THE REPUBLIC OF INDONESIA:
GENERAL AND PRESIDENTIAL ELECTIONS
APRIL - SEPTEMBER 2004

Report
by
Tone Sissener
NORDEM, the Norwegian Resource Bank for Democracy and Human Rights, is a programme of the Norwegian Centre for Human Rights (NCHR), and has as its main objective to actively promote international human rights. NORDEM is jointly administered by NCHR and the Norwegian Refugee Council. NORDEM works mainly in relation to multilateral institutions. The operative mandate of the programme is realised primarily through the recruitment and deployment of qualified Norwegian personnel to international assignments which promote democratisation and respect for human rights. The programme is responsible for the training of personnel before deployment, reporting on completed assignments, and plays a role in research related to areas of active involvement. The vast majority of assignments are channelled through the Norwegian Ministry of Foreign Affairs.

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Preface

The Indonesian Electoral Commission (KPU) invited the European Commission (EC) on behalf of the European Union (EU) by letter of 8 January 2004 to deploy a European Union Electoral Observation Mission (EU EOM) in order to observe the 2004 Elections in Indonesia, scheduled to take place on 5 April, on 5 July and on 20 September 2004. A Memorandum of Understanding (MoU) between the EC on behalf of EU and the Government of the Republic of Indonesia was signed on 20 February 2004.

The EU EOM to Indonesia was established on 29 February 2004 and remained in the country for the final tabulation of the vote of the General Elections and for the first and second round of the Presidential Elections. The Mission was led by Chief Observer Mr. Glyn Ford (UK), a Member of the European Parliament.

For the General Elections (People’s Representative Assembly, Regional Representative Council, Provincial People’s Representative Assemblies and Regency/City Representative Assemblies) on 5 April, the EU EOM deployed a total of 231 observers to all 32 Indonesian provinces to follow and report on the electoral process. Due to delayed deployment to the provinces of Aceh, Papua, Maluku and North Maluku only a short-term observation was possible in these areas. On Election Day, EU EOM observers visited 1,244 polling stations throughout Indonesia.

For the first round of the Presidential Elections, the EU EOM deployed 232 observers to all 32 Indonesian provinces. Most observers were the same as for the General Elections and LTOs were generally redeployed to the same regions, while STOs were deployed to different regions from the previous election. On Election Day, the observers visited 1,042 polling stations throughout Indonesia.

For the second round of the 2004 Presidential Elections, the EU EOM deployed in total 224 observers to all 32 provinces reporting on opening, polling and closing of 1343 polling stations and 111 aggregation centres. For this second round, NORDEM only sent one LTO to Indonesia, Toril Lund.

NORDEM recruited two LTOs to the EU EOM: Tone K. Sissener and Toril Lund. The arrival of the two Norwegian LTOs in Jakarta was delayed for ten days for the General Elections due to a lengthy visa process. The implications were that the two LTOs were briefed separately in Jakarta. The original EU EOM deployment plan included the Norwegian LTOs in separate teams as fully integrated members of the mission. Facilitating the logistical problems following the late arrival, the two Norwegian LTOs were teamed together and deployed to Surabaya, East Java region. For the Presidential Elections, the two Norwegian observers arrived together with the EU observers and split into separate teams. Toril Lund observed in Malang, East Java and Tone K. Sissener in Bali. In the second round Toril Lund was deployed to
Surabaya in the province of East Java, and made up one team alone. She had special responsibility for the observation in Malang, the second largest city of East Java.

The information in this report is based on observations made by the Norwegian observers during the period from 20 March to 20 April and 6 June till 18 July 2004. The report from the observation of the second round of the Presidential Elections covers the period from 1 September to 7 October and is attached as a separate appendix. Opinions expressed in the report(s) are the responsibilities of the authors. The EU EOM Preliminary Statements of 8 April, 8 July and 23 September 2004 are included as appendices. And overview of the national elections result can also be found in an appendix.

NORDEM/Norwegian Centre for Human Rights
University of Oslo
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<td>Area of Responsibility</td>
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<td>PBSD</td>
<td>Social Democratic Labour Party</td>
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<td>Acronym</td>
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<td>TNI</td>
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Introduction

The Indonesian General Elections 2004 were the largest and most complicated elections ever observed by the EU. With apparent logistical and technical challenges the EU and others concerned with Indonesia’s democratic process attached great significance to how it would proceed. This was only the second election after the introduction of competitive multi-party elections in 1999, and therefore an important milestone in the process of democratic development in Indonesia. Furthermore, on 5 July, for the first time in history, the Indonesian people had the chance to elect their president and vice-president through a direct vote.

The transition to democracy is still facing difficulties and significant challenges. Since 1999 the country has experienced inter-ethnic and inter-religious violence in various provinces. The bombing in Bali in 2002 and of the Marriot Hotel in Jakarta in August 2003 exposed security threats to internationals. Security concerns, economic stability and the perennial corruption problem were issues of considerable concern for the electorate going to the poll in the 2004 elections.

For the General Elections, the EU observers witnessed a pre-election period and an Election Day (Election Day) allowing for pluralistic competition between parties. The process was generally peaceful and the observers mainly received with a friendly and welcoming attitude. The election administration (KPU) managed a formidable task. The complex and logistically huge election preparations had their shortcomings, especially in the production and distribution of ballot papers. Late procedural clarifications from KPU added to the many serious concerns of the EU observers before Election Day. Despite this, the elections generally ran smoothly and in an orderly manner.

Much of the same positive atmosphere characterised the first round of the Presidential Elections, but this time a technical problem regarding double punched ballots on Election Day threatened to obstruct an otherwise smoothly running process. However, the confusion surrounding the issue of how to count double punched ballots was solved in a sensible and pragmatic manner by the Indonesian General Elections Commission (KPU), only causing minor delays.

The report is based on the observations made by the two Norwegian LTOs. For the General Elections, the two observers made up one team based in the East Java province, a densely populated province which in general reflects the main election process in Indonesia. For the Presidential Elections observations were made in Malang and Bali, respectively.
Political background\textsuperscript{1}

When Indonesia in 1999 became the world’s third largest democracy, it was not the first time that the country tried to develop a democracy.

In 1945, three days after the Japanese surrendered to the Allies (after three years of occupation), a small group of Indonesians, led by Sukarno and Mohammad Hatta, proclaimed independence and established the Republic of Indonesia. They set up a provisional government and adopted a constitution to govern the republic until elections could be held and a new constitution written. Dutch efforts to re-establish complete control met strong resistance. Shortly after hostilities with the Dutch ended in 1949, Indonesia adopted a new constitution providing for a parliamentary system of government in which the executive was chosen by and made responsible to the Parliament. Parliament was divided among many political parties before and after the country’s first nationwide election in 1955, and stable governmental coalitions were difficult to achieve. Parliament was dissolved by Sukarno in 1957, and instead he introduced what he called a “guided democracy”.

In 1966, as a result of a coup and a subsequent counter-coup, General Suharto came to power. During Suharto’s “New Order” regime, existing political parties were banned/or merged and new parties created. In January 1973, four Islamic parties were obliged to establish a single body known as the Unity Development Party (PPP) and non-Islamic parties, including the PNI, were obliged to merge into the Indonesian Democratic Party (PDI). Established by the armed forces in 1964, the Joint Secretariat of Functional Groups (Golkar) was given a central role in rallying popular support for the New Order in carefully staged national legislative elections. Megawati Sukarnoputri, Sukarno’s daughter was the leader of PDI until she was thrown out of the party by the government through bloody events in 1996, and formed her own political party: Indonesia Democratic Party of/through Struggle (PDI-P).

Suharto started off with promises of economic reform and greater government transparency, and the country did experience economic growth during parts of his regime, but this was coupled with steadily growing levels of nepotism, cronyism and grandiose spending. By March 1998, Suharto was out of touch with the people and - by the end of May that year, amidst/as a result of a steep economic crisis, with the rupee freefalling and street violence flaring, he was out of office and the vice-president, BJ Habibie, was installed. Habibie made independence of East Timor politically possible by giving the East Timorese an opportunity to vote over their future\textsuperscript{2}. In 1999 Abdurrahman Wahid, the former leader of the largest Muslim

\textsuperscript{1}A central introduction to Indonesian politics, under Suharto: 1998: “Indonesian Politics under Suharto”, by Vatikiotis, Michael R.J.
\textsuperscript{2} The UN-administered Popular Consultation in East Timor in August 1999 resulted in an overwhelming yes to Independence and violence broke out, presumed to be masterminded by the Indonesian military, causing a large number of killings of Timorese independence proponents and systematic destruction of the entire infrastructure. This resulted in an Australian-led UN intervention in
organisation, Nahdlatul Ulama (NU), became Indonesia's first democratically elected president. By 23 July 2001, he'd lost the confidence of parliament and was replaced by Megawati Sukarnoputri, his then vice president.

Indonesia faces numerous crises - rising Islamic extremism, military insubordination, official corruption, a fragile democratic development process, and the existence of several separatist movements. On 12 October, 2002, bombs targeting Western tourists claimed around 200 lives in Bali. An extremist group with links to Al-Qaeda was responsible.

Violence has also plagued the Maluku islands, with groups claiming to represent Christian and Muslim interests reaching a short-lived peace deal in February 2002. In April 2002, masked gunmen massacred 14 villagers. Fighting between different groups has claimed more than 6000 lives since 1999. In Papua Province and Aceh, guerrillas have been fighting for independence from Jakarta for decades.

Megawati Sukarnoputri’s presidency has received some credit for restoring social stability, enhancing the democratic development process (notably by allowing free elections in 2004 leading to a peaceful change of government) and economic growth, but has also been perceived as ineffectual in combating rampant institutional corruption.

Main political parties

The present political party landscape in Indonesia is currently open and competitive. It exists with a number of parties enjoying significant support. This is in stark contrast to the reality during Suharto's regime, when Suharto transformed and marginalized political parties according to his own preferences.

Indonesia Democratic Party of Struggle (PDI-P): led by President Megawati Sukarnoputri, espouses a secular-nationalist agenda. It won the 1999 parliamentary elections with 33.7 percent of the votes, but since Megawati became president in July 2001, its popularity has decreased because of its perceived failure to improve the economy. Moreover, Megawati, the symbol of PDI-P who once gave an assurance that her family would be clean from corruption, has not been able to deliver accordingly.

