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Final Report of the Carter Center
Limited Observation Mission to the

April 9, 2009,
Legislative Elections
in Indonesia

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The Carter Center strives to relieve suffering by advancing peace and health worldwide; it seeks to prevent and resolve conflicts, enhance freedom and democracy, and protect and promote human rights worldwide.



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Carter Center Election Observation in Indonesia

The Carter Center previously observed both the 1999 and all rounds of the 2004 elections in Indonesia. The 2004 elections, widely considered to be well administered, successful, and respecting the will of the people, demonstrated Indonesia's commitment to democratic consolidation. However, since these elections, claims of corruption in government as well as economic hardship, sporadic instances of violence, and the 2004 tsunami have threatened the stability of Indonesia's democratic development. The Carter Center, seeking to demonstrate continued international support for Indonesia's democratization process, conducted a limited observation mission for Indonesia's April 9, 2009, legislative elections.

The Center's limited observation mission, which was welcomed by the National Election Commission (KPU), included the establishment of a field office in Jakarta in March 2009 and the deployment of a small team of long-term and short-term observers. Due to the limited scope of the mission, observers did not conduct a comprehensive assessment of the electoral process. Instead, they focused on three critical aspects of the election: election administration, campaign finance, and electoral dispute resolution, as well as the electoral process in the Aceh region. Observers regularly interacted with key election, government, and party officials, as well as international stakeholders. They also completed observation of campaign events and election-day voting procedures. The Center's mission was conducted in accordance with the Declaration of Principles for International Election Observation, which states that "Stand-alone specialized observation missions may also be employed, as long as such missions make clear public statements that their activities and conclusions are limited in scope and that they draw no conclu-

sions about the overall election process based on such limited activities."

The Carter Center maintained a presence in Indonesia through May 31, 2009, to consult with election officials, political parties, and civil-society stakeholders on issues such as campaign finance procedures, election administration, and electoral dispute resolution mechanisms. In this time, the Center released three additional postelection statements detailing findings on the campaign finance and electoral dispute-resolution processes.

Observations

While not offering overall conclusions, the following observations are based on the Center's longstanding interest in the Indonesian electoral process and the two-month period of observation in 2009.

The Carter Center mission focused on three critical aspects of the election: election administration, campaign finance, and electoral dispute resolution, as well as the electoral process in the Aceh region.

Election Planning and Administration

The 2009 legislative elections were marked by serious administrative problems, most notably with the voter register, which was based on outdated information from the Ministry of Home Affairs. Other problems affecting the planning and administration of the election included: the late promulgation of the election law of 2008,¹ which did not allow for the timely drafting and dissemination of the more than 50 regulations needed to expand upon articles in the law; late disbursements of funds for the KPU and the Election Supervisory Body (Bawaslu); late opening of the Election Supervisory Body at the national (Bawaslu), provincial, and district levels (Panwaslu); and inadequate training for KPU polling and tabulation center officials, as well as Bawaslu/Panwaslu staff. Additionally, Indonesia's complex multilevel

¹ Law 10/2008, "Concerning General Election for Members of People's Representative Council, Regional Representatives Council, and Regional People's Representative Council," March 31, 2008.







On April 9, Indonesia conducted legislative elections in which 121 million voters participated. These elections were the beginning of the third round of elections since the end of authoritarian rule in Indonesia, and the first in which Indonesian citizens were able to vote for individual candidates of their choice.²

The 1999 and 2004 Elections

The resignation of President Soeharto in May 1998, amidst massive street protests and civil strife, unleashed a dramatic wave of political transformation

across Indonesia. After nearly 40 years of military-backed authoritarian rule, Indonesia began a difficult transition toward a more open and democratic system of government. In June 1999, the country held its first genuinely democratic legislative elections since independence. This process was monitored by The Carter Center and several other international organizations.

Although there was a delay of nearly two months between election day and the certification of results, The Carter Center and other international observers concluded that the process in 1999 was credible and reflected the will of Indonesian voters. Later that year, the People's Consultative Assembly, composed of the elected legislature plus representatives of the military and police, functional groups, and provincial assemblies, voted to elect Abdurrahman Wahid as president. (Wahid was an opposition candidate who garnered last-minute support from Golkar Party.) Less than two years into his term, however, in July 2001, the People's Representative Council (Dewan Perwakilan Rakyat or DPR) removed President Wahid from office. He was replaced by Vice President Megawati Sokarnoputri, following an extended conflict between the president and the national legislature regarding Wahid's alleged incompetence, mismanagement, and mishandling of state funds.

In the lead-up to the 2004 elections, as in 1999, Indonesians enjoyed an array of political liberties, including the right to

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Partai Aceh candidates, and some other local party members, had stopped sleeping at home and were regularly changing location because of concerns about violence, abduction, and endangering their families.

