

A Study Visit Report of General Election Commission (Komisi Pemilihan Umum, KPU) of Republic of Indonesia

14-23, January, 2016

Submitted to: Election Commission of Nepal

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1. Background of the study

- As Nepal promulgated the new constitution on 20th September 2015 opting the federal democratic system of governance. In order to prepare for the free, fair and credible election management in the future, Election Commission of Nepal felt the necessity for reviewing existing Legal, Organizational, Operational, and Technological aspects in the new context. Exposure of some international best practices, regarding election management of federal systems seemed to be desirable. For this purpose Election Commission of Nepal nominated a three member delegation team lead by Joint Secretary Mr. Maniram Ojha to study on election related issues in Indonesia from 14-23, January, 2016. Being the unitary system of the government, Indonesia has also been exercising and practicing form of provincial system as well. The team was also advised to be focused on Constitutional provisions relating to election, organizational, financial aspects as well as voter registration, election operation mechanism and election management in Provincial and Local level in Indonesia.

2. Significance of the Study

- Regular, free and fair elections constitute the heart of Democracy. Elections decide Presidency, Vice-Presidency, composition of Government, membership of Parliament and state legislatures. The significance of this study lies on the fact that it may be helpful in credible election management of federal, Provincial and local level in the near future through legal, structural, organizational, technological and other operational reforms. The significance of this study are as follows:
- To learn about constitutional, legal, organizational, managerial and technology aspects of Indonesian election system.
- To study about the voter Registration, Voter Education and other electoral systems in Indonesia and examine whether they are applicable in Nepalese context or not.
- To learn from their best practices in free, fair and credible election management, getting some international exposures.
- To know about the organizational set up of KPU in Provincial as well as Local level.

3. Objectives

The general objectives of the study is to learn about the legal, physical, financial, human resources, organizational and procedural aspects of the KPU so as to re-engineer, design, setup and operate the different organizational aspects and procedures of the Election Commission of Nepal.

The specific objectives includes as follows:

- To learn about the legal provisions for performing assigned responsibilities in federal, provincial and local levels.
- To learn about the physical and organizational setup of the EMBs in federal provincial and local levels.
- To learn about the allocation of the resources (financial, human and other) in federal, provincial and local levels.
- To learn about the models, extent of decentralization, flow of authority and responsibility in federal, provincial and local levels.
- To learn about the chain of command, span of control, channels and procedures of operation (decision making, supervision, monitoring and reporting) in federal, provincial and local levels.

4. Members of the delegation

The Election Commission, Nepal (ECN) was nominated three members delegation team to sent Indonesia for study visit of Indonesian election system.

The team members were as follows:

Mr. Maniram Ojha, Joint Secretary, ECN

Ms. Namrata Chudal, Section Officer, ECN.

Mr.Mahesh Kumar Thakur, District Election Officer, DEO, Saptari

Indonesia in brief



Capital and largest city:	Jakarta, 6°10.5'S, 06°49.7'E
Official languages:	Indonesian
Officially recognised Religions:	Islam Protestantism Catholicism Hinduism Buddhism Confucianism
Demonym:	Indonesian
Government:	Unitary presidential constitutional republic
<ul style="list-style-type: none">• President:• Vice-President:	Joko Widodo Jusuf Kalla
Legislature:	People's Consultative Assembly
<ul style="list-style-type: none">• Upper house:• Lower house:	Regional Representative Council People's Representative Council
Formation	
<ul style="list-style-type: none">• Dutch East India Company:	20 March 1602

- Netherlands Indies: 1 January 1800
- Japanese occupation: 9 March 1942
- Declared Independence: 17 August 1945
- United States of Indonesia: 27 December 1949
- Federation dissolved: 17 August 1950
- New Order: 12 March 1967
- Reformation: 21 May 1998

Area

- Land: 1,904,569 km² (15th)
735,358 sq mi
- Water (%): 4.85

Population

- 2015 estimate: 255,461,700
- 2010 census: 237,424,363 (4th)
- Density: 124.66/km² 322.87/sq mi (84th)

GDP (PPP)

- Total 2015 estimate \$2.840 trillion (8th)

Political Map of Indonesia



5. Observation

Day 1, 18 Jan 2016

We visited Bogor district election commission (Komisi Pemilihan Umum (KPU) Kota Bogor. This is one of the nearest district from Jakarta. The KPU consists five commissioners as follow;

1. Mr. Undone Suryatna, Chief Commissioner
2. Mr. Bambang Wahyu, Commissioner
3. Mr. Edi Kholki Zaelani, Commissioner
4. Mr. Samsudin S. Hut, Commissioner
5. Ms. Siti Natawati, Commissioner
6. Around 25 staff of KPU Bogor

Day 2, 19 Jan 2016

We visited to General Election Commission, KPU, and we met two commissioners Mr. Ferry Kurnia Rizkiyansyah and Mr. Hadar Nafis Gumay on 19 January 2016 at the Commission's Head Office.