Golkar: Led by the Speaker of the House of Representatives (DPR) Akbar Tandjung. The party was formed in the 1960s as the political vehicle of ex-dictator Suharto. Designed to bring diverse social groups into a harmonious organization based on "consensus," the Golkar had by 1969 a membership of some 270 associations representing civil servants, workers, students, women, intellectuals, and other groups.
Backed both financially and organizationally by the government, it mastered Indonesia's political stage so completely in the 1970s that speculation centred not on whether it would gain a legislative majority, but how large that majority would be and how the minority opposition votes would be divided between the PPP and the PDI. In the General Elections of 1971, 1977, and 1982, Golkar won 62.8, 62.1, and 64.3 percent of the popular vote, respectively. As the 1980s progressed, Golkar continued to consolidate its electoral dominance. Following Suharto's resignation in 1998, it received only 22.4 percent of the votes in 1999. Its popularity, however, is rising as it taps voter frustration over Megawati’s government's perceived failure to attack crime, corruption and poverty. The party is nationalist in its general outlook, but to some extent accommodates the interests of Islamic and other religious groups at the local level. Compared to other parties, Golkar is a solid organisation and has a wide reaching network.

National Mandate Party (PAN): Formed in the wake of Suharto's resignation, the party is led by a prominent lawmaker Amien Rais. At first it was closely tied to the country's reform movement and its second-largest Muslim organisation, Muhammadiyah. The party has since attempted to broaden its appeal, but with mixed success.

National Awakening Party (PKB): Has suffered since its leader, Abdurraham Wahid, was impeached as president in 2001 following two years of erratic leadership. Still, it remains a force because of its links to the country's largest Muslim organisation, Nahdlatul Ulama (NU), and its moderate, inclusive message.

Prosperous Justice Party (PKS): Considered the most promising of a handful of conservative Muslim parties, it has gained support by building a grass-roots network and running a campaign downplaying its Islamic credentials and focusing instead on corruption and moral values. The party leader, Hidayat Nur Wahid, has made it clear that non-violent change is its long-term commitment.

United Development Party (PPP): The party of Vice-President Hamzah Haz, has attempted to win support by pushing for the implementation of Islamic law, but has failed to attract much interest from voters. PPP now displays a desire not only to show that it supports “Muslim”, but also “nationalist” aspirations.

Concern for the Nation Functional Party (PKPB): Led by supporters of Suharto, the party wants a return to the past. With Suharto's daughter, Siti Hardiyanti Rukmana, as its likely presidential candidate, it has attracted growing support with promises to deliver the strong economic growth that many voters associate with the ex-dictator.

Democratic Party (PD): Formed in 2001 as a vehicle for General Susilo Bambang Yudhoyono, who was the driving force behind reform in the armed forces after the fall of Suharto. Among those initially considered by Golkar, he made it clear that he was unwilling to seek its nomination. More “civilian” in outlook than most military
officers, his strength is his personal popularity, but his weakness is his small party, lacking an entrenched nationwide machine.

Crescent Star Party (PBB): its leader, Professor Yusril Ihza Mahendra was the Justice-and Human Rights minister in the Megawati government and is currently State Secretary in the newly formed government. PBB is a modernist Islamic party attempting to make the laws consistent with principles of Islam (pro-sharia).

Reform Star Party (PBR): The party was established in 2002 and is led by the Muslim preacher Zainuddin MZ. PBR has declared non-violence as a party platform and claims to be a modern and moderate Islamic party, which is not dominated by Islamic organisations like NU and Muhammadiyah.

Candidates
Political parties selecting their presidential and vice-presidential candidates did so believing it essential to combine the divisions in Indonesian politics: civilian – military; nationalist – Islamist; and Java – outside Java. Consequently, the country’s large Muslim organisations, Muhammadiyah and Nahdlatul Ulama, were courted by politicians. The following five candidates and running mates were the main contestants.

Wiranto – Salahuddin Wahid: Wiranto became the Golkar Party presidential candidate after he defeated the party Chairperson, Akbar Tandjung, during the party convention in May 2004. Born in the Central Java town of Yogyakarta in 1947, Wiranto had a steep career in the Indonesian Armed Forces as a protégé of Suharto. In 1998 he was both Chief of the Armed Forces and Defence Minister. During the turbulent times of early 1998, Wiranto called for restraint towards protesting students and government critics, while at the same time remaining loyal to Suharto. His involvement in the Jakarta riots preceding the fall of Suharto is unclear. As Commander of the Armed Forces, Wiranto had overseen security in East Timor during the United Nations sponsored referendum. After a National Human Rights commission team in 2000 found that he had failed to ensure security he was sacked from his position as Coordinating Minister for Politics and Security in the cabinet. UN funded Prosecutors in East Timor have charged Wiranto with command responsibility for army-supported atrocities against independence supporters in the former Indonesian province and an arrest warrant has been issued.

Wiranto’s disadvantage in the election was not mainly related to his past, but rather lack of enthusiasm for his candidature. Although granted formal support from the United Democratic Nationhood Party and from the PKPB in addition to Golkar and PKB, campaigners in the provinces and at the district level appeared less supportive of Wiranto as the candidate. Wiranto’s running mate Salahuddin Wahid, is the brother

3 The background information of the candidates is mainly excerpts from the EU EOM observers’ reference manual for the Indonesian Presidential Elections.
of former President and co-founder of PKB Abdurrahman “Gus Dur” Wahid, is a senior executive of NU and former Vice—chairman of the National Commission for Human Rights.

Megawati Sukarnoputri – Hasyim Muzadi: Incumbent President Megawati Sukarnoputri was also born in 1947 in Yogyakarta. Her political career started with the Indonesian Democratic Party (PDI) and she became a legislator in the national House of Representatives from 1987 onwards. After being ousted as chairperson of PDI by President Suharto in 1996, she became a major opponent of his New Order regime. When Suharto was defeated in 1999, her reinvented Indonesian Democratic Party of Struggle (PDI-P) became the strongest party and in the following indirect Presidential Elections she became the vice-president of Abdurrahman Wahid. Following the impeachment of President Wahid in 2001, Megawati moved up to become Indonesia’s fifth president.

Megawati’s presidency was perceived by many to be affected by slow economic recovery, continued corruption and unsettled regional conflicts. Illustrative of the electorate’s dissatisfaction with her rule is that the support for PDI-P went down from 33.7 in the 1999 elections to 18.5 per cent in 2004. To boost her chances in the Presidential Elections Megawati chose the head of NU, Hasyim Muzadi, as her running mate. Furthermore, Hasyim’s decision as the head of NU to team up with Megawati created controversy within the organisation. Critics said that both Hasyim violated the organisation’s principles by getting involved in politics. The candidate pair is also supported by the new Prosperous Peace Party (PDS), which is a Christian-based party.

Amien Rais – Siswono Yudohusodo: Amien Rais was born in 1944 in Solo, Central Java. The former lecturer became known as a critic of the New Order in 1998 when he participated in student demonstrations demanding the resignation of Suharto. As leader of the so-called “central axis”, a group of Islamic politicians, he was instrumental in 1999 in the election of Wahid as president, Megawati as vice-president, and Akbar Tandjung as speaker of the House of Representatives, and himself as the speaker of the National Assembly. Amien was also one of the driving forces during the impeachment process of Wahid. From 1995 till 1998, Amien was the chairperson of the Muslim organisation, Muhammadiyah. Since its founding in 1998, Amien has been the undisputed chairman of the National Awakening Party (PAN), which draws its main support from prominent members of the Muhammadiyah. His running mate, Siswono, is leader of an agricultural organisation and former member of parliament and long-serving minister during the Suharto regime. In late May 2004, six additional small but influential political parties with support from the business and bureaucrat community announced their support for the Amien – Siswono pair (PBR, PNBK, PNI-M, PPDI, PSI, and PBSD).

Susilo Bambang Yudhoyono – Jusuf Kalla: Retired General Susilo Bambang Yudhoyono, or SBY as he is often called, was born in 1949 in Pacitan, East Java. SBY served in various battalions throughout Indonesia, including East Timor, until he became a lecturer at the Army Staff School from 1989 until 1992. In 1998, he was
promoted to the position of Army Chief of Territorial Affairs serving directly under Wiranto. His political career continued with the appointment under President Wahid as Mining and Energy Minister from October 1999 until August 2000, and as Coordinating Minister for Political, Social and Security Affairs from 2000 till 2001 for which he had to retire from active military duty. He was sacked in 2001 when he refused to implement a decree by Abdurrahman Wahid declaring a national emergency and giving the president extra powers to overcome the government’s crisis and accusations of corruption. President Megawati brought him back into her cabinet as Co-ordinating Minister for Political and Security Affairs. He was assigned to announce the need to declare martial law to solve the problems of Aceh. However, it was under his stewardship that the negotiations with the Free Aceh Movement broke down and military operations in the province resumed. SBY resigned in early 2004 after not being invited to a number of cabinet meetings and a public spat with Megawati’s husband, Taufik Kiemas.

SBY is popular among many Indonesians who like his integrity and systematic approach to policy issues. His resignation from the cabinet increased his popularity rather than harming it. Although he was part of an unpopular cabinet, he was perceived as a humble figure putting the interest of the nation first. His running mate Jusuf Kalla was initially one of the Golkar presidential candidates, but withdrew his bid to join SBY. Being from South Sulawesi, some claimed this could compliment SBYs Javanese background by bringing support from voters in Eastern Indonesia. Kalla is also affiliated with NU. In addition to drawing support from SBYs own Democrat Party, the duo was also supported by PBB and PKPI.

Hamzah Haz – Agum Gumelar: Hamzah Haz was born in West Kalimantan in 1940. He is the leader of the United Development Party (PPP), but no other parties declared its support for the candidate pair. Hamzah started his political career as a member of the Regional Representative’s Council for West Kalimantan from 1965 until 1971 and he has held a seat in the National Parliament DPR, making him one of the longest serving parliamentarians. He became a State Minister for Investment in President Habibie’s cabinet from 1998 until 1999, and State Minister for People’s Welfare and Poverty Elimination under Abdurrahman Wahid from 1999 until resigning in 2001. Hamzah became Megawati’s vice-president in 2001. During the past years, Hazah repeatedly caused debate due to his personal life promoting polygamy, and for making controversial statements on religious issues. His running mate, Agum Gumelar, is a retired Lieutenant-General.
The Legislative Framework

General Elections

The EU EOM assessed that the legal framework allowed for competitive elections. It is composed of the Constitution of Indonesia, the Election Law no. 12/2003, the Constitutional Court Law no. 24/2003 and the regulations of the General Elections Commission (KPU) and the Election Supervisory Committee (Panwas).

The International Covenant on Political and Political Rights has not yet been signed by Indonesia. However, most of the main provisions in the Universal Declaration of Human Rights have been included in the Constitution. As one example; article 281 of the constitution states that, among other rights, the freedom of thought is “a human right that can not be limited under any circumstances.”

Law no 31 of 2002 concerning political parties establishes the democratic ideology and principles to which the political parties of Indonesia have to give their consent. This law states that the general objective of the parties is the development of democratic life based on the five pillars of Pancasila, which overshadows the legal basis upon which Indonesia is built. It is, for example, mandatory for KPU members to be loyal to the Pancasila (Article 18b); for candidates to have faith in God (Article 60b); and it is prohibited to question ‘the ideology of the nation’, the Pancasila, in conducting election campaigns (Article 74a).