As a result of the postconflict environment in Aceh, Carter Center observers noted a number of instances when statements that were not directly threatening were interpreted as intimidating by voters as well as candidates. This environment placed a special burden on the security services to ensure that their actions were interpreted as neutral or impartial. However, the perceived lack of police response to several of the killings in Aceh raised significant doubts among some parties that the security services were playing a neutral role. The scheduling of community workdays (





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The powers and responsibilities of the KPU are defined in law 22/2007 and law 10/2008. Under law 22/2007 the KPU is now responsible for organizing elections for all national, provincial, and regional legislative bodies; for president and vice president; and for the heads of provincial and district government. The new electoral law also establishes the national Election Supervisory Committee (Bawaslu) as a permanent body, while subnational-level Election Supervisory Bodies (Panwaslu) remain ad hoc in nature. (For more on the role of the Bawaslu, please see the section on Electoral Dispute Resolution.)

The Selection of KPU Members

According to law 22/2007, the seven KPU commissioners are selected by the MPR based on a list of 21 names put forward by a panel established by the president. While in 2004 the commission was made up of a secretariat and 11 commissioners, law 22/2007 changed the makeup, reducing the number of com-

missioners to seven. In addition, there are no professional requirements for the new members of the KPU under the law, nor does it differentiate between skills required for different levels of KPU membership, other than educational stipulations (e.g., a bachelor's degree for central and provincial-level KPU and high school for district-level KPU). (See Table 2 for an explanation of main provisions in law 22/2007.)

Article 11(e) of law 22/2007 requires KPU members to have knowledge and skills related to elections or experience with election implementation. However, it does not specify how many years or the level of experience necessary for each position. In practice, tests and other membership selection procedures for the 2009 commission failed to favor candidates with significant experience. While it is critical that KPU members have a proven record of integrity and neutrality to successfully fulfill the obligations of their office, they must also be able to demonstrate in-depth knowledge of basic election principles.

	KPU	Provincial KPU	Municipal KPU
Number of Members	7	5	5
Term of Office	5 years	5 years	5 years
Age (assuming no previous exvxA72Number			





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procurement and expenditure is limited to the secretariat. Although procurement procedures are intended to be responsive to the KPU's needs and procedures, KPU authorization for procurement was not required, resulting in budgetary confusion between the KPU and its own secretariat. The procedure for the distribution of funds was also problematic. Funds were distributed slowly and in small allotments, as opposed to large tranches, making it difficult for the KPU to plan ahead. The secretariat's role in procurement and distribution should be limited to better promote efficiency and the effective use of funds.

Furthermore, as a likely result of the imprisonment



tion, which potentially prevented the KPU from proactively responding to obstacles and solving problems creatively.

These issues were compounded by the election law, which is at times very detailed in areas where it should perhaps give the KPU more flexibility and autonomy.⁵ For example, the calendar for the different stages of the electoral process could have been determined by the KPU, thereby facilitating a more dynamic approach to managing the electoral process. The KPU would benefit significantly from greater autonomy, regarding both internal management and financial matters, such as procurement.

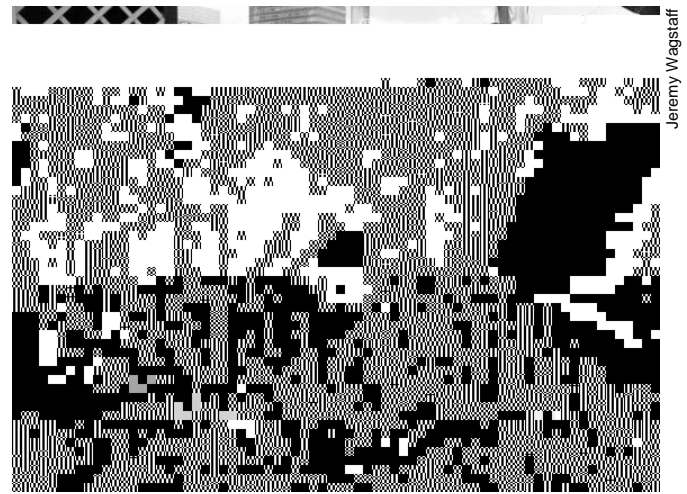
Voter Registration

Although several administrative problems affected the 2009 legislative elections, the most grave were those related to the voter register. The creation of an accurate voters register is an important means of promoting the right to vote.⁶ As such, it is essential that the laws and regulations regarding registration be clear and reasonable and allow for regular maintenance of the register so that it can be as accurate as possible. When compared to law 12/2003, legislation in place for the 2009 election seems to have weakened the registration process.

