2) Polling station as referred to in paragraph (1) is located in strategic and easily accessible places and also guarantees that each voter can vote freely.

Article 52

- (1) For the purpose of election of members of DPR, DPRD I, and DPRD II, ballots are issued by the KPU.
- (2) The number of ballots to elect members of DPR, DPRD I, and DPRD II in each electoral area is the same as the number of registered electors in the corresponding electoral area plus 3% (three percent) of the number of electors.
- (3) Additional ballots as much as 3% (three percent) as referred to in paragraph (2) are used to replace invalid ballots prior or on the time of polling day at the polling station and for registered electors who use their voting rights in other places.
- (4) Receipt and usage of additional ballots as referred to in paragraph (3) is stated in a legal statement signed by head of the KPPS and co-signed by present witnesses, the format of which is regulated by the KPU.

Article 53

Vote casting and collection are performed in ways specified by the KPU.

Article 54

- (1) The ballots are stated legal if the head of KPPS signs them.
- (2) Regulation on the validity of ballots is stipulated by the KPU.

Article 55

- (1) Electors who have given their votes at the polling stations are given a special mark by the KPPS.
- (2) The special mark referred to in paragraph (1) is stipulated by the KPU.

Article 56

- (1) As soon as the voting ends, ballots are counted at the polling station by the KPPS.
- (2) Agents of contesting political parties, electors and other concerned groups are entitled to be present in order to witness and follow the counting of results by the KPPS.
- (3) Agent of political parties contesting in the election has to bring statement of authorization from local political party officials and submits them to Chairman of the KPPS.
- (4) Agents of contesting political parties and the public through agents of contesting political parties can propose objections on the counting procedure by the KPPS, in the event that it deviates from the regulation.
- (5) In the event that objections proposed by agents of contesting political parties and or the public referred to in paragraph (3) is accepted, the KPPS shall immediately make some correction.

Article 57

- (1) As soon as the counting of results at the polling station ends, the KPPS issues a statement of the poll and statement of the count signed by head and deputy head of the KPPS as well as present agents of the contesting political parties.
- (2) The KPPS is obligated to give a statement of poll and a statement of the count at the polling station to agents of contesting political parties present and to local PPS.

Article 58

- (1) After receiving statement of the poll and statement of the count from the polling station at the corresponding PPS work area, PPS immediately counts the results for village/sub-district level and attended by agents of contesting political parties and local people.
- (2) Agent of Political parties contesting in the election has to bring statement of authorization from local political party officials and submits them to Chairman of PPS.
- (3) Agents of contesting political parties and the public through agents of contesting political parties can propose objections on the counting procedure PPS, in the event that it deviates from the regulation.
- (4) In the event that objections proposed by agents of contesting political parties and/or the public referred to in paragraph (3) are accepted, PPS shall immediately make some correction.
- (5) As soon as the tabulation of results in all the polling station under corresponding village/sub-district ends, PPS issues a statement of the poll and statement of the tabulation of results signed by head and secretary of PPS as well as agents of the contesting political parties present.
- (6) PPS is obligated to give a statement of poll and a statement of the tabulation of results at the polling station to agents of contesting political parties present and to local PPK.

Article 59

- (1) After receiving PPS statement of the poll and PPS statement of the tabulation of results under the corresponding PPK work area; PPK immediately counts the results for the district level and attended by agents of contesting political parties and possibly by local people.
- (2) Agent of Political parties contesting in the election has to bring statement of authorization from local political party officials and submits them to Chairman of the PPK.
- (3) Agents of contesting political parties and the public through agents of contesting political parties who are present can propose objections on the counting procedure by PPK in the event that it deviates from the regulation.
- (4) In the event that objections proposed by agents of contesting political parties and or the public referred to in paragraph (3) is accepted, PPK shall immediately make some correction.
- (5) As soon as the tabulation of results in all villages/sub-districts under corresponding district ends, PPK issues a statement of the poll and statement of the tabulation of results signed by head and secretary of PPK as well as agents of the contesting political parties who are present.
- (6) PPK is obligated to give a statement of poll and a statement of the tabulation of results at the polling station to agents of contesting political parties present and to local PPD II.

Article 60

- (1) After receiving PPK statement of the poll and PPK statement of the tabulation of results under the corresponding PPD II work area, PPD II immediately counts the results for Regency/municipality level and attended by agents of contesting political parties and possibly by local people.
- (2) Agent of Political parties contesting in the election has to bring statement of authorization from local political party officials and submits them to Chariman of PPD II.
- (3) Agents of contesting political parties and the public through agents of contesting political parties who are present can raise objections on the counting procedure by PPD II in the event that it deviates from the regulation.
- (4) In the event that objections proposed by agents of contesting political parties and or the public referred to in paragraph (3) are accepted, PPD II shall immediately make some correction.
- (5) As soon as the tabulation of results in all districts under corresponding regencies/municipalities ends, PPD II issues a statement of the poll and statement of the tabulation of results signed by head and secretary of PPD II as well as agents of the contesting political parties who are present.
- (6) PPD II is obligated to give a statement of poll and a statement of the tabulation of results at PPD II to agents of contesting political parties present and to local PPI.

Article 61

- (1) After receiving PPD II statement of the poll and PPD II statement of the tabulation of results under the corresponding PPD I work area, PPD II immediately counts the

results for the provincial level and attended by agents of contesting political parties and possibly by local people.

- (2) Agent of political parties contesting in the election has to bring statement of authorization from local political party officials and submits them to Head of PPD I.
- (3) Agents of contesting political parties and the public through agents of contesting political parties who are present can propose objections on the counting procedure by PPD I in the event that it deviates from the regulation.
- (4) In the event that objections proposed by agents of contesting political parties and or the public referred to in paragraph (3) is accepted, PPD I shall immediately make some correction.
- (5) As soon as the tabulation of results in all regencies and municipalities under corresponding provinces ends, PPD I issues a statement of the poll and statement of the tabulation of results signed by head and secretary of PPD I as well as agents of the contesting political parties who are present.
- (6) PPD I is obligated to give a statement of poll and a statement of the tabulation of results at PPD I to agents of contesting political parties present and the PPI.

Article 62

- (1) After receiving PPD I statement of the poll and PPD I statement of the tabulation of results under the corresponding PPD I work area, PPI immediately counts the results for the national level and attended by agents of contesting political parties and possibly by local people.
- (2) Agent of political parties contesting in the election has to bring statement of authorization from political party officials and submits them to Head of PPI.
- (3) Agents of contesting political parties and the public through agents of contesting political parties who are present can propose objections on the counting procedure by PP I in the event that it deviates from the regulation.
- (4) In the event that objections proposed by agents of contesting political parties and or the public referred to in paragraph (3) is accepted, PPD I shall immediately make some correction.
- (5) After completing the tabulation of results in all provincial levels, PPI issues a statement of the poll and statement of the tabulation of results signed by head and secretary of PPI as well as agents of the contesting political parties who are present.
- (6) PPI is obligated to give a national statement of poll and a statement of the tabulation of results at PPD I to agents of contesting political parties present and the KPU.