There are also prohibitions on the right to vote in the 2004 election. Members of the armed forces and the police are not allowed to vote this time (Article 145) and there is a ban on the right to run in the elections for former members of the Indonesian Communist Party. Educational requirements for becoming a candidate deprived many citizens of the right to present their candidature (Article 60e). The LTOs observed several cases of false certificates from hopeful candidates that had been brought to the attention of Panwas.

The system of representation used in the 2004 General Elections was a form of open-list proportional representation. The system used in 1999 with a closed list proportional representation was perceived to give the political parties too much control when it came to which candidates took which position on the lists. In order to create a closer link between the candidates and the electorate, the system has since
changed in order to give the voters greater control over both the number of party seats and which candidates gets which position on the lists.

For the election of the new Regional Representative Council (DPD) the system used is a Single Non Transferable Vote system. The electoral district is the entire province and each province elects four representatives.

Taking into consideration that the candidates for DPD must run as independent candidates, it was of special interest to observe the links between the candidates and the electorate, the techniques of campaigning and the political platforms. The LTOs found that the question of getting a candidate’s face known to the voters relied heavily upon the candidate’s personal network and financial situation. Examples of productive networks are students campaigning for their lecturer or a religious organisation supporting their religious leader.

The LTOs observed considerable differences between candidates in terms of financial resources. Some had funds to buy advertisement on nationwide television, while others had to rely upon their network to copy their business cards to be spread among the voters.

For the Peoples Representative Assembly (DPR) (at the different levels), the electoral system gave the voters a choice to elect candidates. The results showed that people did punch for the candidate as well as for the preferred party, contrary to widely held expectations prior to the elections. Aggregated results observed at the Provincial Elections Commission level (KPUD) showed several examples of candidates ranking lower on party list getting higher number of votes than other candidates above them on the list.

Voting procedures

In order to be allowed to vote; the voters should present a voter card together with an invitation letter, which was checked with the voter list, and then the voter should be checked for ink. If a voter knew that s/he would not be able vote at the designated PS on Election Day, the voter should get a letter from the election authorities and vote in a PS where s/he then should be on a supplementary voters list. After being found eligible, voters should be asked to sit down in line and wait to be called. When called, voters should be given four ballot papers; one for each of the four elections, and would then directed to the booths for punching. When punched, the four ballots should cast in separate ballot boxes and the voter’s finger marked with ink.

The voting procedures included four different ballots. The ballot paper for the new legislative body, DPD, contained the photograph, and name and number of the candidates. The voters showed their intentions by punching a candidate. Ballot papers for the DPR, DPRD (DPR at provincial level), and DPRD at the city/regency level showed the party symbols together with a list of candidate names. Voters had the option of punching either a) a party, or b) a party and a candidate.
Presidential Elections

The Law on Presidential and Vice-Presidential Elections no 23/2003 stipulates that “the sovereignty of the people lies in the hand of its people”, meaning that the president and the vice-president are elected in one pair directly by the people, as stipulated in Article 6A of the Constitution.

The laws related to the General Elections and the elections of the president and vice-president have a significant number of common references. They are linked due to the fact that the results of the General Elections produce direct effects on the Presidential Elections, especially when it comes to the requirements for the presidential and vice-presidential candidates. Unfortunately, the Law no 23/2003 reaffirms the limitations on the rights to stand and to vote, which was stipulated in Law 12/2003.

In particular, Article 6 in Law no 23 drew a lot of attention during the campaign period. This article has a lot of candidate requirements that opened up for a discriminatory use. This eventually led to the exclusion of one candidate, Abdurrahman “Gus Dur” Wahid, who did not successfully pass the medical test. Additionally, one of the candidate’s requirements is that of not being a member of the banned Indonesian Communist Party. These provisions are undemocratic and contrary to democratic election standards.

The electoral system chosen for the direct election of the president and vice-president is the majoritarian Two-Round System (TRS). The president and vice-president candidates are nominated by a party/coalition of parties, on a so-called ‘presidential ticket’, which in the Indonesian legal framework is often referred to as “candidate pair”. For Indonesia, the TRS was regarded as the best way to avoid a candidate being elected president with only a small minority of votes. The system demands a second round if no candidate gets the required majority in the first round. In the second round, the candidate who gets the majority of votes, win.