Law 12/2003 established KPU control over the collection of voter data.⁷ Article 53 of that law specified that voter registration was to be conducted by an officer who would visit voters' homes or that voters could register themselves at local KPU offices. It also provided that the voter register should be completed no later than six months prior to voting day and that procedures for registration should be determined by the KPU.

In comparison, articles relating to the voter register in the laws governing the 2009 elections markedly diminished KPU control over the quality of the data and left little room for flexibility regarding the time frame and procedure for the development of a voters register. Most notably, the 2008 election law, of which the Ministry of Home Affairs was the lead drafter, includes an article that changed the source of

data for the voters register from door-to-door registration of voters to population data from the ministry itself. In addition, law 22/2007 stipulates that the national- and regional-level KPUs have the responsibility for updating the voter register based on population data from the Ministry of Home Affairs.⁸



Jeremy Wagstaff

A citizen who arrived to vote and found neither herself nor her family members on the voter register complains to the polling station head. This incident, observed by The Carter Center in Jakarta, Java, is an example of what many feared were widespread issues with the quality of the voter register.

5 For example: Article 32 (2): "The population data as referred to in paragraph (1) shall be made available in no later than 12 (twelve) months prior to the polling day." Article 34 (2): "Voters data updating shall be completed in no longer than 3 (three) months after receiving the population data." Article 36 (2): "The preliminary voters register shall be established in no later than 1 (one) month after the completion of voters data update." Article 37 (2): "PPS shall revise the preliminary voters register resulted from revision based on the input and responses from the public and election contestants as referred to in paragraph (1) in no later than 3 (three) days after the end of the announcement." Article 38 (3): "The final voters register as referred to in paragraph (2) shall be determined in no later than 20 (twenty) days after the reception of revised preliminary voters registers from PPS." Article 40 (1): "The final voters register as referred to in Article 38 paragraph (2) can be completed with supplementary voters register in no later than 3 (three) days before polling day."

6 United Nations Human Rights Committee, General Comment No. 25, paragraph 11 states, "Voter education and registration campaigns are necessary to ensure the effective exercise of article 25 rights by an informed community."

7 Law 12/2003, Article 53.

8 Law 22/2007, Articles 8, 9, and 10.



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before the election.¹⁰ The actual system was only set up on April 2, exactly one week before the election. While training was provided to KPUD-level officials, many of them indicated to The Carter Center that they did not have adequate time to convey information to their colleagues in the field.

would be possible to scan and send each polling station's data in five minutes.

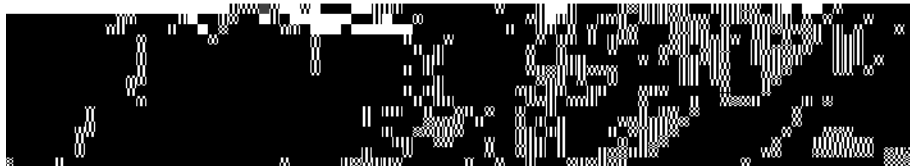
The KPU secretariat added a level of complexity during the procurement process by choosing different vendors. Consequently, the system utilized four different software programs, types of hardware, training programs, and configurations with which the help and support teams had to become familiar. While the reasons for such a procurement plan are unknown, it likely served as a significant impediment to the smooth implementation of the ICR system.

Although the KPU had high hopes that the ICR system would make vote counting more efficient and allow for the announcement of provisional results within days of the election, failure to realistically assess the amount of time necessary to use the technology and other logistical challenges proved a hindrance. On April 6, 2009, the KPU announced that provisional results would be known within four hours of counting the votes at the polling station, even though at that time only 73 of the 471 districts had managed to send test data to Jakarta.

This potentially indicates a lack of understanding of the technical difficulties associated with this system on the part of the KPU.

ICR systems require computer software to recognize a handwritten digit and convert this information into

Avery Davis-Roberts



Technicians show Carter Center observers part of the ICR system designed to allow for quick tabulation of votes throughout Indonesia. Unfortunately, several flaws in this system precluded its successful use in the 2009 elections.

The ICR system worked by feeding a modified version of the polling station (TPS) voting tabulation form, C1 (C1-IT), through a Fujitsu scanner. According to ICR technology provider Rakreasi Teknologi Indonesia, the character recognition rate was 97 percent.¹¹ District-level KPU offices were responsible for scanning the pages (eight per TPS), converting them to data, and electronically transmitting the data over the KPU's private network to Jakarta. Simulations in four cities suggested that it

¹⁰ The Bandung Institute of Technology suggested a more simplistic technology, optical mark recognition (OMR), which does not require handwriting recognition.