Similarly we had separate meeting with inter organizational division chief Mrs. Dian Hepiransnidasari and Election Education Centre chief Mrs. Titik Wahyu Prihatinings In KPU Head Office as well.

Day 3, 20 Jan 2016

We had visited to Banten Provincial Election Commission (Komisi Pemilihan Umum (KPU) . This is one of the nearest provinces from Jakarta. The Banten KPU consists five commissioners as follows;

Chief Commissioner Mr. Agus Supriyatna

Commissioner Mr.Syaful Bahri

Commissioner Mr.Agus Supadmo

Commissioner Mr. Ir. Didih

Commissioner Ms. Enan Nadia

After that we visited Serang Regency KPU and Anyer sub-district KPU of Banten Province and discussed with Chief Commissioner, Commissioners and officials about election related matters.

Day 4, 21 Jan 2016

We had visited to West Java Provincial Election Commission (Komisi Pemilihan Umum (KPU) Bandung . This is one of the historical city famous for NAM . The Bandung KPU consists five commissioners as follow;

Chief Commissioner Mr. Yayat Hidayat

Commissioner Mrs. Nina Yuningsih

Commissioner Mr. Endun Abdu

Commissioner Mr. Ferdhiman

Commissioner Mr. Ogus Rustandi

For the forgoing meeting with different commissions and Authorities/Commissioners we have found the following information;

5.1. Composition of Election Commission of Indonesia (KPU)

a. The General Election Commission of Indonesia (KPU)

There are seven national commissioners in the KPU. The KPU's chairman is Husni Kamil Manik who served for nine years as a commissioner in west Java Provincial KPU. Other commissioners with experience as Provincial KPU are Ida Budhiati from Central Java, Ferry Kurnia Rizkiyansyah from west Java, Arif Budiman from east Java and Juri Ardiantoro from Dki Jakarta. The other two commissioners are Sigit Pamungkas, a lecturer; from Gadjah Mada University (UGM), and Hadar Nafis Gumay, and election activist who previously headed a NGO center for electoral reform. The KPU heads 34 provincial KPUs, more than 500 regency/municipal KPUs and adhoc election committees at the sub districts, village / wards, and polling station level.

To organize a national election, seven central KPU commissioners are supported by the KPU general secretariat. Unlike the 7 KPU commissioners, who have different backgrounds and are rigorously selected by the selection team, and undergo a fit and proper test by the People's House of Representatives (Dewan Perwakilan Rakyat, DPR), the general secretariat staff are civil servants. As there is no any election in this year, the KPU Commissioners in this period make election management policy, designed to uphold transparency and accountability and embrace minority groups. This policy is reflected in every regulation and implementation of stages of election.

b. Election Commission of Indonesia (KPU) in Province

There are 34 Provinces in Indonesia and each Province has one election commission. There are five commissioners in each KPU including one chief commissioner. They represent from different political parties having different backgrounds and should have graduate level education and be at least 30 years old. The tenure of commissioner is five years. He or she shall be reappointed for another period.