Article 63

Objections raised by political party agents on the process of the count of results as referred to in Article 56 paragraph (4), Article 58 paragraph (5), Article 59 paragraph (4), Article 60 paragraph (4), Article 61 paragraph (4), Article 62 paragraph (5) shall not impede the election process.

Article 64

The format of legal document and tabulation of results documents at the polling station as well as the legal documents and tabulation of results documents at PPS, PPK, PPD II, PPD I, and PPI as referred to in Article 57 paragraph (1), Article 58 paragraph (5) Article 59 paragraph (5), Article 61 paragraph (5) Article 61 paragraph (5), and Article 62 paragraph (5) are stipulated by the KPU.

Article 65

- (1) Based on the tabulation of results documents delivered by PPI, the KPU shall finalize the counts of results for the election throughout Indonesia.
- (2) The official result as referred to in paragraph (1) is written in the statement of count and tabulation of results documents signed by at least 2/3 (two thirds) of the KPU members.
- (3) The format of the counting statements and tabulation of results documents referred to in paragraph (2) is stipulated by the KPU.

CHAPTER XI DETERMINING ELECTION RESULTS

Article 66

- (1) Official results for members of DPRD II are determined by PPD II
- (2) Official results for members of DPRD I are determined by PPD I
- (3) Official results for members of DPR are determined by PPI
- (4) Overall official results for members of DPR, DPRD I, and DPRD II, and are determined by the KPU.

Article 67

- (1) Count of results to determine the number of seats for contesting political party for DPRD II members, is based on the total of results obtained by the concerned political party at the regency level.
- (2) Count of results to determine the number of seats for contesting political party for DPRD I members, is based on the total of results obtained by the concerned political party at the provincial level.
- (3) Count of results to determine the number of seats for contesting political party for DPRD members, is based on the total of results obtained by the concerned political party at the provincial level.

Article 68

- (1) Assignment of the elected candidates for DPRD II members from each contesting political party by PPD II is based on the proposal of Regency Political party officials by considering to the largest votes obtained by the political parties in that particular district.
- (2) Assignment of the elected candidates for DPRD I members from each contesting political party by PPD I is based on the proposal of Provincial Political party officials by considering to the largest votes obtained by the political parties in that particular regency.
- (3) Assignment of the elected candidates for DPR members from each contesting political party by PPI is based on the proposal of Central Political party officials by considering to the largest votes obtained by the political parties in that particular regency.

- (4) Procedure of legalizing the elected candidates for DPRD, DPRD I, and DPRD II, are nationally stipulated by the KPU.

Article 69

- (1) The unused votes for a party will be used to allocate the remaining seats at the provincial level.
- (2) The determination of the elected candidates for the remaining seats is the competence of the National political party.

CHAPTER XII ANNOUNCEMENT OF RESULTS AND NOTIFICATION TO THE ELECTED CANDIDATES

Article 70

- (1) Announcement of elected members of DPRD II, DPRD I, and DPR is conducted by:
- a) PPD II for DPRD II members,
 - b) PPD I for DPRD I members,
 - c) PPI for DPR members.
- (2) Announcement of elected members of DPRD II, DPRD I, and DPR as referred to in paragraph (1), the schedule is stipulated further by the KPU.

Article 71

- (1) Announcement for elected candidates for of DPRD II, DPRD I, and DPR members is conducted by:
- a) PPD II for elected candidates of DPRD II members,
 - b) PPD I for elected candidates of DPRD I members,
 - c) PPI for elected candidates of DPR members.
- (2) Notification to the elected candidates of DPRD II, DPRD I, and DPR members as referred to in paragraph (1) is scheduled further by the KPU.

CHAPTER XIII CRIMINAL CONDUCT

Article 72

- (1) Whoever provides a false testimony for himself or other people for the registration of electors is punished by a maximum of 1 year of prison.
- (2) Whoever deliberately knows that a document referred to in paragraph (2) is illegal and falsified, uses that document, or asks other person to use it as legal and unfalsified document, is punished with maximum five years jail terms.

Article 73

- (1) Whoever deliberately distorts, impedes or harasses the process of election implemented in accordance with the law is sentenced with maximum five years' jail terms.
- (2) Whoever at the time of lawful election deliberately, by violence or by violent threats impedes someone who will exercise his rights to vote freely and smoothly is sentenced to maximum 5 (five) years' jail terms.
- (3) Whoever during the lawful election process bribes someone with gifts or promises so that he will not exercise his rights to vote, or will vote for a certain party, is sentenced with maximum three years in jail. The sentence is also imposed to the electors who receive bribes or promises to conduct something.
- (4) Whoever during the lawful election process conducts frauds, which results in the invalidity of votes or results in the additional votes for particular parties is sentenced with maximum 3 years' jail term.
- (5) Whoever deliberately participates in the lawful election by admitting himself as other person is sentenced with maximum five years' jail term.
- (6) Whoever deliberately breaks the regulation referred to in Article 43-paragraph (1) item (f) is sentenced with maximum five years' jail term.
- (7) Whoever votes more than once as stipulated in this law is sentenced with maximum five years' jail term.
- (8) Whoever during the election deliberately fails the voting or conducts some fraud, with the results that the votes is different from the votes obtained legally is sentenced with five years' imprisonment.
- (9) An employer/superior who does not give chance to the workers to vote without valid reasons is sentenced with maximum three years of imprisonment.
- (10) An election administrator who neglects his obligations is sentenced with confinement maximum 3 (3) months or fine maximum Ro 10,000,000 (ten million rupiah).
- (11) Whoever gives donation more than the specified limits as stipulated by the KPU is sentenced with confinement maximum 3 (three) month or fine at the most Rp 10,000,000 (ten million rupiah).

Article 74

- (1) Conducts as referred to in Article 72 and 73-paragraph (1) to paragraph (9) are crimes.
- (2) Criminal conducts as referred to in paragraph 73-paragraph (10) and paragraph (11) are breaches.

Article 75

In giving sentences on conduct referred to in Article 72 paragraph (2) and (3), documents used for conducting crimes as well as other objects or material which are uses to forge or falsify other documents are confiscated and destroyed, even if the objects do not belong to the defendants.

CHAPTER XIV OTHER PROVISIONS

Article 76

In the event that at a location or electoral area, after the investigation and checking it is found out that there are errors, mistakes or other things which impede voting resulting in the disruption of results counting of particular PPDI/PPD II, by considering the stipulated schedule and supported by Monitoring Committee and local government, a repeated polling can be conducted.

Article 77

In the event that in a particular location or an electoral area at the stipulated schedule an election cannot be carried out or discontinued due to unpredicted situation, the rerun election has to be conducted at the same location by considering the stipulated schedule as soon as time allows.

Article 78

Implementation of repeated voting as referred to in Article 76 and implementation of replaced election or repeated election as referred to in Article 77 is conducted at the latest 30 (thirty) days as of the voting day.

CHAPTER XV TRANSITIONAL PROVISIONS

Article 79

- (1) Before the KPU is formed, the LPU (National election Body) as referred to in Law number 15 of 1969 on the election of members of deliberation Assembly/Representative Council as it has been amended several times, the last of which by Law Number 1 Of 1985, will take over the jobs of the KPU as referred to in Article 10 items b and Article 39 paragraph (5) at the latest 30 (thirty) days after the enactment of the Law.
- (2) During the period as referred to I paragraph (1) the KPU will have to be established and all rights and obligations of LPU will be the responsibilities of the KPU.