¹¹ <http://www.orchidform.com/bappengujian.pdf>.



a digitized grid, which must then be checked by a KPU official to ensure correctness. This process significantly decreased the system's efficiency. It could take anywhere from 40 seconds to six minutes to process sheets from one polling station, leaving aside time needed to smooth ruffled papers and line them up on the scanner. KPU calculations of total time per polling station failed to include time for the manual part of the process—wrapping the papers, certifying them, packing, sending, and then feeding the sheets into the scanner. KPU calculations also assumed perfect connectivity and no machine downtime. Media reports and Carter Center interviews with KPUD officials and staff from the Agency for the Assessment and Application of Technology (Badan Pengkajian Dan Penerapan Teknologi or BPPT), which was responsible for implementing the ICR system for the KPU, revealed an array of problems. Such problems ranged from inferior paper quality, issues with scanners, and hindrances transmitting a compressed file approaching 1.2 megabytes in size on a slow connection, all of which impeded the process.

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changes to the allocation of seats and the fact that there were closed-door meetings with parties regarding the calculations could undermine public confidence in the process.

Following the KPU's final seat allocations on May 24, after at least two problematic calculations, five Indonesian political parties filed cases with the Constitutional Court of Indonesia on the grounds that the KPU violated the election law by allocating seats based on criteria other than the total number of valid votes won (including the case of Agung

Laksono, speaker of the house). The Constitutional Court, which decided this case on June 11, 2009, agreed with the complainants and, based on Article 205 of law 10/2008, invalidated the KPU's seat allocations.¹³ As of June 13, 2009, the KPU chairman indicated the KPU would revise seat allocations in line with the Court's ruling and believed that up to five losing candidates would potentially regain seats. As of the time of this writing, it remains unclear whether the KPU will implement the court's decision and how that might affect the final legislative results.¹⁴

Observation of Election Administration and Vote Tabulation in Aceh Province

In Aceh, election administration was managed by the Komite Independen Pemilihan, or Independent Election Committee (KIP). KIP organized itself with committees at the provincial, district, subdistrict, and village level. At the provincial level, KIP in Aceh consisted of seven members (as opposed to five members in other provinces in Indonesia). At each district and subdistrict level in Aceh, KIP had three members, and at the village level, KIP had one member. The committee members were supported by a staff secretariat at the provincial and district levels.

At the provincial level, KIP officials appeared committed to the electoral process and were generally well respected. However, Center observers noted allegations of political bias of the part of some KIP members at the district and subdistrict level. These allegations damaged the credibility of

election authorities in a few districts throughout the province. In the postelection period, The Carter Center also noted widespread concerns about the fairness with which some subdistrict-level election officials (PPK) conducted vote recounts.

Koran Proficiency Test

Despite a dispute between local and national election officials over the matter in 2008, Muslim candidates for public office in Aceh were required to pass a Koran proficiency test. In general, political parties did not raise this test as a concern with The Carter Center. However, observers did find at least one area where candidates had been disqualified from running as a result of the test. Of the 1,368 candidates for provincial legislative office, there was only one non-Muslim candidate.¹⁵ Exclusion from candidacy on the basis of a Koran proficiency

13 Cases were filed by Partai Gerindra (59/PHPU.A-VII/2009); Partai Persatuan Pembangunan (80/PHPU.A-VII/2009); Partai Amanat Nasional (74/PHPU.A-VII/2009); Partai Kebangkitan Bangsa (67/PHPU.A-VII/2009); and Partai Golkar (94/PHPU.A-VII/2009).

14 <http://www.thejakartapost.com/news/2009/06/13/kpu-revise-legislative-poll-results-despite-controversy.html>.





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count at the polling station and are vital in preventing tampering with the vote aggregation as it moves from the polling station up to the provincial level over a three-week period. Without proper C-1 forms, parties were unable to ensure that vote totals had not changed. The reason that these forms were not always available remains unclear. However, many stakeholders interviewed by The Carter Center thought this oversight was the result of poor training of KPPS and KIP staff, and not necessarily an attempt to undermine the electoral process.

During the tabulation period, cases of aggregate data that did not match original TPS-level results, as well as incidences of parties being unable to receive certified copies of results, were reported to Center observers. Since the transferring of data from the TPS level to PPK and KIP is critical to

the resolution of electoral disputes, this also proved problematic because claims to the Constitutional Court (MK) potentially lacked evidence.