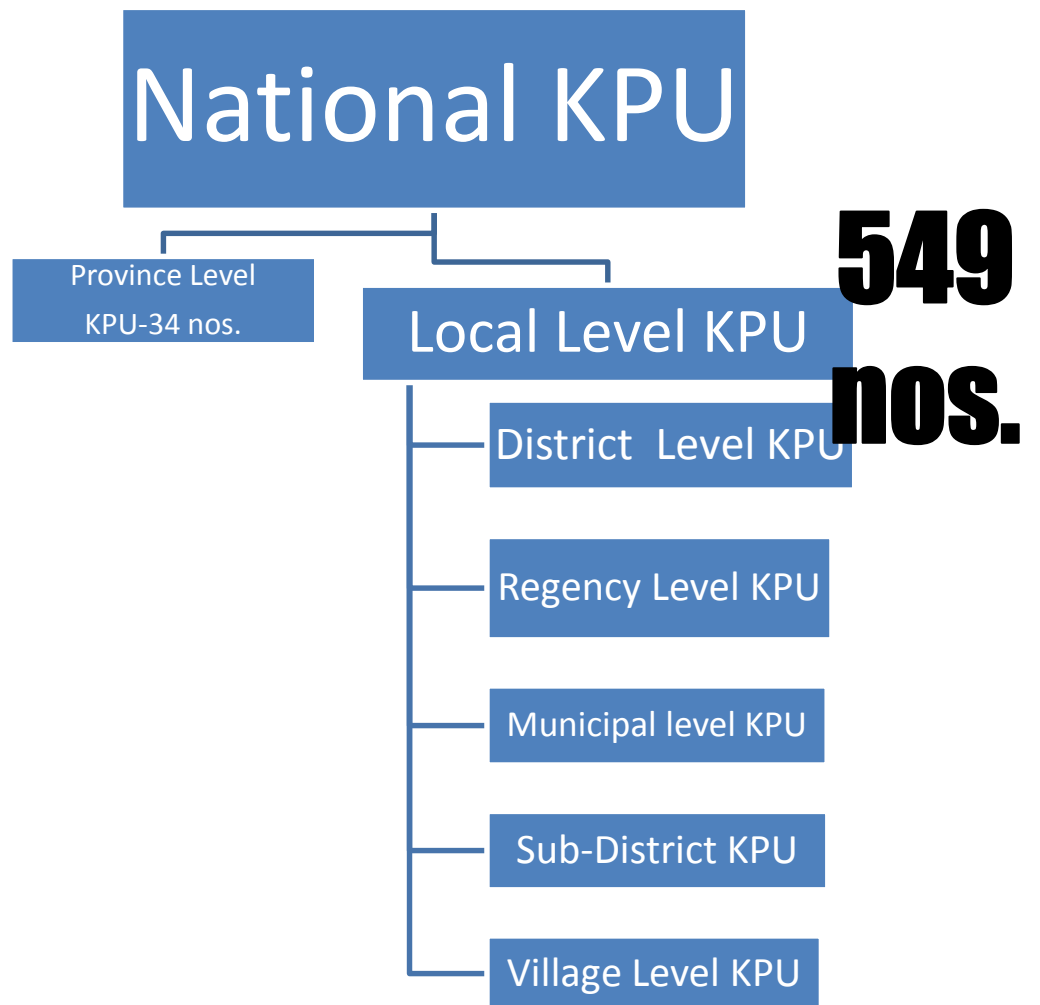
c. Election Commission of Indonesia (KPU) in Local Level.

There are more than 500 regency, municipal, district and village level election commissions which are known as local level election commission in Indonesia. Each commission consists five members of commissioners in each KPU including one chief commissioner. They represent from different political parties having different backgrounds and should have senior high school level education. Similarly, he or she should be voter of the same community and complete the 30 years of age. They should be selected by the selection team, and undergo a fit and proper test. The tenure of commissioner is five years and he or she shall be reappointed for another period. Necessary staffs for KPU are managed by the government from civil service, and at the moment each KPU has around 25 personnel.

KPU Bogor conducts the election procedure for Bogor district and municipality. The Bogor district has 667000 voters and 2014 Polling Stations. For Parliamentary election purpose each polling station should not reach 500 voters while the voter number has set up to 800 for local election. If the number of voter exceeds the limit then one polling station shall be added.

Polling stations are determined by local KPU for all elections and updates voter list on the basis of national identity card in coordination with the concerned authority.

Structure of the KPU



5.2. Duties and responsibilities of KPU

- To update voter list.
- To declare the date of election.
- To regulate and monitor political parties and their activities.
- To conduct free, fair and credible election at different level.

5.3. Polling stations:-

- Polling stations are determined by local level KPUs for all level of elections. Generally the number of polling stations shall be as follows:-
- 500 voters for one polling station for national level election.
- 800 voters for one polling station for provincial and local level election.
- If the number of voter exceeds the limit, one polling station shall be added.
- For national level election, the KPU shall manage the polling stations abroad (in embassy) but for the provincial and local elections no such provisions of polling stations are there in abroad.
- All polling stations are disable friendly.

5.4. Voter Registration and Voter Education Systems

- There is no biometric voter registration system in Indonesia like in Nepal.
- KPU updates voter list on the basis of national identity card in coordination with concerned authority.

- To be a potential voter, he/she shall be 17 years of age or shall be married.
- Abroad voter registration is in practice only for national level election but not for provincial and local elections.
- Nearly 190 million voters participated in last national level election.
- Voter education in Indonesia is provided for newly registered voters only during electoral campaign which is generally of 8 months duration.