Article 80

- (1) For election 1999, the contestants in the election 1997 have been considered qualified in accordance with Article 39 of the Law.
- (2) The contestants in the election 1997 as referred to in paragraph (1) still have to register as participants for Election 1999.

Article 81

To fill out the members of MPR for 1999 election for the Group Representation has been particularly regulated as follows:

- a) The KPU shall determine the types and number of representatives for the respective groups.
- b) The group representative as referred to in item (a), are proposed by the respective groups to the KPU to determine, and then administratively legalized by the president as the head of State.
- c) Procedure of assigning the MPR members from the Group Representative as referred to in items (a) and (b) are regulated further by the KPU.

Article 82

For election 1999, to be qualified for Election as referred to in Article 38 paragraph (1) item (b) and (c), political parties have to:

- (a) have branches in 1/3 (one third) of the number of provinces in Indonesia.
- (b) have branches in 1/2 (one half) of the number of regencies/municipalities in the provinces as referred to in item (a).

Article 83

KPU term of office for election 1999 will end one year prior to Election 2004

CHAPTER XVI CLOSING PROVISIONS

Article 84

Any matters not stipulated in this Law is regulated by the Government Regulation as required.

Article 85

With the enactment of this Law, Law number 15 of 1969 on the Election of Members of Deliberation Assembly/People's Representative Council (State Gazette of 1969 number 58, Additional State Gazette Number 2914) as it has been amended by Law Number 4 of 1975 (State Gazette of 1975 Number 38, Additional State Gazette Number 3036) Law number 2 of 1980 (State Gazette 1980 number 24, Additional State Gazette Number 3163), Law Number 1 of 1985 (State Gazette 1985 Number 1, Additional State Gazette Number 3281) are stated invalid.

Article 86

The law is effective as of the day of enactment by signature of the president.
This law should be published in the official State Gazette.

Legalized in Jakarta

Date February 1, 1999

**PRESIDENT OF THE REPUBLIC OF INDONESIA
BACHARUDDIN JUSUF HABIBIE**

Stipulated in Jakarta date February 1, 1999

**MINISTER OF STATE SECRETARIAT
AKBAR TANJUNG**

STATE GAZETTE OF THE REPUBLIC OF INDONESIA NUMBER 23 OF 1999

**INTERPRETATION FOR
THE REPUBLIC OF INDONESIA
LAW NUMBER 3 OF 1999
ON GENERAL ELECTION.**

BACKGROUND

1. Rationale

The Republic of Indonesia is an integrated country based on the principle of sovereignty of the people. The principle is contained in the Constitutions 1945. To implement this principle through consensus/representation, it is imperative to establish assemblies of people's representatives, the members of which are elected through a democratic and transparent General Election.

General Election is a democratic means in realizing governmental systems based on the sovereignty of the people. Government administration established in the elections originates, is run in line with the aspiration of the people and served to improve people's welfare.

Only the government, which recognizes the power of the people, is a strong, authorized and legitimate government. The government resulted from election will be fully legitimate. The rationale mentioned above is the pronouncement of the spirit and soul of Pancasila state ideology and the 1945 Constitution as required within reformed era.

2. Objective of Election

To actualize the stately life as required by Pancasila state ideology, 1945 Constitution, and aspirations of proclamation of independence, 17 August 1945, it is necessary to hold an election. The election is intended to elect people's representatives to sit in the people's assembly, to establish a government administration, to continue efforts in making independence meaningful, to defend the integrity of the Republic of Indonesia.

A democratic general election is a means to uphold people's sovereignty and to attain national objectives. Therefore, election is not to harm the structure of social, national and stately life.

3. Principles of Election

Based on the Decree of the People's Deliberation Assembly of the Republic of Indonesia Number XIV/MPR/1998 on the Amendment and Supplement on the Decree of People's Deliberation Assembly Number III/MPR/1988 on election implemented democratically and transparently based on the fair, just, direct, universal, free and secret manner.

Definitions of principles of election:

a. Fair

In running the election, the administrators/agents, government and competing political parties, election observers and monitoring agents, including electors and all parties involved directly or indirectly has to act and behave fairly in accordance with the existing regulation.

b. Just

In the election, each elector and competing political party must be treated fairly and be cleared from fraud of other parties.

c. Direct

The electors have to exercise their right directly following their own belief, without intermediary.

d. Universal

Basically any citizens qualified based on age, meaning aged 17 (seventeen) years old or having marital status are entitled to vote in the election. Citizens aged 21 (twenty-one) are entitled to be elected. Therefore, election which is universal guarantees that all citizens are entitled to vote regardless of race, religion, ethnic group, sex, locality or social status.

e. Free

Each citizen is free to vote without pressure or coercion. In exercise his rights, his safety is guaranteed so that he could vote under his own option and interest.

f. Secret

In casting votes, an elector is guaranteed that his vote is not known by anyone else or in any manner. Electors vote through a ballot unidentified by any one else or to whom he has voted. The principle of secrecy does not apply to those who have been out of polling station and willing to tell his choice to other people.

4. Election System

To elect members of DPR, DPRD, and DPRD II a proportional system based on the list of first- past – the vote Election system is applied.

5. The Armed Forces

In the history of national political life, the Armed Forces have been playing important roles in Indonesia, therefore, ABRI's presence in the DPR, DPRD I, DPRD II is still required and will be gradually reduced based on the Decree of MPR Number XIV/MPR/1998.

Interpretation by Articles

Article 1

Paragraph (2): Explained in the General Introduction

Paragraph (3): The Election is conducted at the same time throughout Indonesia and in other polling stations overseas.

Paragraph (5): Article 2 paragraph (1) of Constitutions 1945 states that People's Deliberation Assembly is composed of members of People's Consultative Council plus regional and group representatives.

Article 2

General Election is held/implemented on the principles of democracy and transparency, meaning that administrators/agents of General Election, i.e. KPU, PPD I, PPD II, PPLN, PPK, PPS, KPPS, contesting political parties, electors and the Supervisory Board have to uphold the spirit of democracy and openness completely in which the principles of justice, freedom, equality, and responsibility ought to be respected. Therefore, the goal to win the election has to be pursued in line with the existing regulations.

Article 4

Paragraph (1): Quota of number of population for 1 (one) seat of DPR members is stipulated by KPU.

Article 8

Paragraph (1): Here the President is the Mandate holder of MPR.

Paragraph (2): The free and independent KPU is a commission which is neither under the influence nor control, either directly or indirectly, by either one political party contesting in the election or by the government.

Paragraph (4): The President is the Head of State

Article 9

Paragraph (2): "Balanced" in this paragraph means that the number of votes from the Representative of the Contesting Political Parties and the government elements are equal.

Paragraph (8): KPU Secretariat is a government agency assisting the tasks of KPU in the administration service, headed by a Secretary General and assisted by Deputy Secretary General

Paragraph (10): Secretary General and Deputy Secretary General are not political position but professional/career position

Paragraph (11): The accountability of a Secretary General is administratively regulated further by the President.