Recapitulation Processes

During the provincial recapitulation in Aceh, observers noted that KIP members, Panwaslu officials, and designated party witnesses appeared to be well versed in the election law and regulations. However, they did not seem to have an understanding of specific procedures. As a result, the process lacked order, and the recapitulation took longer than anticipated



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Table 3. Comparison of 2003 and 2008 Electoral Laws Regarding Campaign Finance Regulation

Issue	2003 Electoral Law	Article	2008 Electoral Law	Article
Financial Responsibility for Campaign Funding	—	—	Political party (DPR, DPRD, Regency DPRD)	129 (1)
Permitted Sources of Funding				



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In addition to pre-election reports, parties are also required to submit an income and expenditure report within 15 days of election day. This is a marked change from the 60-day window scheduled for preparation of reports by parties in 2004, which raises questions about the ability of parties to complete and submit their reports on time. Article 138 of the 2008 law states that parties and DPD candidates would not be seated in national, provincial, and district legislatures if these reports were not submitted to KPU-appointed auditors by the April 24, 2009, deadline.²²

As of April 27, the KPU reported that 30 of the 38 national parties had submitted their reports on time. On May 25, the KPU reported that 28 percent of the 1,116 DPD candidates (or 312 candidates) had not submitted their campaign fund reports to the KPU. Bawaslu also called for the disqualification of 27 parties at the provincial level for not submitting their reports on time. However, at the time of this writing, it remains unclear whether the KPU accepted Bawaslu's recommendations. Several regional KPU offices and public accountants reported to the Center that parties and DPD candidates who believed they had won seats had largely submitted financial reports, but that those contestants who did not win seats often did not submit reports. None of the unelected candidates submitted reports, and the law foresees no penalties for unsuccessful candidates who do not submit their financial reports.

Campaign finance reports submitted to public accountants provide details on the income and expenditures controlled by formal party campaign teams. However, many political party representatives and other stakeholders have told the Center that much campaign income and spending are done through informal campaign teams. These informal teams are not required to provide campaign income and expenditure reports as part of the financial reporting process.

Campaign finance reporting regulations for the general elections were also affected by recent changes in the method of seat allocation for the DPR and DPRD. In December 2008, the Constitutional Court found Article 214 of the 2008 general election law

unconstitutional.²³ Based on this ruling, seats won by a party are now allocated to those of its candidates who win the most votes. The new system has resulted in a substantial change in the nature of the campaign from being party-oriented to candidate-oriented. However, the law does not yet sufficiently reflect this development because it does not require individual DPR and DPRD candidates to submit their own campaign reports. With the exception of candidates for the DPD, there is currently no legal requirement for individual legislative candidates to report their campaign funds.

Auditing and Oversight of the Income and Expenditure Reports

According to the election law, the role of the KPU with regard to the audit procedures is limited because it has no legal basis to do more than appoint public auditors based on a competitive bidding process, collect audit reports prepared by these firms, and then make the results of the audits public.

The KPU, at central and provincial levels, selected public accounting firms to receive and audit the income and expenditure reports of political parties and candidates for the regional representative





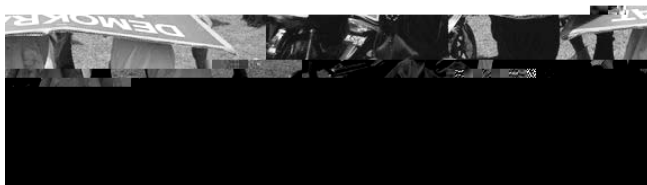
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card of the legislative candidate. Carter Center observers also noted cases in which gifts were promised should a certain number of votes be obtained for a party in a particular location. In other instances, noncash items such as rice, women’s headscarves, or staple goods were distributed at the village level.

In the lead-up to the election, a number of party representatives at the district level complained to Center observers that voters were expecting payment when approached by campaigning candidates. Some parties interviewed reported that money politics increased during the three-day “cooling off period” before the election. The extent to which such attempts to influence voters were successful is difficult to verify.



Eunsook Jung



Partai Demokrat supporters participate in a campaign rally. Parties spent money on T-shirts, posters, and billboards.

By April 22, Bawaslu had officially recorded only 36 cases of “politik uang” (money politics) in their register of criminal cases. In Aceh, however, many of those interviewed suggested that most cases of money politics went unreported because the provincial election supervisory body, or Panwaslu, only opened in February 2009.²⁹

Late Dissemination of Campaign Finance Rules and Regulations and Awareness of Procedures

The 2003 election law established limits on individual contributions to political parties of Rp. 100 million (US\$9,350). For contributions from groups or companies, the limit established was Rp. 750 million (US\$70,125). The 2008 law significantly increases allowable contributions from individuals (Rp. 1 billion or approximately US\$93,000) and groups or companies (Rp. 5 billion or approximately US\$467,000).³⁰ On March 25 and 27, 10 days after the beginning of the official campaign period, the KPU released campaign finance audit guidelines. These guidelines stipulated that new limits on contributions from individuals and companies, to both political parties and DPD candidates, were to apply to the amount of a single transaction and not the total from an individual or company. This interpretation did not appear consistent with the law, and several civil society groups protested. Close to one month later, the KPU officially reversed this interpretation of the law with a regulation stating that individual and corporate contributions could not exceed the amounts listed in the election law.³¹ The effectiveness of campaign finance regulations and instructions is often dependent on their predictability; late changes and mixed messages can cause confusion and, in this case, they may have affected how contestants reported income received between the initial release of the guidelines and the subsequent amendment.