The Electoral Administration

Appointment, composition and structure

The election administration body of Indonesia is a permanent and independent Election Commission (Komisi Pemilihan Umum, KPU). The new KPU was established in accordance with the amended Art. 22E of the Constitution and Chapter IV of the Election Law 12/2003. The president appoints the KPU members after a selection process made by a special committee of the Ministry of Home Affairs. Before entering into force, the presidential appointment is endorsed by the national Peoples Representative Assembly (DPR). Despite several concerns raised by the
complicated procedures set for the first appointment process among many stakeholders, the current KPU is generally perceived as impartial and the best compromise possible at the time. The hierarchical structure of the KPU is illustrated below:

```
National Election Commission (KPU)
   ↓
32 Provincial Election Commissions (KPUD/P)
   ↓
418 Regency/Cities (Kabupaten/Kota) Election Commissions (KPUD)
   ↓
5,110 Subdistricts (Kecamatan) Organising Election Committees (PPK)
   ↓
Village (Kelurahan) Organising Election Committees (KPPS)
   ↓
General Elections: 579,901 Polling Stations (TPS)
                  Presidential Elections: 574,945 TPS
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Duties and power

The KPU has the authority to plan the conduct of the elections and determine the organisation and procedures for all stages of the electoral process. In particular it has the power to:

- Coordinate, conduct and control all stages of the implementation of the election;
- Determine the electoral participants;
- Determine electoral districts, the number of seats and candidates for membership of the DPR, Regional Representative Council (DPD), Regional Peoples Representative Assembly ( DPRD) and Regency/City DPRD;
- Establish the time, date, campaign procedures and voting procedures;
- Determine the results of the elections and announce the elected members of the DPR, DPD, Provincial DPRD and Regency/City DPRD;
- Evaluate and give a report on the implementation of the elections.

At the lower levels, the election administration bodies have similar duties and responsibilities within their respective areas of responsibility. At the KPPS level, there is the additional responsibility to co-ordinate and conduct the registration of the voters and designate census and registration officials.
General Elections
The EU EOM assessed that the formidable task of conducting the General Elections was well managed by KPU, with the trust of stakeholders. However, there were some shortcomings and delays in the electoral preparations, i.e. with the production and distribution of ballot papers.

A KPU member of East Java province admitted in a meeting after the elections that there had been shortcomings in the election process. In particular he mentioned incidents of damaged ballot papers, narrow voting booths making secret voting difficult, misplaced ballot papers, and complaints about voter registration. Since the election law did not provide solutions on how to solve such problems, new decrees had been issued almost on a daily basis.

Although shortcomings were dealt with successively, KPU was criticised for over-centralisation and lack of effective planning. At the provincial level, the observers were told that increased local autonomy would have made the process more effective. Problems of local nature were solved according to instructions from Jakarta. The printing of ballot papers was one example: when printing problems appeared in the sub-districts, the decision of reprinting had to take place in Jakarta. KPU province had no authority to arrange for reprints with the nearby printing company. In the end, there was not enough time to have the ballot papers reprinted and the KPU was criticised for making use of damaged ballot papers.

After the elections, KPU’s main concern was that the counting process would be delayed. Firstly, the manual aggregation of results proved more time-consuming than expected, partly due to insufficient training. Incomplete aggregation of results from lower levels had repercussions further up the system, delaying the whole process by several days. Secondly, complaints late in the process leading to either reruns or recounts also occurred. However, the EU EOM assessed that KPU generally managed to maintain a positive and objective approach in tackling the issues that arose in the General Elections, that it emerged stronger from the April contest, and that it continues to enjoy the trust of all stakeholders.

Presidential Elections
In the composition of the KPU there were no or only minor changes between the two elections. The KPU, from province down to village level, appeared with greater confidence this time and gave an impression of dedication and efficiency despite limited resources. Since more or less the same personnel remained in KPU also during the Presidential Elections, no major complications were expected.

One incident creating some problems was double punched ballots on Election Day. Before Election Day, KPU gave instructions on how the ballot paper should be unfolded before being punched and said that unless completely unfolded to be considered as invalid. When discovering on Election Day that the double punching could render up to 40 million ballots invalid KPU was forced to take immediate
action. As long as only one candidate pair had been marked the double punched ballots was to be considered valid. Initially the new instructions created some confusion as most polling stations were in the process of finishing the counting when they received the message, but the problem was generally solved without much delay. After the elections both the Election Supervisory Committee, Panwas, and organisations responsible for voter education said this issue was on several occasions raised with the KPU before the election, but nothing was done. KPU was criticised for not foreseeing this problem, but it was generally agreed that the problem had eventually been solved in a sensible and pragmatic manner. Furthermore, it was believed not to have affected the outcome. Except for this technical problem, the counting and aggregation proceeded efficiently.

A general problem raised by the KPU at the provincial and district levels was the financial situation. Resources were scarce, especially at the lower levels of the organisation. Unless supported by the regency/city, the KPU had difficulties in covering all expenses. How much – if anything – support the regency/city decided to give differed depending on the economy of the respective local government, which varied greatly. In some cases the conduct of essential tasks, such as the transportation of results, more or less depended on voluntary work. This seemed to have worked this far, but may not be feasible in the long run. KPU stated that this dependence on the local governments for support is unfortunate as in some cases it led to speculations of corruption. Hearing that some election officials (KPPS) received support while others did not easily started rumours of that money is used to buy votes, so-called money politics. Rumours or not, it does seem unfortunate that the ability to pay for election expenses should depend on the economy of the regency/city.

Voter and Civic Education

General Elections

Most media monitored by EU EOM played an active role in voter education and informing citizens about the elections. TV and radio stations produced special election information programmes and the national newspapers included useful sections on the election process.

KPU informed the observers that they had very limited resources for voter education. Priority was given to training-of-trainers (ToT) programs aimed to reach all the way down to the KPPS. The LTOs observed a ToT program on the sub-district level and all KPUDs visited had such programs in the pipeline in due time before the elections.

The only direct action taken by the KPU to educate voters was the handing out of leaflets to every family throughout the country. This voter education program was funded by UNDP. A domestic observation organisation, Forum Rektor, had not received funding for voter and civic education in these elections (but had in 1999).
When inquiring at the sub-district level about organisations that were involved in voter education the LTOs were for the most part told that there were none. Expectations regarding voter behaviour on Election Day were as a consequence rather low. However, the LTOs observed little confusion and misunderstandings inside the polling stations (PS) visited on Election Day. Instead, the level of understanding of procedures demonstrated by the electorate exceeded even the most moderate expectations.

Presidential Elections

The general impression was that fewer voter education events were held compared to the General Elections and that more emphasis was placed on television advertising. Although reduced in numbers, several NGOs received support from UNDP also for this election to conduct voter education programmes.

In Bali, two organisations received funding in order to conduct voter education activities: Bali Forum and the consortium/KP3B. Training programmes and activities observed were focused and relevant, but the whole province could not be covered due to limited resources. Talking to Bali Forum after the election, they regretted the double punched ballots, but said they had done what they could to educate the voters on how to unfold the ballots. In their opinion the problem could have been avoided, but that all attempts to convince KPU not to invalidate double punched ballots had been ignored.

In Malang, UNDP funded a voter seminar conducted by a local organisation, Centre for Pesantran (Muslim boarding school) and Democratic Studies. The seminar was attended by 40 women belonging to Muslim student groups and Muslim mass organizations that are part of the national Muslim organisation, NU. The aim was to increase the percentage of women actively participating in the elections. The seminar focused on making the women familiar with the mission and vision of the candidates and teaching them how to make their choice. A KPUD leaflet with information about the candidates was distributed.

KPU also had voter education sessions where they distributed leaflets and CDs for local use. KPU members also participated in voter education programmes organised by the NGOs, where information about procedures for the elections were shared.

In addition to the above-mentioned activities, media was frequently used to educate the voters. Perceived as an effective voter education tool was television, which allowed prime time to be used for advertisements and educational programmes.
Voter Registration

Those who could register to vote had to be 17 years of age or above at the time of elections, without mental disorder, and who had not had their voting rights revoked by a final court decision. Exceptions from the age limit were made for those married. Members of the National Armed Forces (TNI) and the Indonesian Police Force were not permitted to exercise their voting rights in the 2004 elections.

The voter registration policy is coordinated between the KPU and the directorate General of Administration and Demography of the Ministry of Home Affairs, but the responsibility to organise and conduct voter registration lies with the Directorate General of Administration and Demography, the Central Bureau of Statistics (BPS).

General Elections

The EU EOM assessed the nationwide voter registration exercise and the subsequent reorganisation of the electoral districts as technically challenging and time-consuming, but concluded that it had been carried out “effectively and in a relatively limited time”.

The registration of voters for the 2004 elections was conducted with a new registration system created on the basis of the 2003 census. The great bulk of the data collection process took place between April and May 2003, through a door-to-door canvassing exercise that involved 250,000 enumerators.

In Autumn 2003, the KPU and the BPS undertook the so-called Post Enumeration Service in order to verify the quality and accuracy of the data collected as well as to integrate those citizens who did not register during the April/May exercise. As a result a small-scale data collection exercise at the regency/city level was undertaken in the between end-2003 and early-2004. The total number of registered voters for the 5th April elections was recorded at 148,000,369, and the number of polling stations was 579,901 PS. The final voter registers were delivered to the provincial level KPUDs, which in turn delivered it to the village level KPPSs ten days before polling.

There was a great deal of confusion at the provincial KPU level regarding voter cards and procedures. The provincial KPU said they had not received or issued any special instructions on this and left it to the KPPS to decide.

A few days before the elections, one of the major political parties in East Java, PKB, claimed that there were 350,000 voters in the province who had not received voter cards. KPU decided to solve the problem by issuing a temporary voter ID card. On Election Day this problem did not materialise, as all the voters observed by the LTOs could present a voter card.
Presidential Elections

The permanent voters’ data for the presidential and vice-Presidential Elections was derived from the provisional voters list (registered voters for the General Elections) plus the number of additional voters list registered between 1 May and 25 May. Additional voters list refers to those who have become eligible voters between the two elections (by 5 July), (either by reaching the age of 17, being less than 17 but getting married, or members of the police and the TNI who have retired in this period).

The total number of registered voters for the 5 July elections was recorded at 155,048,803, and the number of PS was 574,945. KPU said that the decrease in the number of polling stations (almost 5000 PS (4,956)) for the Presidential Elections, despite the increase in the number of registered voters, compared to the General Elections, was due to rational decisions such as i.e. merging of polling stations, where numbers permitted. It was stated that a maximum number of 300 registered voters in each PS would still be maintained.  

EU EOMs assessment of the voter registration process was less positive for the Presidential Elections, than it was for the General Elections. The process of updating the voters list was managed less effectively because the task had been entrusted the Village Election Committees rather than the BPS. The Village Election Committees were effective in terms of data-gathering, but inadequate in assuring the quality of the data, such as checking for duplicates or deceased voters on the lists. Furthermore, delays and lack of transparency characterised the process.

KPU at provincial and district level admitted that the voter lists were perhaps not entirely accurate, but stated that they did not think this would cause any problems on Election Day since, they claimed, in most places the KPPS would know the electorate, and could stop those without the right to vote. On Election Day, identifying eligible voters appeared not to cause much trouble and incidents of fraudulent voters being turned away occurred. Familiarity with the local electorate did to some extent compensate for poorly updated voter lists in terms of turning fraudulent voters away, but not for ensuring that all eligible voters had the opportunity to take part in the election. Delays and lack of transparency caused voters to abstain from participating in the election as they did not know where they were registered to vote. Furthermore, procedures for applying to vote at a polling station other than designated were commonly unknown to the electorate, which particularly affected those who had recently moved or were working away from home on Election Day. The deadline for closing the registration also seemed to vary. In some cases voters coming after the deadline had been turned away, while in others they were allowed to register.