Article 10

Item (a): Planning and preparing election include the steps of elections, starting from registration of contesting political parties to the legalization of members of DPRD II, DPRD I, DPR, and MPR.

Item (d): Allocation for the number of seats for members of DPR, DPRD I, DPRD II for respective electoral area by is done by observing the stipulation regulated in the 1999 Law on the Composition and Position of MPR, DPR, and DPRD.

Articles 20-23

Assignment of civil security personnel as polling station guards is regulated in the KPU manual.

Polling stations include those overseas.

Local political parties means party network of contesting political parties starting from the lowest to the central levels due to their respective condition.

Article 24

Paragraph (1): National Election Monitoring Commission is a free and independent commission whose tasks are to monitor election process to ensure the election is honest, fair, direct, universal, free, and confidential.

Element of Higher Education Institution means the lecturers and students.

Society elements mean local public leaders, religious leaders, traditional people's leaders, and cultural observers.

National Election Monitoring Commission to the District Election Monitoring Commissions is to be neutral and not composed of elements from contesting political parties or government.

Paragraph (4): *Members of the Monitoring Commission from the Higher Education Institution* here means only if the institutions are locally available.

Article 28

The paragraph applies to Indonesian citizens directly or indirectly involved in the "G30S/PKI" movement and other banned organizations, unless stated otherwise in the law.

Article 29

Item (c): Voting rights means both rights to vote and to be elected.

Article 30

Members of the Armed Forces protect any citizens and do not side to any parties; therefore, they are not supposed to use their voting rights.

Article 32

Paragraph (2): Other valid identification means driver's license, diploma, certificate of marriage, passport, and official register of family members.

Article 35

Paragraph (1): To facilitate Indonesian citizens staying overseas, they could register to Overseas Elections Commission set up in each Indonesia's Representation Office.

Paragraph (3): Representatives of Indonesian people means those living in the area covered by local Representation Offices. Head of Indonesia's Representation offices consider the proposals of the Central Board of Officials of Contesting Political Parties, as long as they do not submit the proposals under the specified time.

Article 37

Paragraph (1): A moving registered elector is to report to voting commissions both in his old and new addresses. It is meant to minimize possibility of fraud.

Paragraph (3): The term “enforced” here means because of the unavoidable public service during polling day or unexpected instances such as hospitalization, detainment, natural disasters.

Article 38

Paragraph (1): PPS/Sub-district elections commission announces temporary register of electors to allow public correction.

Paragraph (2): The corrected register serves as basis for the improvement of permanent register of electors legalized by PPK.

Paragraph (3): The provision in this paragraph offers a chance to electors whose names have not been registered either in the temporary or permanent registers to be listed in the additional register of electors.

Paragraph (5): The obligation to extend copies only applies to the districts where copying equipment is available.

Article 39

Paragraph (1)

Item (b): The provision on the number of party officials is to ensure that the contesting political parties have organization network or nation-wide membership.

Item (d): Names and symbols of political parties are the same as those of the concerned political parties.

Paragraph (2): Therefore, there are two categories of political parties meaning the registered and contesting political parties. Registered political parties means those which have complied with the condition of political party establishment and registration as stated in Law Number 2 of 1999 on Political Parties, while Contesting Political Parties are those registered and qualified for the elections as stated in this law.

Paragraph (3): Political parties complying with the provisions in this paragraph have to meet the requirements as mentioned in paragraph (1) items a, b, and c to qualify for the elections.

Paragraph (4): “Joining” in this paragraph means to make amalgamation or merge with other political parties.

Article 40

Item (f): “The existing party symbols” means symbols of political parties contesting in the elections 1997 (PPP, PDI, GOLKAR) and other symbols of new political parties which have been registered under this Law.

Article 41

Paragraph (3): One People’ Legislative Body means registered only either in the lists of DPR, or DPRD I, or DPRD II candidates.

Paragraph (5) Written proposal from the heads of political party at the regency level as referred to in this paragraph.

Article 43

Item (b): Candidate for DPR, DPRD II, and DPRD I must reside in the corresponding constituency.

Item (c): The Executives of the competing political parties write statement that he is conversant in Bahasa Indonesia and literate.

- Item (d): Instead of high school diploma, statement indicating that the candidate has the equivalent knowledge or experienced in social life can be issued by the Executives of the competing political parties.
- Item (e): Faithfulness to Pancasila as a state ideology, Constitution 1945 and aspiration of 17 August 1945 proclamation is based on the recommendation by the Executive of Competing Political Party; therefore, political screening is no longer required.
- Item (f): To identify that a candidate is not a member of outlawed organization as referred to in paragraph (1) item (f), the government is obligated to provide list of Indonesian citizens involved directly or indirectly in the G30S/PKI (Communist) movement or other outlawed organization.
- Item (i): The statement of government practitioner evidences that someone is not under mental disorder/insane.
- Item (j): Register of voters means both permanent and additional registers of voters.

Article 44

Paragraph (1)

- Item (d): Statement of personal wealth includes movable and immovable objects owned by candidate by the time of candidacy.

Article 45

Paragraph (1): *List of Candidates* here means temporary and permanent lists of candidates.

Article 46

Paragraph (3): Two days is meant as a cooling off period and no such activities classified as campaigns are allowed.

Article 47

Prohibition in this paragraph is intended to ensure that political campaigns can run freely, smoothly, safely, in good order and not jeopardizing unity and integrity of the nation.

- Item (a): Disputing the Constitutions 1945 means disputing the Preamble of Constitutions 1945.

Mobilizing people from one location to another means moving people from one regency/municipality to another regency or municipality regulated further by KPU by considering the objective conditions of the corresponding area.

In addition to the dismissal or discontinuation of campaigns, those who break the regulation as referred to in paragraph (1) items a to f are subject to the provisions in the criminal law.

Article 48

Paragraph (1): Funds/donation in this paragraph include objects estimated at the current market price.

- Item (b): Funds/donation in paragraph (1) item b is provided on the available of funds particularly provided for the competing political party.

Paragraph (2): Funds/donation stipulated in this paragraph excluding that regulated in Law Number 2 of 1999 on Political Parties. To prevent money politics, restriction of the campaigns funds is stipulated by KPU.

Article 50

Paragraph (1): Polling day is on the holiday or day considered as a holiday.

Article 51

Paragraph (2): Voting activity can take place in school buildings, public meeting center etc, and not necessarily in the voting booths particularly set up for this purpose.

Article 52

Paragraph (3): Registered voters who exercise their rights in other places in this paragraph means the implementation of Article 36, paragraph (3).

Article 54

Paragraph (1): The Head of KPPS signs the statement of poll witnessed by agents of competing political parties.

Article 55

Paragraph (1): Special marks here is to prevent voters to use their rights more than once.

Article 56

Paragraph (2): Different groups in this paragraph means those having interest in the implementation of voting and calculation of ballots, such as the elections monitoring agents and the public.

Paragraph (4): In the event that there are no agents from the political parties, head of KPPS can ask at least two electors to become witnesses.