In general, Carter Center observers noted that the parties felt a level of comfort with the campaign

29 The provincial Panwaslu were opened in a phased manner with the first group of eight to be opened on Aug. 29, 2008. Aceh, though meant to be part of this first phase, did not open until the end of December 2008. District-level Panwaslus did not open until mid-February. Delays in the establishment of the Panwaslu in Aceh were due to a debate about who would select Panwaslu members.

30 Contributions to DPD candidates can be made by individuals up to Rp. 250 million (approximately US\$23,350) and company contributions Rp. 500 million (US\$46,750).

31 KPU Regulation No. 38, 2009.



Party witnesses (saksi) were allowed in each polling station to observe voting and counting procedures. The





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obligations of impartiality and independence must be strictly applied to their functioning. To be considered impartial, a tribunal (in this case, the KPU) must not only be free from bias but must appear impartial to a reasonable observer.⁴¹ The KPU's mandate to issue decisions on election disputes that relate to its own actions may therefore reasonably be considered to undermine the requirement of impartiality. The

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number of complaints were not submitted and could not be resolved according to established deadlines. Weaknesses in the capacity of Panwaslu at district and subdistrict levels, as well as late disbursement of funds, also played a role in the lack of effective local dispute resolution. A related factor is that many Panwaslu members have no experience in preparing and investigating cases and often find it hard to prepare and make effective arguments as witnesses in court.⁴⁶ At the same time, Bawaslu was reluctant to significantly increase spending on training of regional Panwaslu members and staff, citing the temporary nature of Panwaslu operations and the high turnover of staff between elections.

Short Time Frames and Difficult Reporting Requirements for Submission of Cases

According to Article 247 of law 10/2008, allegations of administrative and criminal violations must be reported to Bawaslu or Panwaslu within three days of the incident. The violation reports submitted by informants to Bawaslu or Panwaslu, for both administrative and criminal cases, must include the name and address of the informer; the name of the perpetrator; and the time, place, and description of the incident. As it is incumbent on the informant to provide data that is often difficult to collect, this three-day deadline appears too short.

The Bawaslu regulation on reporting violations specifies an additional requirement for the reports that was not foreseen in the 2008 law: the names and addresses of witnesses.⁴⁷ This appears to be residual from the 2003 election law, which required such information. Bawaslu staff members told The Carter Center that this information was not intended as a strict requirement for reports, but that these details should be included if available. In practice, when this information was not included in a violation report, it appeared to be grounds for the Panwaslu offices to dismiss a case. This additional information was often the most difficult for informants to produce because

witnesses did not want to give their names out of fear of intimidation or fear that goods received from campaign teams would be forcibly returned. In many of the electoral dispute resolution cases tracked by Carter Center observers, reports went

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and law 10/2008, the court's mandate is limited to





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regarding the results with the court unless they have



beyond the mandate of KIP. Carter Center observers noted that in addition to the seeming lack of an administrative remedy, there was significant difficulty in successfully coordinating between the different bodies tasked with dispute resolution. As a result of conflicting and unclear mandates, limited information sharing, and weak oversight, the likelihood that complaints such as this one are properly addressed is small.

In the absence of an administrative remedy and seeking effective redress for the alleged violation, the coalition of parties indicated to Carter Center observers that they planned to file a case with the Constitutional Court.

Votes in Kuta Alam certified at the province level
different as



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Partai Demokrat filed an official complaint with Panwaslu, which Banda Aceh forwarded to KIP Banda Aceh and KIP Aceh for resolution. As the complaint was administrative in nature, it was



Electoral Dispute Resolution in Aceh Province

Election-related disputes in Aceh were handled as follows: First, complaints could be addressed to the election supervisory body, Panwaslu, which could then refer those reports either to KIP (administrative violations) or the police (criminal violations); second, for defamation and some other criminal matters, complaints could be taken directly to the police; third, for complaints potentially impacting the results of the election, parties had recourse to the Constitutional Court—directly in Jakarta or through video conference facilities available in Aceh—after election results were announced.