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5 The stipulation of the number of registered voters and polling stations is contained in the KPU Decree No. 39, 2004.
Although the shortcomings with respect to the updating of the voter lists did not affect a large number of people, the process would benefit from improved procedures.

Candidate registration

For the General Elections, the EU EOM had two important comments: that there are certain limitations on the universality of the right to stand in the elections for the former members of the Indonesian Communist Party, and that discriminatory rules in terms of health requirements, educational level requirements and political affiliation requirements for becoming a candidate deprived many citizens of the right to stand.

The most serious cases processed by Panwas in the provinces were the sorting out of false certificates presented by candidates running for elections. This was due to the raising of educational requirements from what was accepted in the 1999 elections. Within a couple of weeks before the elections, 14 candidates had been convicted, whereby 3 were imprisoned from two to four months.

For the Presidential Elections, it was particularly the exclusion of Abdurrahman “Gus Dur” Rahman that became the centre of attention. Gus Dur was excluded from running as candidate due to his sight deficiency. This disqualification was based on the health requirement as stated in Article 6(d) of the Law no 23/2004. Gus Dur complained to the Supreme Court, which rejected the petition, concluding it does not have the authority to decide on such a matter. Petitions filed with Panwas were also dismissed.

Some commentators shared the opinion that this disqualification, preventing a blind or quasi-blind person from running for presidency, runs counter to the democratic principle of freely choosing one’s own leaders. Furthermore, it was said to go against provisions contained in the Indonesian Law on the Disabled from 1997 that states that “Every disabled person shall have equal rights and opportunity in every aspect of life and livelihood”.

The Election campaign

General Elections

The EU EOM assessed that the campaign had been peaceful with only isolated incidents of violence. The political parties could campaign freely throughout the country.
The calm and peaceful campaign period pronounced by political parties, police and Panwas could be explained by improved co-operation between police and political parties, resulting in efficient police planning and improved party discipline and inter-party talks.

Law no 12 of 2003 on the General Elections prescribes the conducting of electoral campaigns. First and foremost the law states that the following actions shall be prohibited:

- Bringing into question the nation’s ideology of Pancasila and the Preamble of the Constitution;
- Insulting a person, religion, ethnicity, race, group, other candidates and/or electoral participants;
- Provoking or leading individuals or community groups into disputes;
- Disturbing public order;
- Threatening to commit violence or advising the use of violence against a person, community group, and / or other electoral participants;
- Destroying and/or removing electoral participant’s visual display items;
- Using government, religious and educational facilities.

Article 76, paragraph 1, stipulates that public officials shall be prohibited from being involved in electoral campaigning, which includes justices of the Supreme Court/Constitutional Court and judges of all judicial bodies; officials of the State Audit Agency; officials of state/regional owned enterprises; civil servants; village chiefs, or others with official titles.

Paragraph 3 stipulates that “Participating political parties and/or candidate for membership of the DPR, DPD, Provincial DPRD, and Regency/City DPRD are prohibited from soliciting the involvement of civil servants, the TNI, and Police, as campaign participants and campaign spokespersons in the election”.

Article no 9 underlines the obligations of the political parties and states; that they have to uphold the supremacy of the law, democracy and human rights. Additionally they have to conduct political education and channel political aspirations (no 9: d, e). The same article obliges political parties to conduct bookkeeping and to maintain a list of donors and a total of donations received. This should be open to be known by society and by the government. The parties should establish a special election campaign fund account and submit a balanced financial report, audited by a public accountant, to the KPU (Article 9i and j).

The campaigning in East Java took place in a relatively quiet and harmonious atmosphere. No major election-related violence was reported. Separate talks with police, political parties and Panwas drew a picture of a peaceful campaign period as a result of improved co-operation between the police and political parties. The police on
their side increased the efficiency in police planning and the political parties improved their party discipline and inter-party talks.

However, some clashes occurred involving stealing of flags/banners of political parties, but disputes reported to Panwas were in general solved by talking to witnesses and by bringing the involved parties together for mediation.

Presidential Elections
EU EOM assessed that the campaign was peaceful and calm, taking place in a highly regulated environment. After the legislative elections, some presidential campaign teams found it difficult to mobilise financial and organisational support from political parties. As a consequence there was a shift in focus from large rallies towards closed meetings with community leaders and a heavy reliance on campaigning via television.

The rules and prohibitions governing the electoral campaign for the Presidential Elections were quite similar to those governing the General Elections. However, there were a number of particularities in the Presidential Elections such as: the campaign should be organised by a campaign team established by a candidate pair together with the nominating political party or coalition of political parties. The responsibility for the election campaign lies with the candidate pair, but the campaign team is accountable for the implementation of the campaign (Article 35 (3) and (4) of Law no 23/2003). Many other rules applies for both elections, such as article 38b and c stipulating that it is prohibited to “Insult any person, any religion, ethnicity, race, group, another candidate and/or Candidate Pair”, and “Provoke or lead any Political Parties, individuals and/or social groups into dispute.”

Megawati and her party PDI-P has traditionally been the most popular party in Bali and the party won 54 per cent of the votes in the General Elections. Golkar came in second with 25 per cent. Megawati’s ties with the Balinese goes back to her grandmother being from Bali, in addition to her being the daughter of Sukarno who was very popular in Bali. She also gained a lot of sympathy among the Balinese when the new order regime once tried to stop her from making a political career by accusing her of being Hindu. However, Megawati’s visit to Bali attracted far less than expected and her emotional appeal by referring to her Balinese ties appeared this time less effective. Failing to address local issues seems to be the most likely explanation for the perceived lack of interest, which also applies to the other candidates visiting Bali. The only candidate touching on political issues was SBY in his address to the public and his speech seemed to stir more enthusiasm than what were observed in the other rallies.

Also for this election, public officials were prohibited from getting involved in the campaign (Article 39). Particularly one incident received national attention. In Bali, village heads present at a rally for Megawati announced their support for the Megawati candidate pair. Since village heads are defined as public officials, and prohibited from getting involved in campaigning, the KPU Bali issued a ban
prohibiting the campaign team from arranging further public meetings for the rest of
the campaign period in Bali. Much debate followed and the KPU was initially accused
of making a swift and premature decision. However, in the long run the reputation of
the KPU appeared to have been strengthened as a result of this decision, and many
saw KPU as proving itself to be impartial by this action. KPU Bali said that it was
important at an early stage to set an example and let the campaign teams know that
anyone violating the election law will be penalized. The case was also discussed at a
national level, but KPU Jakarta decided not to intervene. The campaign team’s
reaction was a threat of a lawsuit, which was later withdrawn. Similar cases were
reported from other provinces, but none received as much attention and it was only in
Bali a campaign team was banned from further campaigning.

During the month-long presidential campaign period most TV channels staged partial
presidential candidate debates, but in these debates the candidates’ policies or how
they planned to achieve their goals were not discussed. However, on 30 June and 1
July the KPU organised and hosted panel debates broadcasted on national television.
A four-member panel comprising one economist, one criminal law expert, and two
political analysts had been formed to question the presidential candidates. The aim
was to show the overall strengths and weaknesses of all five candidates and the
debates had the following structure: four minutes for the candidate share his/hers
political platform, vision and mission for the next four years; 90 seconds to answer a
question posed by the panel; 90 seconds for the opponents reactions; and 90 seconds
for the candidate to respond.

The most important issues raised in these two debates were the issue of corruption, the
economic situation, and the role and place of the TNI. The debate drew a lot of
interest from the media, but it is more uncertain whether this reflects the general
interest of the public.

Compared to the General Elections, campaigning was quite low profile, calm and with
few incidents. There was little visible campaigning and less visibility of campaign
material such as posters, flags, banners etc than in the previous elections. Campaign
teams’ strained budgets not only affected the campaign, but added to the perception
amongst people that candidates were alienated from the people, whereas for the
General Elections the candidates were perceived as “locals” and known by the people.
Campaign issues and messages conveyed by the contenders revolved around general
issues such as a better future for all, fighting corruption, poverty and other evil.
Education, local autonomy, economic reform and security were other topics
mentioned. However, such broad declarations did not attract the masses. None of
the candidates managed to address local issues, adding to the feeling of ordinary people
that living conditions will not change, no matter who is elected. It is regrettable that
the contenders and their campaign organisations did not pay enough attention to
“political education”. For instance in Bali, Forum Rektor invited all candidate pairs
for a dialogue meeting, but in the end none wanted to participate. This could have
been a good opportunity for people to see their candidates discuss various political
and economic issues and thus enhance their information about the respective
candidates’ political agenda before voting. However, no such debate took place.
Apart from what was seen in the legislative campaign with rallies of limited political substance, a new development became visible during the Presidential Elections in Malang, East Java: Candidates frequently conducted short visits to traditional marked places, to rice fields in the countryside and to fishermen at the coast. This direct campaigning opened more opportunities for the communities to have more communication with the candidates. These events had extensive media coverage, but the impact on the voters in general is questionable.

It was also obvious that due to the lack of funding compared to what was the case in the General Elections in Malang, far less posters and flags were distributed. Information materials on visions and political programs were scarce. Campaign teams encouraged party activists to engage in door-to-door campaigning and to directly approach voters. However, such activities were not observed by the team. In general, there was less campaigning, less participation and less motivation on the part on party members to participate in the Presidential Elections campaign. The campaign teams that were observed complained about lack of funds for advertising and campaigning in general. Most of the central campaign budget was spent on expensive advertisements on nationwide TV. This explains the reduced visibility of the campaigns in East Java as compared to what was the case during the General Elections.

The team interviewed journalists from TV stations and newspapers covering Malang area. They had sent journalists to cover the local campaigning, but they all agreed that the public was not too interested in the local campaigning. Consequently the journalists covered the big rallies and visits where the presidential or vice-presidential candidates showed up.

The political dynamics in Malang are important for East Java, and East Java is important for the whole of Indonesia because the NU’s home base is located at Pasuruan (near Malang). All candidates had to stop there because of this, and meet with the many important Ulamas. These events were important and received considerable interest from the media.

Many of the domestic observer organisations experienced funding shortfalls during the Presidential Elections. Two days before Election Day, the team spoke with the Independent Committee of Election Observers (KIPP) and they were still not accredited by KPU. They never got the accreditation because they did not submit their report on the General Elections to KPU prior to their media release. Forum Rector had no money and, therefore, no observers in Malang. Ahimsa, a local NGO, had joined the JPPR network. They informed the team that they would cover 4 out of the 5 PPK in Malang City with approx. 500 observers, and 17 out of 33 PPK in the districts with 1500 observers. JAMPPPI indicated that they would also deploy 75 observers in the city. But neither LTOs nor STOs came across any domestic observers on Election Day.
The team interviewed several domestic election observer organisations after Election Day and the overall impression from discussing with them were that polling took place with some minor procedural shortcomings; like the quality of the ink, not ticking the voters off in the voter registration lists, and polling station layout which did not provide for secrecy inside the booths. Comments from the domestic observers were very much in line with the shortcomings observed by the EU EOM observers on Election Day.

The Media

Article 28f of the Constitution recognises the right of the individual “to communicate and to obtain information” and “that the citizens shall have the right to seek, obtain, possess, store, process and convey information by employing all available types of channels”.

In addition, the Election Law no 12 (for the General Elections) and Law no 23 (for the election of the president and vice-president) cover the media regulations. The main principles governing the use of media are that they must: a) provide equal opportunities to each electoral participant for them to deliver the theme and content of their electoral campaign, and b) provide equal opportunities to each electoral participant for them to advertise their electoral advertising for their electoral campaign.

When it comes to broadcasting, Law no 23 foresees the setting up of a Broadcasting Commission (KPI). This commission shall ensure that the public receives decent and correct information in accordance with human rights (art. 8). It is stated that a broadcast content must not include: slander, instigation, misleading information, or lies; nor can it exhibit violence; or provoke ethnic, religious or racial conflicts. There is also a Code of Conduct for broadcasting which requires all news emissions to be neutral.