Paragraph (5): Statement of the poll and statement of the counting of results are two different things. Statement of the poll covers reports on the voting steps at the polling station, whereas statement of the counting of results describes the detail of result calculation at the polling station.

Article 58

Paragraph (1): Statement of the poll describes voting steps at the related village/sub-district, while Statement of tabulation of results covers the counting of results at the village/sub-district levels.

Paragraph (4): See explanation Article 56 paragraph (5).

Article 59

Paragraph (4): See explanation Article 58 paragraph (4).

Paragraph (5): See explanation Article 58 paragraph (1).

Article 60

Paragraph (4): See explanation Article 59 paragraph (4).

Paragraph (5): See explanation Article 59 paragraph (5).

Article 61

Paragraph (4): See explanation Article 60 paragraph (4).

Paragraph (5): See explanation Article 60 paragraph (5).

Article 62

Paragraph (4): See explanation Article 61 paragraph (4).

Paragraph (5): See explanation Article 61 paragraph (1).

Article 63

“Not impeding the election process,” means not discontinuing steps of election process while taking into account the objections raised by competing political party agents under this provision.

Article 73

Paragraph (1): The running of election means the overall process of election activities.

Article 83

The provision in this paragraph is intended to offer a chance to KPU in preparing election 2004.

SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF INDONESIA

Attachment J

Law Number 2 of 1999 on Political Parties

**THE PEOPLE'S REPRESENTATIVE COUNCIL
OF THE REPUBLIC OF INDONESIA**

**LAW OF THE REPUBLIC OF INDONESIA
NUMBER 2 OF 1999 ON**

POLITICAL PARTIES

**WITH MERCY OF GOD THE ALMIGHTY
THE PRESIDENT OF REPUBLIC OF INDONESIA**

Considering:

- a) That the freedom to unite, assemble, and express thoughts as recognized and secured by the Constitution 1945 is part of the human rights;
- b) That the efforts to increase and strengthen the freedom to unite, assemble, and express thoughts are part of the efforts to realize a strong national life within the free, united, sovereign, democratic, and based on the law Integrated State of the Republic of Indonesia.
- c) That political parties are instruments which have a very important meaning, function, and role as realization of the freedom to unite, assemble, and express thought in developing the democratic life which highly respects of the Republic of Indonesia.
- d) That law number 3 of 1975 on Political Parties and the Functional Group as amended by Law Number 3 of 1985 on Political Parties and the Functional Group has been unable to accommodate the developed political aspiration resulting in the slow-paced democratic life in Indonesia.
- e) That with regard to the above mentioned matters and to provide a better legal base to the growth of political parties, which may measure more the role of the people of Indonesia in the nation and state life based on the Five Basic Principles and the 1945 Constitution, it is necessary to substitute Law Number 3 of 1975 on Political Parties and the Functional Group as amended by Law Number 3 of 1985 on Amendment of Law Number 3 of 1975 on Political Parties and the Functional Group, with a new Political Parties Law.

In view of: Article 5 paragraph (1), Article 20 paragraph (1), Article 27 paragraph (1) and Article (28) of the Constitution 1945.

**With the approval of
The People's Representative Council of the Republic of Indonesia**

HAS DECIDED

To enact: LAW ON POLITICAL PARTIES

CHAPTER I GENERAL PROVISIONS

Article 1

- (1) A political party is defined as an organization established voluntarily by citizens of the Republic of Indonesia based on equal cause, that is, to fight for the interest of its members, of the people and of the country through a general election.
- (2) Sovereignty of the political parties is in the hands of its members.
- (3) Each political party has equal and the same degree of status, function, right and obligation.
- (4) The political party is autonomous in organizing its internal affairs.

CHAPTER II ESTABLISHMENT REQUIREMENTS

Article 2

- (1) A group of more than 50 (fifty) citizens of the Republic Indonesia, aged 21 (twenty-one) years old is allowed to establish a political party.
- (2) The political party established in paragraph (1) should conform with the following requirements:
 - a. Incorporates Pancasila, the Five Basic Principles, as the state principle of the integrated State of the Republic of Indonesia in the articles of associations of the party.
 - b. The principles or characteristics, platform and program of the Political Party are not contradicting the Five Basic Principles.
 - c. The membership of the Political Party is open to every citizen of the Republic of Indonesia who has the voting rights.
 - d. The Political party may not use the name or symbol similar to the symbol of a foreign country, the flag of the integrated State of the Republic of Indonesia, the Red and White, the flag of a foreign country, individual picture, the name and symbol of another existing party.

Article 3

Establishment of the political party must not endanger the national unity or integrity.

Article 4

- (1) The Political Party is established with a notary public deed and registered in at the Department of Justice of the Republic of Indonesia.
- (2) The Department of Justice of the Republic of Indonesia would only accept establishment registration of a political party on condition that requirements pursuant to Articles 2 and 3 of this law have been complied with.

- (3) The legalization of the establishment of the Political Party as a legal entity is promulgated in the State Gazette of the Republic of Indonesia.

CHAPTER III OBJECTIVES

Article 5

- (1) The general objectives of political parties are
- a. to realize the national aspiration of the People of Indonesia as stated in the preamble of Constitution 1945;
 - b. to develop the democratic life based on the Five Principles by highly respecting the people's sovereignty within the integrated State of the Republic of Indonesia.
- (2) The special objective of a political party is to strive for the aspiration of its members in the community, nation, and state life.

Article 6

Each political party is required to set up the general and special objectives, as indicated in Article 5 of this law in its articles of association.

CHAPTER IV FUNCTION, RIGHT AND OBLIGATION

Article 7

- (1) The political party functions to:
- a. implement political education by encouraging and developing awareness on the political right and obligation of the people in the nation and state life.
 - b. absorb, channel and struggle for the interest of the community in the preparation of state policies through the mechanism of the people's representative bodies.
 - c. prepare community members to fill in political functions in accordance with the democracy mechanism.
- (2) As a democratic institution the political party is a vehicle to express support and demand in the political process.

Article 8

The political party has the right to:

- a) Participate in the general election in accordance with the law on General Election.
- b) Receive equal, same level, and just treatment from the state.

Article 9

A political party is required

- a) To embrace and practice the Five Basic Principles and the Constitution 1945.
- b) To sustain the integrity of the Integrated State of the Republic of Indonesia.
- c) To maintain the unity and integrity of the nations.
- d) To succeed the national development
- e) To support the implementation of the general election in a in a democratic, fair and just way, by giving and collecting votes directly, generally, freely and confidentially.

CHAPTER V. MEMBERSHIP AND LEADERSHIP

Article 10

- (1) Members of the political party are citizens of the Republic of Indonesia with the following criteria :
 - a) 17 (seventeen) years old or married/having been married.
 - b) Able to read and write
 - c) Comply with the provisions specified in the political party
- (2) The political party registers and keeps the register of members.

Article 11

The political party may establish its organizational board at:

- a) The state capital of the republic of Indonesia for the National Board.
- b) The provincial capital for Provincial Board.
- c) The regency/municipality capital for the Regency/Municipality Board.
- d) The district (*kecamatan*) capital for the district Board.
- e) The sub district (*kelurahan*)/villages center the village/*kelurahan* level board.