Panwaslu

Based on the findings of the Center's long-term observers, it appeared that Panwaslu



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Political parties consistently said that they were unable to gather witnesses who would be willing to go through the process. Some witnesses were afraid of intimidation, unconvinced that their reports would lead to actual response from authorities, or were unwilling to go through the hassle of reporting the incidents. In cases of money politics, parties noted that it was difficult to persuade witnesses to provide evidence. This was usually because they did not want to give up the money or goods that they had received.

In general, Panwaslu appeared unresponsive to complainants seeking information about the status of cases at the district or subdistrict level. Many parties that reported cases to Panwaslu said they remained unclear on the status of their case. Poor initial interactions and the lack of response from Panwaslu also reduced parties' willingness to report cases later in the electoral process.

KIP Resolution of Administrative Procedures

Having KIP responsible for resolving administrative violations for which it was potentially responsible raises questions, because it puts KIP in the position of being partially its own enforcement agency. Because so few administrative violations were ever referred by Panwaslu to KIP, it is difficult to know how effective KIP would be in overseeing itself.

Cases Reported to the Police

Police in general appeared to have an interest in responding to cases referred to them by Panwaslu. However, they also struggled with the strict time lines for investigation. While these time lines were clearly intended to spur action, their effect was more often to disqualify or terminate potentially legitimate cases.

Regarding the election, police in some areas suffered a credibility problem because some stakeholders did not believe the police were



The Carter Center's observation in Indonesia was limited in nature. As such, the Center is unable to offer observations and recommendations on the electoral process as a whole. However, in a spirit of cooperation with the people, government, political leaders, and electoral bodies of Indonesia,



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voter registration effort, as in 2004. This ministry data was often outdated and had not been verified. While the Carter Center's limited mission could not determine the overall effect the quality of this register had on enfranchisement, it clearly had a negative impact on public confidence in the KPU as well as on the administration of the election. The Carter Center recommends that responsibility for the creation and maintenance of the voters list be returned solely to the KPU. In turn, the KPU should discontinue use of Ministry of Home Affairs data unless it can be proven to be accurate and up to date. The KPU must also ensure that adequate time and financial resources are allocated to the development of the voter register in future electoral cycles.

4. Increase Transparency of Vote Tabulation and Seat Allocation Processes.

Concerns over the lack of transparency in vote aggregation and seat allocation also impacted the 2009 legislative elections. Carter Center observers noted that many party witnesses (*saksi*) were not given official copies of C-1 forms. Therefore, parties could not substantiate if polling station results, when aggregated, were correct. Additionally, the allocation of some seats based on closed-door meetings with political parties had the potential to undermine public confidence in the transparency of the electoral process. The Carter Center urges Indonesia and the KPU to implement changes to ensure increased public access to these elements of the electoral process. The Center recommends that all meetings for the determination of seat allocation be public in nature, that election administrators ensure timely availability of vote tabulation totals at all levels of recapitulation, and that the KPU take significant steps to ensure access for all parties to official vote-count forms.

5.



7. Increase Transparency in the Procurement of Election Technologies.

The ICR counting system, intended to decrease the time needed to announce provisional results, was procured extremely late in the electoral process through nontransparent means. The difficulties with use, and eventual abandonment, of this system had a potentially adverse effect on public confidence in the capability of the KPU during vote tabulation. The KPU should give careful consideration to bidding and procurement practices for any automated counting technology employed in future elections.

Campaign Finance

8. Revise Electoral Legislation to Include Reporting and Disclosure Requirements for Individual Candidates and Informal Campaign Teams.

The Constitutional Court's decision regarding Article 214 of law 10/2008 has extended the understanding of those contesting the elections to

include the criteria (AVC-25) (Federalist) [0 (25) (E) (by T) 0125273) (Article 11873) (uld 299460.1) 1022008-251 (n) e25 (10-123-95) C



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⁵³ For cases in which the KPU is the accused party, the mechanism could



The Carter Center would like to thank a number of individuals and organizations whose support made the limited international election observation mission to the 2009 legislative elections in Indonesia possible. In particular, The Carter Center thanks the government of Indonesia and the National Election Commission (KPU) for granting The Carter Center permission to observe the April 9, 2009, elections. Additionally, the Center acknowledges the Indonesian officials, political party members, civic activists, journalists, and citizens who graciously welcomed the Center's observation efforts.