For the General Elections, the EU EOM assessed that the media coverage of the political parties during the elections was fair and impartial. All 24 parties were covered in most of the electronic and print media monitored by the EU EOM.

The tone devoted to political parties and distribution on news was fair and neutral. As to the knowledge of the LTOs, only one TV channel; Metro TV (state channel), received a warning from the Broadcasting Commission about too much advertising in favour of Paloh (Golkar) and Megawati (PDI-P). As for the printed media, Kompas was mainly neutral, but giving PDI-P most coverage.

For the Presidential Elections, EU EOM stated that President Megawati dominated television coverage on all five national channels monitored by the mission. This was
partly a result of the ability of her team to buy more advertising time than was the case for her opponents, but two of the channels, notably the state channels TVRI and Metro TV, demonstrated a clear bias towards President Megawati in their coverage. However, it was assessed that this bias had limited impact on the voters due to the lower ratings of the state channels’ than what was the case for the commercial channels. All in all, the contending candidates were seen as being provided with opportunities to share their vision, mission and working programmes with the public. Newspaper coverage was fair and in general diverse and pluralistic. The presidential debates and the dialogue coordinated by the KPU were assessed as positive and innovative contributions to the campaign.

The parties and candidates used a highly centralised method of campaigning, channelling their advertising and information campaigns through Jakarta and often failing to take advantage of the opportunities provided to them by the regional media. When these regional media reported on the elections, they seemed more fact-oriented and less concerned with analysis. Furthermore, regional newspaper editorials were rarely about the elections and contained few opinion-based articles. Perhaps as a consequence, regional media was for the most part said to be fair and impartial.

Regarding the Broadcasting Commission, observations from Bali suggested that KPI was unknown to the public. It lacked authority, sanctioning power, structure, and financial and human resources, and were therefore not able to do proper monitoring or promote its work. KPI had no authority to deprive any media of their license. A regulation is required in order to formally define the powers of the commission, and according to the chairperson, it is in the pipeline. On the other hand, a regulation per se need not be efficient in terms of endowing the KPI with the necessary authority, depending on how much control over media the government wants. Under the current regulation and conditions, the KPI is an anonymous, toothless institution.

Observation on the Polling Day

The EU EOM assessed that during the General Elections, polling took place in an orderly and peaceful manner, yet there was a lack of uniformity in implementing the procedures across the country. However, the process was not compromised as a result.

For the Presidential Elections, EU EOM assessed that polling took place in an orderly and peaceful manner, but the overall assessment of the polling procedure was less positive than for the General Elections. The most serious being the high number of double punched ballots.

Areas observed during the two elections were: East Java in the General Elections, and Bali and Malang in East Java, during the first round of the Presidential Elections.
General information Jawa Timur (East Java)

Jawa Timur (East Java) is one of Indonesia’s 32 provinces located on the eastern part of Java Island. It also includes the islands of Madura and Baewan. The administrative centre of the province is located in Surabaya, the second largest city in Indonesia and a gateway into the eastern part of Indonesia.

According to the result of the 2000 consensus, the province East Java ranks second in Indonesia, in terms of its population size. It has more than 34 million inhabitants and is only superseded by West Java. People of East Java includes: Javanese, Madurese, and some minorities, such as Chinese, Indians and Arabs. Language spoken is Javanese and hybrid Bahasa Indonesia, which has several influences from Javanese language. The major religion in East Java is Islam, but there are also a small number of Protestants, Catholics, Hindus, Buddhists and others, especially in the cities. The eastern part of East Java is known as the NU core area. Some intimidation and manipulation have been experienced in this area and particularly on the island of Madura in earlier elections and the observers were told to keep alert.

The Dutch colonial government made the East Java province a major plantation export-based area. Sugar, coffee and tobacco are still important plantation crops exported to other regions. The province has also played an important role in the national political sphere. Surabaya’s defence of Indonesia’s independence in 1945 was an important contribution to the process towards independence, and politics this province has since influenced national political life. Partai Komunis Indonesia (PKI) developed, during the Sukarno era, a stronghold in this region and was one of the three most influential parties for a long period. Following the events of 30 September 1965 (when Suharto replaced Sukarno as president by a countercoup), and the anti-Communist purge, many were killed. Today PKB has a stronghold of East Java and is expected to win in this province, as they did in the 1999 election.

General information Bali

Located only two kilometres east of Java, the island of Bali has an area of 5,632 square kilometres. Bali’s population has grown to over 3 million people with an overwhelming majority of which are Hindus. However, the number of Muslims is steadily increasing through immigration of people from Java, Lombok and other areas of Indonesia who seek work in Bali. This development is of growing concern to Balinese who are experiencing loss of land to people from other islands through government resettlement schemes.

Important agricultural products besides rice are tea, coffee, tobacco, cacao, copra, vanilla, soybeans, chillies, fruit, and vegetable. Bali’s fishing industry and seaweed farming provide other products which are important exports. Most people live in the coastal areas in the South, and the island’s largest town and administrative centre is fast growing Denpasar. The southern part is where most jobs are to be found, either in the hotel and tourist industry, the textile and garment industry, or in small scale and home industries producing handicrafts and souvenirs. As a result of most resources being generated in the south, the local economy is stronger there. An important issue
for many Balinese are therefore how to achieve a more equal distribution of resources not only between provinces; many think that too much stress is on Java, but also within provinces, i.e. whether regencies/cities or the province should be the centre of local autonomy.

In October 2002, two simultaneous bomb explosions targeting the Kuta area injured or killed more than 500 people. In the aftermath of the bombing, Bali experienced a significant downturn in the number of travellers. A large number of Balinese directly involved in or depending on the tourist industry have been deeply affected by the decrease in travellers. Even though there are now signs of recovery, the issue of security, in order to attract the tourists back to the island, was central to many Balinese going to the polls.

There were two STO teams observing in Bali in addition to the LTO team.

General information Malang, East Java

Malang is the second biggest city in East Java, and the location for the main TNI military academy, with 700,000 inhabitants in the city and 2.5 millions in the surrounding districts. Being an industrial and educational centre, Malang has a wide range of companies: tobacco, coconut oil, tea and other products especially related to agriculture. The majority of the population in Malang, as for East Javanese people in general, are Muslims. The remaining parts of the population in this area are Protestants, Catholics, and Buddhists.

Seemingly, all presidential candidates would like to have NU support as it is the biggest religious mass organization representing 60 per cent of the Muslims in Indonesia. They created their own party, PKB, in 1998, but have also members in Golkar, and PDI-P. Megawati’s running mate, Hasyim (an Ulama6) was chairperson of National NU; Wahid (also Ulama) his deputy; Hamzah is an ex-chairman of regional NU South Kalimantan and Kalla was NU counselor in South Sulawesi. NU has three important issues: Unity of Indonesia, rule of law/law enforcement and economy/job creation. They do not want to introduce sharia but want to have the law accommodate Islamic values.

Malang is mainly characterized by its many universities and by being the stronghold of Nadhlatul Ulama, which makes it an interesting area as far as election observation is concerned. However, the team interviewed several student organisations dealing with election observation, most of them related to Muslim universities, and the general impression was that they were happy with the opportunity to go to the poll, but as long as there was a lack of funds they would not participate in domestic election observation.

Three days prior to Election Day the LTO team welcomed four STOs of which two (one team) were dispatched to Kediri and two STOs (one team) remained in Malang.

6 “The ulama are the scholar-legists of Islam, trained in the religious sciences such as the Qur'an, exegesis and interpretation of the religious law, shari'a.” Source: http://philtar.ucsm.ac.uk/encyclopedia/indon/nahdat.html
The LTO team had previously observed some election fatigue from both the campaign teams and the KPPS. This fatigue, combined with some lack of funds, added to an observable decrease in interest in the Presidential Elections before Election Day.

**Observation of the opening**

**Observations from East Java, General Elections**

The openings of the 13 PS observed in East Java, proceeded in a peaceful manner with no fear of intimidation or violence. All KPPS representatives, security agents and a number of party witnesses were present in all PS that were observed. Opening procedures started on time, but the actual voting was sometimes delayed due to lengthy opening procedures: at 06.50, voters and witnesses were allowed to enter the PS. KPPS checked the eligibility and documents of voters before inviting them to sit down. At seven, head of KPPS started the opening ceremony by swearing in the members, checking materials and counting ballot papers. After signing the official report and making sure all material were in order, voting procedures were explained to voters and witnesses. The whole procedure continued for approximately an hour.

However, this did not prevent anyone from voting, and in many places the last voter came almost an hour before closing of the PS. Some minor problems were reported due to missing material, but these were resolved without disturbing the process.

**Observations from Bali, Presidential Elections**

On Election Day, there were two STO teams observing in Bali in addition to the LTO team. Four PS were observed for the opening and no major incidents were reported. All PS opened on time, all essential material was present, and candidate witnesses were in general present in three out of four PS.

**Observation from Malang, East Java, Presidential Elections**

On Election Day, the election officers arrived late, the opening of the polling station was delayed and regulations were not properly followed. No instructions on how to unfold the ballots before punching was given to the voters and many ballots were consequently double punched and to be counted as invalid. It was obvious from the early beginning on Election Day morning that the interest of the election officials in following the instructions given to them by KPU was not as high as for the General Elections.

**Observation of the polling**

**Observations from East Java, General Elections**
STO/LTO teams in East Java observed polling procedures for 99 polling stations. The LTO consolidation of polling indicates that it was conducted in a calm and quiet environment with no incidents of intimidation nor any disruptions. KPPS were acting in a professional and impartial manner and for the most part following prescribed procedures. In cases where procedures were not entirely followed, this was believed to be caused by negligence rather than intentions. In more than 95 per cent of the observed PS, ballot boxes were locked and visible, essential material was available, PS layout provided for an easy flow of voters, and party witnesses were present. No major incidents were observed.

Observations from Bali, Presidential Elections
Polling proceeded in an organised, swift and calm manner without signs of tensions or intimidation. Some irregularities occurred in a few of the 25 PS observed, but none was believed to have a great impact on the outcome of the election. In one case, two persons were observed voting on behalf of others after having cast their own votes. Both KPPS and candidate witnesses saw what was going on, but did not interfere. In another, voters were not checked for ink, but the KPPS seemed to keep track of those who had already voted. Poor ink quality and fingers not being properly marked was observed in most PS, but familiarity between KPPS and the electorate appeared more important in keeping fraudulent voters away anyway. More serious was the case of one witness being allowed to check ballots by unfolding them in full display after having been punched by the voter and before being cast in the ballot box. Apart for the above mentioned, polling proceeded according to the rules and regulations and the atmosphere was welcoming and relaxed. No complaints were registered.

Observations from Malang, East Java, Presidential Elections
The polling process itself was easily manageable and no queues were observed.

Observation of the closing and counting

Observations from East Java, General Elections
STO/LTO teams observed the closure and counting procedures for 11 PS in East Java. Once again these were conducted without intimidation and in an open and transparent manner for party witnesses, observers and members of the public to see. However, the counting process at the PS level took a great deal longer than anticipated and observer teams noted a decrease at this stage in the level of understanding of the procedures by both polling officials and party witnesses alike, although no-one stipulated that this resulted in major problems for the process.

Observations from Bali, Presidential Elections
As a consequence of polling finishing early in most PS, counting often started before closing time. However, in none of the four PS observed did voters come to vote after closing. In most cases, KPU instructions to count double punched ballots as valid came at an early stage and invalid votes were recounted before being transferred to the next level, the KPPS. In one case, results were corrected on the forms and signed
again to confirm the corrections while results were still at PS level. In another it was KPU members at the KPPS level opening the ballot boxes and recounting the invalid votes. Corrections were made on separate forms and signed by those present. The impression is that the arrival of the new KPU regulation created some frustrations at first, but was generally acted upon causing only minor delays. Hence, it is not believed to have affected the outcome of the election.

Observations from Malang, East Java, Presidential Elections