CHAPTER VI FINANCE

Article 12

- (1) Finances of the political party is collected from;
 - a) contribution of members
 - b) donations
 - c) other legal undertakings.

- (2) The Political party receives annual assistance from the state budget, which is specified based on the total votes collected in the previous general election.
- (3) The specification on the annual assistance referred to in paragraph (2) is provided in a government regulation.
- (4) The political party is restricted from receiving donations and assistance from foreign organizations.

Article 13

- (1) The political party is non-profit oriented organization.
- (2) To be consistent with in paragraph (1), a political party is prohibited from establishing a corporation and/or owning shares in a corporation.

Article 14

- (1) The maximum total donation from each person receivable by the political party is Rp 15.000.000 (fifteen million rupiah) within the period of one year.
- (2) The maximum total donation from a business company and other organizations receivable by a political party is Rp 150.000.000 (one hundred and fifty million rupiah)
- (3) Donation in the form of articles is assessed according to the current market values and is treated similarly as the monetary donation.
- (4) The political party keeps the register of donors and the amount of donations, which is subject to auditing by a public accountant.

Article 15

- (1) The political party is required to report the list as referred to in Article 14 paragraph (4) including its financial report at each end of the year and each 15 (fifteen) days prior to and 30 (thirty) days after the general election to the Supreme Court of the Republic of Indonesia.
- (2) The report as referred to in paragraph (1) may at any time be audited by the public accountant appointed by the Supreme Court of the Republic of Indonesia.

CHAPTER VII CONTROL AND SANCTIONS

Article 16

The political party is not allowed to:

- a) Follow, develop, disseminate doctrines or concepts of Communism/Marxism/Leninism and other tenets contradicting the Five Basic Principles.
- b) Receive donations and/or assistance in any form from foreign organizations, either directly or indirectly.

- c) Provide donations and/or assistance in any form to foreign organizations, either directly or indirectly, which may harm the interests of the nation and the state.
- d) Undertake activities which are contradicting the policies of the government of the Republic of Indonesia in maintaining friendship with other countries.

Article 17

- (1) The Supreme Court of the Republic of Indonesia ensures that provisions contained in this Law is implemented.
- (2) With its authority, the Supreme Court of the Republic of Indonesia may freeze or dissolve a Political Party in the event that it obviously breaks Articles 2, 3, 5, 9, and 16 of this Law.
- (3) The measures referred to in paragraph (2) is conducted by first listening to and considering explanations from the Political Party's National Board and after undergoing judicial process.
- (4) The freezing or dissolving of a Political Party is conducted upon the court's verdict obtaining permanent legal power, and promulgated in the State Gazette of the Republic of Indonesia by the Minister of Justice of the Republic of Indonesia.

Article 18

- (1) The Supreme Court of the Republic of Indonesia may impose an administrative sanction in the form of discontinuing the assistance taken from the state budget if a political party obviously breaks Article 15 of this Law.
- (2) The Supreme Court of the Republic of Indonesia may revoke the right of a Political Party to participate in the general election if it obviously breaks Articles 13 and 14 of this Law.
- (3) The revocation of right referred to in paragraph (2) is conducted by first listening to the consideration from the Political Party National Board and after undergoing a judicial process.

Article 19

- (1) Anyone who deliberately provides donations to the Political Party exceeding the amount provisioned in Article 14 paragraphs (1) and (2) of this Law is subject to imprisonment of maximum 30 (thirty) days or penalty of maximum Rp.100.000.000,00 (one hundred million rupiah).
- (2) Anyone who deliberately provides money or articles to another person with the intent that said person donates it to the political Party exceeding the amount provisioned in Article 14 paragraphs (1) and (2) of this Law is subject to imprisonment of maximum 30 (thirty) days or penalty of maximum Rp. 100.000.000,00 (one hundred million rupiah).
- (3) Anyone who deliberately receives money or articles from someone to be donated to the Political Party with the intent that said person can donate beyond the amount regulated in Article 14 paragraphs (1) and (2) of this Law is subject to

imprisonment of maximum 30 (thirty) days or penalty of maximum Rp. 100.000.000,00 (one hundred million rupiah).

- (4) Anyone who deliberately coerces someone or an organization to provide donations to the political party in any form is subject to imprisonment of maximum Rp.100.000.000,00 (one hundred million rupiah).

CHAPTER VIII TRANSITIONAL PROVISION

Article 20

As of the enactment of this law, the 1997 Election Competing Political Parties, namely the United Development Party, the Functional Group, and the Indonesian Democratic Party as social-political organization by virtue of Law Number 3 of 1975 on Political Parties and the Functional Group as amended with Law Number 3 of 1985 on the Amendment of Law Number 3 of 1975 on Political Parties and the Functional Group are considered to have complied with the requirements as regulated in Article 2 and Article 4 of this Law and are required to adjust themselves to the provisions of this Law.

CHAPTER IX CLOSING PROVISIONS

Article 21

- (1) As of the enactment of this Law, Law number 3 of 1975 on Political Parties and the Functional Group as amended by Law Number 3 of 1985 on the Amendment of Law Number 3 of 1975 on Political Parties and the Functional Group is declared ineffective.
- (2) All provisions and regulations contradicting this Law are declared invalid.

Article 22

This law is effective as of the date of enactment.
To be publicly known, it is instructed to promulgate the law and publish it in the State Gazette of the Republic of Indonesia.

**Ratified in Jakarta
On the date of 1 February 1999**

PRESIDENT OF THE REPUBLIC OF INDONESIA

BACHARUDDIN JUSUF HABIBIE

**Enacted in Jakarta
On the date of 1 February 1999**

**MINISTER/STATE SECRETARY OF
THE REPUBLIC OF INDONESIA**

AKBAR TANJUNG

STATE GAZETTE THE REPUBLIC OF INDONESIA OF 1999 NUMBER 22

**PEOPLE'S REPRESENTATIVES COUNCIL
REPUBLIC OF INDONESIA**

**EXPLANATION PLAN ON
THE LAW OF THE REPUBLIC OF INDONESIA
NUMBER 2 OF 1999**

ON POLITICAL PARTIES

GENERAL

The establishment of Political Parties is in principle one of the reflection of citizen rights to unite, assemble, and express opinions in accordance with Article 28 of the Constitution of 1945. The people may through these Political Parties realize their rights to express their opinions on the course of the nation and state life. The diversity of opinions within the community will create the desire to establish various Political Parties pursuant to the existing diversity of opinions. As such, in fact, the state is not restricting the number of Political Parties established by the people.

In this diversity of Political Parties, each Political Party has equal and same degree of status, function, right, and obligation. The sovereignty of the Political Party is autonomous in organizing its organizational household. As such, institutions outside the party are not allowed to interfere in the internal affairs of a Political Party.

In order to achieve a sound nation state life as aspiration of the state founders as defined in the preamble of the Constitution of 1945, each political party in the state life implements-consistently the Five Basic Principles as the state foundation. There by domestic dynamics in Indonesia obtains of firm base.