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The Carter Center recognizes the collaborative efforts of many international groups that actively supported Indonesia's electoral process. These include

the Asian Network for Free and





Appendix B
Carter Center Election Observation
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Appendix C

Terms and Abbreviations

Bawaslu



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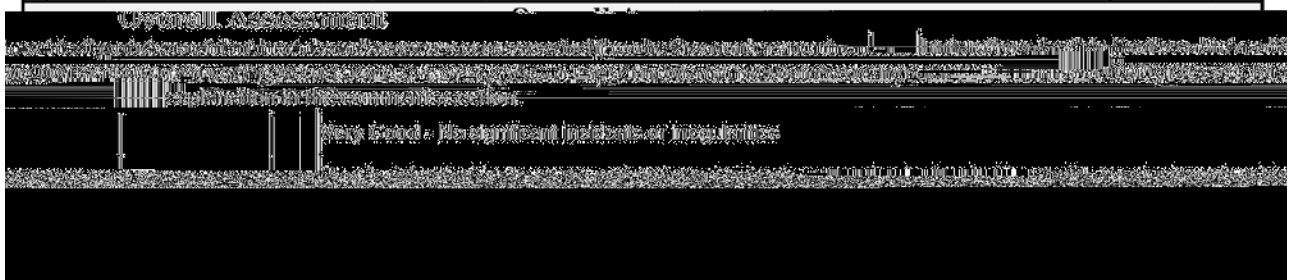
Appendix E

2009 Indonesia Election Day Checklists

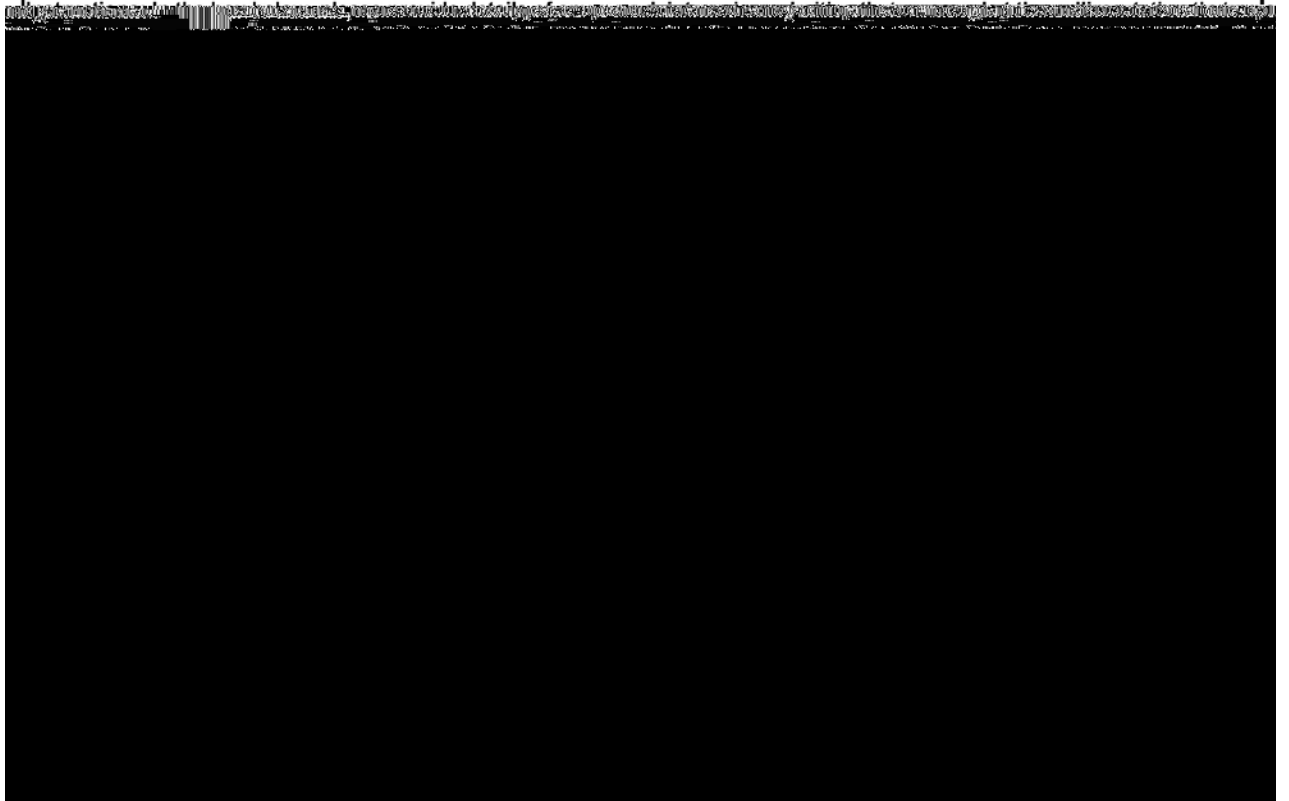




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Comments







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		Observed by
		TCC
Yes	No	N/A



OBSERVATION FORM