No problems were observed with people still in line at the time of closing at 1 p.m. and in many places counting began before 1 p.m. Panwas was, in general, not present for the whole process. Irregularities observed were: no announcement of results, no sealing of the ballot boxes before delivering them to the KPPS, as well as filling in forms wrongly or not at all.

The counting process was done in less than two hours and then it became clear that the percentage of invalid ballots in some of the PS in the AoR was between 25 and 35 per cent. There was a clear tendency of higher percentage of invalid ballots in rural areas.

As soon as the problems of the high number of invalid ballots were raised, a KPU decree was issued, ordering a recount of the invalid ballots and advised that the double punched ballots as a result of not unfolding the ballot paper should be deemed valid. Upon receipt of the KPU instruction, figures were adjusted under the eyes of the witnesses in an efficient and transparent manner.

The process of counting was the most problematic phase of those observed and it caused a lot of frustration and suspicions among the different parties. Some of the smaller parties strongly expressed their dissatisfaction. In the following days after the elections there were demands of re-runs for PS that had received wrong ballot papers. Panwas Jakarta took the stance that re-runs should be undertaken for these particular PS.

Observation of the tabulation

Observations from East Java

Observations made by the LTOs in the immediate aftermath of the Election Day indicated that there was a lack of understanding and much confusion amongst the polling officials with regard to how to fill in all the forms and which forms went where. In some instances the IT form had been completed at the PS and was passed to the KPPS for data entry on computers. In other cases the electronic data entry forms were passed directly to the PPK for data entry. At one KPPS, the Electronic Data Entry Result form was submitted, but the computers were not working. Even if they had been working, there was confusion as to where the results of the electronic data
entry would go next. When questioned, some KPPS said it would go straight to the central computer in Jakarta, others said it would go to the provincial level and be accessed immediately on the web.

On the night of the Election Day itself, and subsequent LTO visits to KPPS and PPK levels, it became clear that a number of PS had not completed the electronic forms when the results were written on the large tally sheet during the count. Neither had they done the recording from the Official Vote Count Result Certificate. As a consequence, delays were already occurring at the KPPS level when it was discovered that the IT forms for electronic data entry had not been completed. These delays of the electronic data caused frustration for KPU and suspicion among the parties with regard to the accuracy of the electronic count. Some party witnesses claimed that they had not observed the process of data entry, although the data entry process was open and transparent when LTOs visited. All concerned seem to question the accuracy of the quick count.

At the KPPS and PPK levels in Surabaya it took several days for election officials to understand the different processes and procedures for the electronic count and manual aggregation. There was also mixed information regarding what to do with the ballot boxes containing sensitive materials. In some instances these ballot boxes were sent straight to the PPK level, before manual aggregation had taken place at the KPPS level.

As expected, PKB won the East Java province and got 30% of the votes, with PDI-P ranking second with 21%, and Golkar ranking third with 13% of the votes. The results were not final, but based on the electronic quick count as of 14 April 2004.

Observations from Bali, Presidential Elections
Aggregation and verification of results were done according to the regulations and without complaints. Results at the provincial level were announced three days ahead of schedule and forwarded to Jakarta in due time. As expected, Megawati came in first securing 54 per cent of the votes, SBY second with 32 per cent of the votes, and Wiranto third with 10 per cent.

Malang, East Java, Presidential Elections
The results for Malang reflected the national results for the first two candidate pairs (SBY/Kalla 37% and Megawati/Hasyim 33%). The Rais/Siswono candidate pair received 14% in Malang, coming before Wiranto/Wahid which received 13%, with Haz/Gumelar (1%) trailing far behind. The Rais/Siswono campaign team was very unhappy with the results and informed that they would lodge a complaint at national level against the recount because it was not foreseen in the accepted set of rules. The SBY/Kalla campaign team was very happy. The Megawati/Hasyim campaign team told the LTOs that they were also content, even if they had not reached their expectation of more than 50 per cent.
The review of Complaints Process

Appointment, composition and structure

The Electoral Supervisory Committee (Panwas) structures were established at provincial, regency/city and sub-district levels with the main purpose of supervising elections. The National Panwas was formed by the KPU in accordance with art. 17, part 11, chapter 4, law no. 12/2003 on General Elections and established prior to the commencement of voter registration. National Panwas appoints at lower levels.

Panwas is an independent and non-partisan state-funded institution. National Panwas is comprised of no more than 9 members; the provincial Panwas has no more than 7 members and sub-districts no more than 5 members. Its membership comprises of civic leaders, academics, journalists, police officers, and public prosecutors.

Duties and power

Panwas is charged with the following main functions:

- Supervise all stages of implementation of the election;
- Receive reports related to violation of election laws;
- Settle disputes arising from the conduct of the election;
- Forward unresolved disputes/reports to authorised institutions.

Panwas is not authorised to deal with either criminal offences, which are the competence of the District Courts, or administrative ones, which are the competence of the KPU. There are no clear provisions in the electoral framework on how to contest KPU decisions.

General Elections

EU EOM stated that the Election Supervisory Committee (Panwas) was reasonably effective in carrying out its mandate to supervise the electoral process and channel violations to the appropriate bodies, despite a relative lack of personnel and financial resources. Panwas was believed to have increased the transparency of the process and having contributed to peaceful elections in many places.

Observations from the field

Generally the relationship between KPU and Panwas regency/city was good, but some tensions were observed. Occasionally Panwas extended its mandate and turned into more than merely a supervising body. Instead of just investigating cases Panwas interfered.
The LTOs was more than once given information of Panwas directly interfering in matters. During the Megawati campaign in East Java, Panwas interfered and gave instructions to call off one rally. Upon the LTOs question on why the President of Indonesia would comply with Panwas instructions, the explanation was that the composition of Panwas was a powerful combination with connections in high places. Having direct access to the media, for once, is useful when wanting to reach the public and all publicity is not necessary good publicity.

Panwas in East Java appeared to enjoy much respect and to take its mandate seriously. However, the majority of complaints filed with Panwas concerned minor violations, i.e. stealing or burning of party flags, noisy and sometimes unruly youths taking part in party parades, traffic jam created by party rallies, illegal number of people riding on motorcycles carrying political party flags, campaigners on motorcycles not wearing helmets, party flags being put up outside peoples houses, etc. The LTOs also noted that Panwas was criticised from time to time by political parties claiming unfair processing of cases, but the accusations never went further than being commented upon when talking to the media.

After Election Day KPU confirmed that misplacement of ballot papers between districts had occurred. However, reruns only took place in two districts and all were held on 6 April. As for the other PS having the same problem, KPU said that KPPS and party witnesses had come to an agreement avoiding reruns. Central KPU had given two alternatives on how to solve the problem: 1) the KPPS and party witnesses agree that votes already cast on wrong ballot paper will be valid for the party chosen, but not for the candidate, or 2) to arrange for a rerun. In most cases, the first alternative was chosen. Panwas responded by asking KPU to arrange reruns for all PS affected by the misplaced ballot papers claiming anything else would be a breach of the election law. According to data collected by Panwas from the provinces and presented during a meeting on 12 April, 169 polling stations had the problem of misplaced ballot papers. Out of these, 58 had arranged for reruns and the remaining 111 were solved by agreement. To put these numbers into perspective it should be mentioned that the total number of PS in East Java was more than 99 000.

After the election, the Panwas position was clear: they had no major objections against the election process except for KPU's avoidance of calling reruns for polling stations affected by misplaced ballot papers. Panwas motivation for opposing the agreement solution without going out too strongly against the KPU, appeared to be related to their position trying to balance their relationships with both the KPU and political parties. On the one hand, Panwas wanted to maintain a good relationship with the KPU, on the other, Panwas also wanted to avoid being criticised by the political parties for not fulfilling their role as a body supervising KPU. For Panwas to play a role also in future elections, will depend on their ability to position themselves somewhere between the KPU and the political parties.
EU EOM assessed Panwas to have effectively carried out its limited role of screening and channelling electoral violations to appropriate bodies. By publicising its findings from last election and maintaining an independent profile, Panwas was also said to have managed to have an impact on how KPU dealt with alleged violations and malpractices among its lowering tiers, countering its reluctance to deal with it. However, a disagreement with the KPU over the extent of its powers hampered its ability to successfully mediate electoral disputes. The disagreement regarding the Panwas mandate was also said to have deteriorated the relationship between the KPU and Panwas.

Observations from the field
KPUs proposal to limit Panwas role and authority was hotly debated at a national level, but appeared to be of less interest in the provinces. When asked, KPU at the provincial level supported an amendment of Panwas mandate, as it would be in accordance with the intention of establishing an election supervising body, and stated that it was Panwas which was formed to oversee the elections, not KPU. In the General Elections, Panwas was said to focus too much on disputes involving the KPU and neglecting those involving political parties. Panwas, on the other hand, expressed some concerns about the situation of KPU not being accountable to anyone. Court cases dealing with election disputes where KPU stood accused of manipulating results were mentioned to illustrate the need for an independent election body with a mandate to call into question the work of KPU. However, the proposal was not pursued during the campaign period and the Panwas mandate remained the same.

In general, it appeared that the further down the system the better the relationship was between Panwas and KPU. It is likely that this has something to do with the ties in general being closer between staff at lower levels, in terms of and members from both bodies being related to each other in various ways outside the offices. This was also the experience from General Elections; while Panwas and KPU were contesting each other at the national level – and partly at the provincial level, the two were working together on a basis of mutual understanding at the local level.

Panwas reported cases during the second round of the Presidential Elections showed few and for the most part minor violations. Panwas registered 345 infractions committed by all candidates, as compared to those perpetrated by members and supporters of political parties in the run-up towards the April poll which reached 4058. President Megawati came out as top violator of campaign regulations with a total of 95 violations; Wiranto followed with 74 violations; Amien Rais with 72; SBY with 53; and Hamzah Haz with 36 violations. The most serious offences concerned the inclusion of state officials in campaigns, in addition to rallies being held outside designated schedules. Given the calm and peaceful campaign period, Panwas had not been in the centre of much attention in this year’s third round of elections and it remains to see what role Panwas will get to play in future elections.

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7 The Constitutional Court was, for the first time after the General Elections, required to adjudicate disputes arising from the announcement of the final election results. Out of the 300 complaints received, approximately half was rejected or dismissed on the grounds of lack of evidence.
Conclusions and recommendations

When the Government of Indonesia sets out to arrange both General- and Presidential Elections in the same year, for a country which is made up of more than 13,000 islands and with around 150 million voters, it is met with modest anticipation. Adding to this picture a complicated security situation exists, due to recent terrorist attacks in Jakarta, Bali and Sulawesi; an ongoing “war” in Aceh; clashes between various groups in Kalimantan, Maluku and Sulawesi; the independence struggle in Papua and a fragile situation in West Timor. Since this was only the second election after the introduction of competitive multi-party elections, and the very first time for direct Presidential Elections, it was monitored closely by all stakeholders. For EU, this was the largest and most complicated elections ever observed.

In many ways, the General Elections were a ‘rehearsal’ for the Presidential Elections from which the KPU gained considerable experience. Firstly, the shortcomings and delays in the electoral preparations experienced for the General Elections were not repeated for the Presidential Elections, as in this second set of elections the entire nation was just one electoral district for the Presidential Elections, as opposed to the 2286 electoral districts and three different levels in the General Elections. Logistically, this meant that for the Presidential Elections, only one ballot type were to be produced and distributed throughout the country, a task that was completed in due time. Secondly, over-centralisation and lack of effective planning observed during the General Elections had been replaced by increased local autonomy. KPU Jakarta appeared to intervene less in the Presidential Elections, leaving it to the lower tiers of the administration to make decisions of a more local character. Thirdly, lack of knowledge of how to count and aggregate results, which caused mistakes and delays during the General Elections, were not observed during the Presidential Elections, when the election officials had gained more experience, and the task was simpler.

With only one ballot type, which was also sized to be much more manageable than before, with clear advantages in terms of voters’ flow inside the polling stations and simpler counting procedures, a swift and smooth process was expected during the Presidential Elections. However, some shortcomings were observed also for the Presidential Elections: shortly after the closing of polling, it was realised that the double punching could render as many as 40 million ballots invalid. An instruction to count double punched ballots as valid was broadcasted all over Indonesia. The immediate situation appeared a bit chaotic, but once accepted and acted upon, order was resumed.