As the main reference of the Political Party has been agreed, each political party may have its individual principle or characteristic, aspiration and program which are not contradicting the Five Basic Principles. The aspiration and program of the political party are the reflection of the principle or character in the efforts to solve problems of the Indonesian people. Said program is directed to realize the national aspiration of the people of Indonesia and develops the democratic life based on the Five basic Principles as general objective and struggle for the aspiration of its members as the special objective of the Political Party.

The nation and state life, which is the democratic aspiration based on the Five Basic Principles, can only be achieved if the differences that exist in the community are not made as reason to discriminate the membership of the Political Party. The principle of non-discrimination in the membership of the Political Party is intended that the democracy based on the Five Basic Principles may be dynamically realized, so that each political party is open to every citizen of the Republic of Indonesia. Thereby, the diversity of political parties are not dividing the nation but in fact becomes the binder of the nation's unity and integrity.

As one of the democratic institutions, the political party functions to develop the awareness on the political right and obligation of the people, channels the interest of the community in preparing state policies, and guides and prepares community members to occupy political functions pursuant to the democratic mechanism. The Political Party is also one of the vehicles to express the support and demand in the political process. All these functions are realized through the General Election which is held democratically, fairly and justly by issuing and taking votes directly, generally, freely and confidentially, as mandated in TAP MPR Number XIV/MPR/1998 on the Amendment and supplement on TAP MPR Number II/MPR/1998 on General Election. Therefore, each political party has the right to participate in the General Election after complying with the participation requirements as regulated in the Law on General Election.

The State should ensure that each citizen has equal opportunity to influence the state policy through the Political Party and the realization of the democracy principle, which is one person one vote. Considering that the establishment of the Political Party is a realization of the People's sovereignty, and the realization of economic power, the restriction of the Political Party financial resources is necessary to prevent the misuse of money for political interest (money politics). The openness of the political party on financial matters is important information for the citizen to evaluate and decide its support to said Political Party.

Further on, in realization of the principle of the constitutional state, the Political Party is subject to the applicable legislative regulations. The control on the infraction of this law is undertaken by the Supreme Court of the Republic of Indonesia by virtue the authority in its possession, as the highest juridical institution, referring to the defined legal mechanism.

INTERPRETATION OF ARTICLES

Article 1

Paragraph (2)

What is meant by the sovereignty is in hands of its members in this paragraph includes to dissolve as regulated in the Articles of Association and Rules of Association of the Party, excluded from the provision in Article 17 paragraph (2) of this law.

Paragraph (4)

What is meant by autonomous in this paragraph is that in organizing its household the Political Party is free from the interference of parties outside the party, including the government.

Article 2

Paragraph (2)

Letter a.

What is meant by the Five Basic Principles in the Five Basic Principles which formulation is contained in the Preamble of the Constitution of 1945. The inclusion of the Five Basic Principles in the articles of association of the Political Party as meant in this paragraph (2) letter a, is contained in its articles of association to indicate the consistency of the Political Party on the implementation of the Five Basic Principles in the State life.

Letter c.

What is meant by open in this paragraph is that the membership of the political party is open for every citizen without differentiating the reference of region, religion, ethnic, race, sex and other differentiation.

Article 3

What is meant by endanger the national unity and integrity in this article is the establishment of the Political Party based on separatism objectives and all actions which are directly or indirectly may cause the interference of the national unity and integrity.

Article 4

Paragraph (3)

The ratification on the establishment of the Political Party through the promulgation in the State Gazette of the Republic of Indonesia by the Minister of Justice of the Republic of Indonesia is meant for the national legal administrative requirement and to comply with the publicly principle.

Article 5

Paragraph (1)

Letter a.

What is meant by the national aspiration of the People of Indonesia are all contents included in the Preamble of the Constitution of 1945.

Article 8

Paragraph (1)

Letter a.

The participation of the political party in the general election is the right to participate in the general election after complying with the requirements as regulated in the Law on General Election.

Article 9

Letter e.

What is meant by fair, just, direct, general, free, and confidential are as regulated in the Law on General Election.

Article 11

The Board of Political Party for the Administrative Area within the circles of the Jakarta Raya Capital Special Territory and other Administrative Areas which are defined at the same level of the Level II region, are equalized with the Level II Region as meant in Article 11, letter c.

Article 12

Paragraph (1)

Letter a.

What is meant by contribution of members is the contribution of fund required by the Political party periodically to each of its members.

Letter b.

What is meant by donations are funds provided to the Political Party by community members, companies and other bodies, and by the government.

Paragraph (2)

What is meant by state budget is the national state budget and regional budget. The first amount of assistance to each General Election participating Political Party, after this Law is enacted, is equalized. The amount of assistance is adjusted to the financial condition of the state.

Article 13

Paragraph (1)

What is meant by non-profit organization, which is not seeking financial profit.

Article 14

Paragraph (1)

What is meant by each person is citizen of the Republic of Indonesia.

Article 15

Paragraph (1)

What is meant by the end of the year in this paragraph is the end of the calendar year. What is meant by the General Election in this paragraph is the day of taking votes.

Article 16

Letter b.

What is meant by donations and assistance from foreign parties in this Article 16 letter b are donations and assistance from foreign governments, institutions, corporations, and citizens, either domiciled abroad or domestic.

Letter d.

What is meant by the policies of the Government are the Government activities in implementing state policies.

Article 17

Paragraph (2)

What is meant by freezing in this paragraph is temporary ceasing the management and/or activities of the Political Party. What is meant by dissolving in this paragraph is revoking the life and existence right of the political party throughout the territory of the Republic of Indonesia.

Paragraph (3)