The EU EOM preliminary statement was released with the following title: “Peaceful and historic elections overshadowed by a serious technical problem”. The KPU should have foreseen the possibility of many double punched ballots and acted upon it before Election Day. Instead, invalid ballots had to be recounted in all PS that had finished counting by the time the new regulation was issued. This being done in a transparent and open manner the observers saw no reason to question the integrity of
the process. This was also the case for stakeholders that observers talked to after the election. A view shared by many and expressed by a Panwas chairperson was that “KPU may not have made a legal decision, but it was a wise one”. Also EU acknowledged that “while the decision might be seen as not entirely consistent with the Law, the response to this issue by the KPU was sensible and pragmatic, even though it opened up the possibility of legal challenges”. The decision was not met with legal challenges and the process proceeded without further obstructions.

Comments on the election observation mission

The briefings were professional and comprehensive. Arriving late into the mission for the General Elections, the Norwegian observers received separate, high quality briefings from the core team. Briefings before the Presidential Elections were even more focused, taking into the consideration that the majority of observers had already monitored the General Elections.

For each of the two elections, briefing material consisted of three comprehensive booklets containing all necessary information and all teams were equipped with laptops, printers, telephones, medical kits and other mission gear. The report and communication system worked for the most part well, but the slightly frantic situation of everyone arriving late in the mission was reflected in number of e-mails received daily from the core team either requesting or sharing new information. The core team appeared more organised for the Presidential Elections than what was the case for the General Elections, when all formation was collected and sent in one daily brief. However, for both elections the core team’s feedback and its consolidation of reports could have been more effective. The logistical arrangements and technical support were very satisfactory for both elections.

The Norwegian LTOs thank the EU EOM not only for being fully included into the mission, but also for ensuring visibility. The non-EU members of the mission received separate mention in mission statements and a Norwegian flag was printed on t-shirts and business cards together with the EU symbol for the Presidential Elections.

Finally, the observers would like to thank NORDEM for sufficient briefings and all practical preparations.
APPENDIX

Presidential Elections, second round.

Surabaya, Malang

For the second round of the Presidential Elections, EU EOM deployed in total 224 observers to all 32 provinces reporting on opening, polling and closing of 1343 polling stations and 111 aggregation centres. The LTOs were in general deployed to the same provinces they had been observing during the General Elections and the first round of the Presidential Elections. For this second round Norway seconded one of the previous LTOs to Indonesia, Toril Lund. Lund was deployed to Surabaya, the province of East Java. The Norwegian LTO made up one team and had a special responsibility for the observation in Malang, the second largest city of East Java.

Pre-election period

On 29 July, Wiranto/Wahid filed a petition with the Constitutional Court challenging the results of the first round of the Presidential Elections. Wiranto based his opinion on alleged miscalculations, discrepancies between the electronic and the manual count and inconsistencies with regard to the counting of the double-punched votes. The Constitutional Court rejected the petition and Wiranto/Wahid accepted the decision of the Constitutional Court. Additionally, Wiranto/Wahid filed another petition to the Supreme Court requesting that the court declare invalid the KPU circular regarding the double punched ballots. The Supreme Court dismissed the petition.

When the Constitutional Court rejected the petition, it stated thatWiranto/Wahid failed to provide sufficient evidence and considered the alleged irregularities in the application of the laws as insignificant. This decision had an important impact on the contesting candidate pairs and their campaigning teams. They realized that if anything went wrong during the polling or the counting procedures, and they wanted to file complaints, their party witnesses would have a crucial role in surveying the polling and counting procedures. Consequently, the two campaign teams did their utmost to educate their party witnesses respectively. All polling stations observed by the LTO had party witnesses present.

On 9 September, a bomb exploded outside the Australian Embassy in Jakarta, killing 10 people and injuring nearly 200 Indonesian citizens. This had an impact on the Presidential Elections campaigning in the sense that it brought up the issue of state security and made both candidates promise to improve their efforts to capture the terrorists and improve the intelligent agencies.

For the LTO team, the security issue was high priority although it did not have a major influence on the observation responsibilities.
Election campaign

According to Law no 23 on the General Elections of the President and the Vice President the election runoff candidates were given only three days of campaigning. During the days of 14 -16 September the candidates had to organize indoor campaigns only. No outdoors rallies were allowed; no huge mass gatherings were allowed and the candidates had to comply with the KPU–organized dialogues (TV-debates between the candidate pairs) for three consecutive nights.

In Malang the competing campaign teams had made an agreement to abstain from smear campaigning. Consequently, the pre-election period ran quietly without much publicity in the local media. The most visible signs of a forthcoming election were KPUD efforts to urge the electorate to go to the polls on Election Day.

The Megawati campaign team was considerably more resourceful than that of SBY. The team was better organized with regard to funds and human resources. They benefited from the cooperation with the Golkar party organization whilst young and inexperienced staff ran the SBY team.

There were some hidden campaigning from both sides with regard to (donations to voters to undertake) frequent medical checkups, garbage collection campaigns and art performances. There were also numerous attempts, mainly on the part of Mega-Hasyim pair, to influence voters through various forms of persuasion and intimidation ranging from coordinated meetings for private companies where 25,000-50,000Rp were distributed along with calls to vote for Mega-Hasyim; to numerous leaflets and adverts implying you are not a good Muslim unless you vote for Mega-Hasyim. Plantation meetings instructed workers to vote for Mega-Hasyim or else they could lose their plantation home and possibly their job.

The media

In Surabaya the LTO team observed the state-owned radio station RRI and TVRI dialogues between representatives from the two candidate pairs and economist lecturers in the panel. The purpose of this way of campaigning was to create forums for the candidates to convince the public of their vision and mission. However, these programs seemed to fail with regard to capturing the attention of the public. Although important issues were raised, such as corruption and the economy of the country, the temperature during these dialogues never reached a point where they could seriously catch the interest of the public. Both campaign teams bought considerable space in the newspapers for advertisements and had frequent TV spots during the three day campaign period.

Voter education and election preparations

Before the second round the two KPUDs in Malang seemed to be well prepared and motivated to keep the turnout at the same high 80 % level as the in the first round. Outdoor campaigning aiming at reaching the public in the malls, open squares and plazas, were aimed at attracting interest of the potential voters, and urged them to vote on Election Day. This outdoor socialization/mobilization campaign included handing out leaflets and brochures.
On several occasions local newspapers interviewed election officials. The initiatives to these public appearances were often taken by KPUD, and were effective voter education activities. KPUD also had voter education programs for election staff at lower levels of the organisation in due time before the elections.

KPU Jakarta had extensive advertisements on nationwide TV stations during the last week before Election Day. They stressed the importance of punching the ballots in a correct way and urged the people to go to the polls on Election Day. The overall impression was that KPU at all levels put much more resources into their voter education efforts before this second round than they did during the first round.

The KPU election preparations were held in a precise and thorough manner this time. All election materials were distributed to lower levels in due time before Election Day. The logistical systems with regard to printing and distribution had improved significantly since the April legislative elections and the KPU staffs seemed to be well prepared and highly motivated for the second round.

Election Day

On Election Day the LTO observed Surabaya and had a team of two STOs to observe in Malang. The following Election Day results reflected the coordination with two additional LTOs in Surabaya, and 1 STO team on the island of Madura, in Banywani and Pasaruan.

Opening and polling

All observers reported that the situation was calm and quiet with no incidents of intimidation or disruption observed. Security agents were present, and there were no campaign activities or materials which could be described as intentional efforts to intimidate or influence the voter’s choice. Moreover, political party- and candidate pair witnesses were present, but few/no representatives from Panwas or domestic observers were present.

Where irregularities were reported such as breaches of secrecy of the vote or missing materials, these were deemed to be of negligent nature rather than fraudulent.

Closure, counting and aggregation of results

The closing, count and aggregation procedures were observed to be conducted in an open and transparent manner without any reports of intimidation or disruption. The whole process went smoothly, and the ability to fill out forms had improved with practice. Political party representatives and at least one candidate pair witness were present at all locations.

An exception to the general trends described above was the case of Madura Island. During all three phases of the election process (legislative and two rounds of Presidential Elections) observers identified numerous instances of a lack of discipline
and respect for election laws, decrees and procedures. These included total lack of regard for official opening procedures (no official record completed, lack of voters lists); lack of concern for use of voter registration lists, little attention paid to inking of fingers, numerous breaches of secrecy of vote, and a total disregard for timing of the close and count. This example reflects the fact that although the overall impression of Election Day procedures is positive, some shortcomings still remain.

Election administration—Panwas and KPU
After a number of meetings with Panwas before and after the second round elections, the overall impression was that the role of Panwas had become unclear and marginal in the second round of Presidential Elections as compared to the previous elections. There were mainly two concerns regarding the position of Panwas: 1) the lack of a clearly defined mandate, and 2) lack of sanctioning power. The complaints filed did not come out with substantial, concrete results. The role of Panwas certainly needs to be discussed for future elections.

The KPU logistics were carried out in an efficient and timely manner in the second round of Presidential Elections. Some measures were taken to reduce the number of invalid ballots, stemming from double punching, and the KPUD (province level) did their utmost to keep the voter turnout at the highest level possible. However, failure to update the voters’ lists and voters without a voter card being allowed to cast their vote, was observed during the second round of the Presidential Elections.

Observers
For this election KIPP (a domestic observer organisation) would not undertake any observation in Malang due to lack of funds. They expressed their disappointment with the situation and said that they had hoped for funds from foreign organisations such as EU and UN. However, they suggested that funds should be allocated directly to the observer organisations and not through KPU.

Contact was made between the LTO team and the chairperson of Research Centre for Conflict and Policy (RCCP), at Brawijaya University. RCCP was accredited by KPUD Malang and actively observed the first round of Presidential Elections, but they did not do any observation the second round.

JAMMPI (another organization involved in election observation) told the LTO that they would deploy their observers for the second round, but no domestic observers were reported to be seen.

In general, it seemed that the domestic observers in Malang were not very active nor enthusiastic in their observation during the Presidential Elections.

In Surabaya the LTO coordinated the observation with Carter Center on the island of Madura and held a meeting with representatives from the New Zealand Embassy in Jakarta who did observation in Surabaya on Election Day.
Presidential Elections, First Round 5 July & Second Round 20 September 2004
East Java Province Results:

<table>
<thead>
<tr>
<th></th>
<th>Wiranto-Wahid</th>
<th>Mega-Hasyim</th>
<th>Rais-</th>
<th>SBY-Kalla</th>
<th>Haz-</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Round</td>
<td>24 %</td>
<td>28 %</td>
<td>9 %</td>
<td>36 %</td>
<td>3 %</td>
</tr>
<tr>
<td>2nd Round</td>
<td>--------</td>
<td>39,8 %</td>
<td>------</td>
<td>60,2 %</td>
<td>------</td>
</tr>
</tbody>
</table>

Analysis of the Results

The electoral contest in East Java was expected to be an interesting one, especially in light of the agreement that Akbar Tungung and the Golkar Party stroke with the Mega-Hasyim candidate pair to support them. But this was an agreement at national level that did not quite penetrate down to the grassroots levels of the Golkar Party. At the provincial level, statements made by the Nationhood Coalition (Golkar, PPP, Christian Party and PDI-P) dismissed any notion of internal splits and stated that all Golkar support was behind Mega-Hasyim.

At levels below the national and the provincial level, people felt differently and there were many speculations as to where the votes cast for Wiranto-Wahid would be channelled in the second round. Although there were some discussion around the issue of the fact that Gus Dur, and indeed the PKB voters, were expected to support the SBY candidature, the seemingly most important question in East Java at the time, was where the NU votes would go. However signals indicated that the ‘ordinary people’ were inclined to keep religion and politics separate and made their choices irrespective of recommendations from their religious leaders. Actually, in some areas, religious leaders lost respect for allowing themselves to be drawn into the political bargaining process and attempting to persuade the electorate.

Once again the voters of Indonesia showed that they were able to make their own independent decisions and to participate in the 2004 Presidential Elections in a peaceful manner.

October 2004