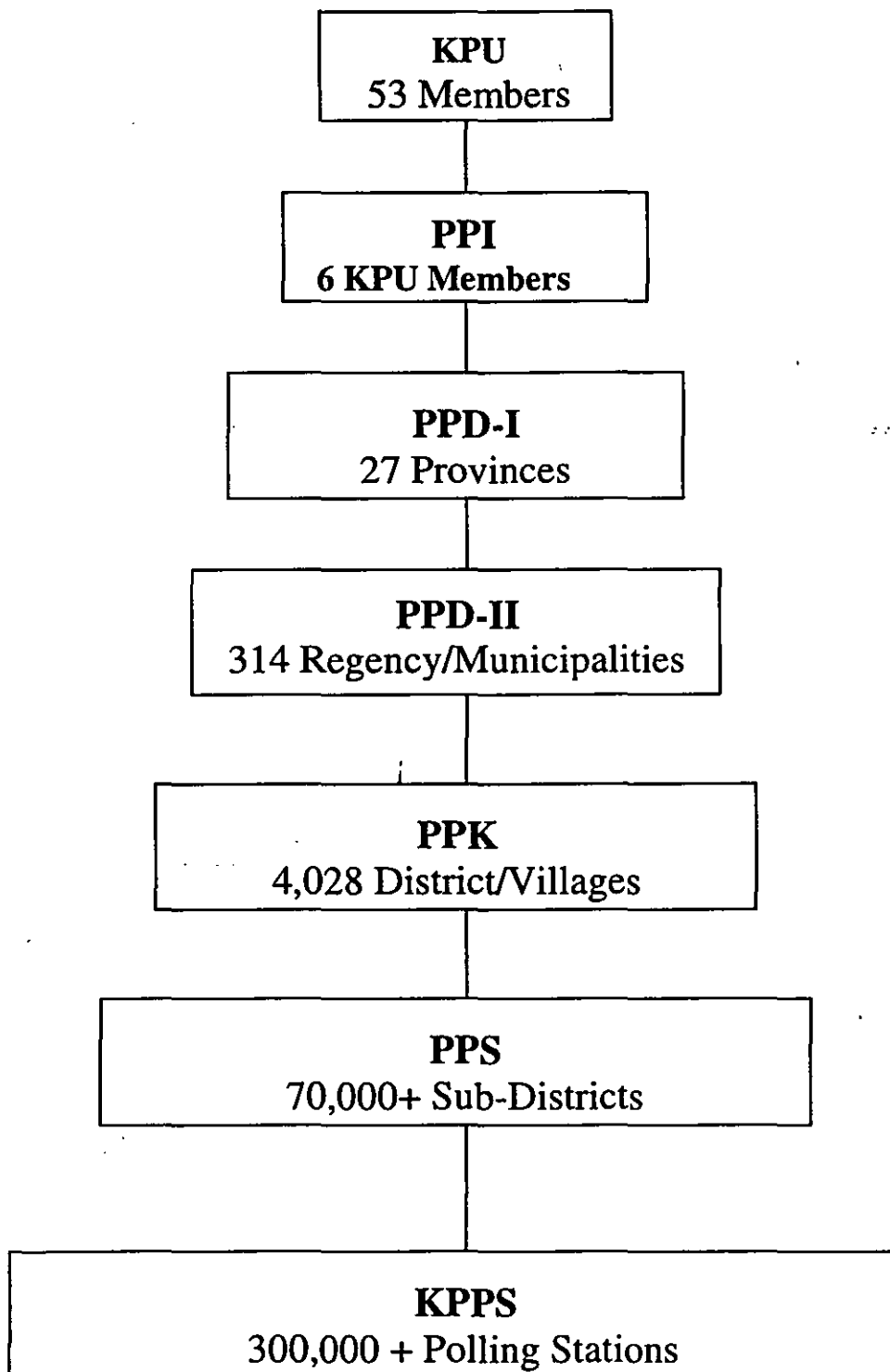
Prior to the judicature process in this paragraph (3), is the Supreme Court of the Republic of Indonesia gives 3 (three) consecutive written warnings within the period of 3 (three) months.

**SUPPLEMENT TO THE STATE GAZETTE OF THE REPUBLIC OF
INDONESIA NUMBER 3809**

Attachment K

Structure of the Indonesian Election Administration

STRUCTURE OF THE INDONESIAN ELECTION ADMINISTRATION



Attachment L

Allocation of DPR Seats to Political Parties

Chart One
(Bagan Satu)

Allocation of DPR Seats to Political Parties: Comparison to National Vote Results
(Alokasi Kursi DPR menurut Partai Politik: Perbandingan dengan Hasil Penghitungan Suara Nasional)

15	PAN	7,528,936	7.11%	26	8	34
22	PBB	2,050,039	1.94%	2	11	13
24	PK	1,436,670	1.36%	1	6	7
41	PKP	1,065,810	1.01%	-	4	4
25	PNU	679,174	0.64%	-	5	5
32	PDI	655,048	0.62%	-	2	2
34	PP	590,995	0.56%	-	1	1
14	PDKB	550,856	0.52%	-	5	5
21	PPIIM	456,750	0.43%	-	1	1
39	PDR	427,875	0.40%	-	1	1
10	PSII	376,411	0.36%	-	1	1
26	PNI FM	365,173	0.35%	-	1	1
44	PBI	364,257	0.34%	-	1	1
30	PNI MM	345,665	0.33%	-	1	1
27	IPKI	328,440	0.31%	-	1	1
7	PKU	300,049	0.28%	-	1	1
18	PKD	216,663	0.20%	-	1	1
Total 21 Parties Allocated Seats (Total Kursi yang diperoleh 21 Partai)		101,854,891	96.23%	342	120	462
3	PNI Supeni	376,928	0.36%	-	-	-
2	KRISNA	369,747	0.35%	-	-	-
5	KAMI	289,477	0.27%	-	-	-
6	PUI	269,325	0.25%	-	-	-
12	PAY	213,882	0.20%	-	-	-
28	PR	208,765	0.20%	-	-	-
38	MKGR	204,203	0.19%	-	-	-
1	PIB	192,780	0.18%	-	-	-
45	SUNI	180,170	0.17%	-	-	-
40	PCD	167,975	0.16%	-	-	-
17	PSII 1905	152,834	0.14%	-	-	-
8	Masyumi Baru	152,419	0.14%	-	-	-
43	PNBI	149,057	0.14%	-	-	-
36	PUDI	140,978	0.13%	-	-	-
37	PBN	111,621	0.11%	-	-	-
13	PKM	104,643	0.10%	-	-	-
46	PND	96,986	0.09%	-	-	-
4	PADI	85,841	0.08%	-	-	-
16	PRD	78,774	0.07%	-	-	-
48	PPI	63,931	0.06%	-	-	-
29	PID	62,903	0.06%	-	-	-
31	MURBA	62,099	0.06%	-	-	-
42	SPSI	61,101	0.06%	-	-	-
20	PARI	54,677	0.05%	-	-	-
47	PUMI	49,851	0.05%	-	-	-
23	PSP	49,571	0.05%	-	-	-
19	PILAR	40,508	0.04%	-	-	-
TOTAL		105,845,937	100%	342	120	462

Allocation of DPR Seats to Political Parties: Distribution to 27 Provinces
(Alokasi Kursi DPR menurut Partai Politik: Pembagian di 27 Propinsi)

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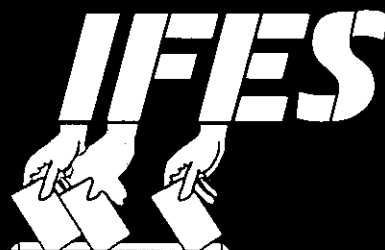
Attachment M

1999 Ballot Sample

SURAT SUARA
PEMILIHAN UMUM ANGGOTA
DEWAN PERWAKILAN RAKYAT (DPR)

TAHUN 1999

Partai Indonesia Baru 1 	Partai Kristen Nasional Indonesia 2 	Partai Nasional Indonesia 3 	Partai Aliansi Demokrat Indonesia 4 	Partai Kebangkitan Muslim Indonesia 5 	Partai Ummat Islam 6 	Partai Kebangkitan Umat 7 	Partai Masyumi Baru 8
Partai Persatuan Perjuangan 9 	Partai Syarikat Islam Indonesia 10 	PDI Perjuangan 11 	Partai ABULYATAMA 12 	PKM 13 	Partai Demokrasi Kasih Bangsa 14 	Partai Amanat Nasional 15 	Partai Rakyat Demokratis 16
Partai Syarikat Islam Indonesia-1905 17 	Partai Katolik Demokrat 18 	Partai Paham Rakyat 19 	Partai Rakyat Indonesia 20 	Partai Ponk Islam Indonesia Masyumi 21 	Partai Bulan Bintang 22 	Partai Solidaritas Pekerja 23 	Partai Keadilan 24
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