5.5. Candidacy:

- A person shall be a candidate from any province for national level election. But his / her candidacy should be limited within the same province for provincial election and within the same district / regency / municipality/ villages for local elections.
- One person can be a candidate for only one constituency.
- The minimum age limit for potential candidate shall be 23 years for all level elections.

5.6. Vote Casting System:

- In every constituency, in FPTP system, there are four ballot papers.
- One for Senate election.
- One for the House of Representatives election.
- One for Province level legislative.
- One for the local level.
- For President, vice-president and governor elections, the name and picture of candidates as well as the name of concerned political parties shall be mentioned in the ballot paper. While in case of House of Representatives election only names of political parties and their candidates names are clearly mentioned in ballot papers.

- Voters can cast vote to their favorite political parties / candidates by making a hole given in the specific place on the ballot paper.
- House of Representatives, Senate, Provincial and local level election shall be conducted at the same day all over the country. Governor election shall conduct in accordance with the provincial situation. But it is not necessary to have a governors election at the same day of all provinces.
- In the case of management of ballot papers. It is quite different practice in Indonesia compare to Nepal. Local level KPUs are authorized to manage ballot papers regarding local level elections while the ballot papers relating to President and Vice- President as well as Parliamentary election are managed by the national KPU.
- Vote casting time in Indonesia is always fixed. It starts by 7:00 in the morning and shall be closed by 1:00 PM.
- Electronic Voting Machines are not used in Indonesia yet.

5.7. Vote Counting System

- For all level elections vote counting is conducted in polling stations transparently.
- After polling station is closed at 1 PM, poll workers open each ballot box contained inside while attending community watches. The result of each vote is read; whether it is valid or not and to which candidate/ political party the vote goes.
- To guard the parity of votes in every polling station and anticipate potential fraud by poll workers, the KPU publishes the votes won by every candidate and political party in each polling station on KPU website. Therefore, citizens can control the vote counting result in polling stations across Indonesia by checking the KPU website.
- **Voter Turnout** The voter turnout of the 2014 Legislative Election was 75%. This is a high turnout compared to 2009 which was less than 71%.

- **Tabulation process of Vote Counting Result** The tabulation process is conducted hierarchically in all administrative levels starting from village / ward , sub district, regency/ municipality, province, all the way to the national level at the KPU main headquarters. The process is conducted transparently and openly, attended by supervisors, observers, party / candidate, agents and community leaders.

5.8. Election Management Bodies (EMBs)

Indonesia has three EMBs with different functions. The General Election Commission (KPU) is responsible for electoral conduct; the Election Oversight Body (Bawaslu) is responsible for supervising electoral conduct and being the first gateway and adjudicator of electoral disputes; while the Honorary Council of EMBs (DKPP), also called the EMB Ethics Council, resolves allegation of ethical violation conducted by either the KPU or Bawaslu.

5.9. The Election Oversight Body (Bawaslu)

Bawaslu is a national oversight body functioning as gateway to handle administrative and criminal electoral in Indonesia. Bawaslu has 5 commissioners at present. They are:

- (1) Muhammad: - chief of Bawaslu
- (2) Nasrullah
- (3) Endang wihdatiningtyas
- (4) Daniel Zuchron
- (5) Nelson Simanjuntak

Bawaslu has the power to decide on electoral disputes, except disputes on political party resolution and disputes on fixed candidates list for the legislative elections. With legal authority in the 2014 elections Bawaslu has judicial power. Every dispute filed to Bawaslu shall be mediated. If mediation does not reach agreement, Bawaslu will conduct an adjudication hearing to resolve the dispute.

5.10. The Honorary Council of Election Management Bodies, EMBs (DKPP):-

The main task of DKPP is to resolve allegations of ethical code violations against EMB commissioners or their subordinates.

The DKPP consists of 7 members and is chaired by Jimly Asshiddiqie, the former chief justice of the Constitutional Court.

5.11. Electoral Dispute Resolution (EDR):-

Political parties participating in the legislative elections and individual candidates participating in the DPD race can submit complaints and protests regarding the elections results to the Constitutional Court.

5.12. Political parties:-

Political parties in Indonesia should have to be registered in national level KPU. Twelve national political parties competed in the 2014 Elections, with the addition of three local political parties who competed only in the Aceh province. These 15 parties are validated as election participants in the 2014 Elections after going through a rigorous administrative and factual verification conducted by the KPU. The KPU declared only 10 national parties as successful registrants after the verification process, but an appeal made through the administrative court declared another two parties eligible to participate in the 2014 Elections. The 12 national parties are as follows:

1. National Democrat party (Nas dem)
2. National Awakening party (PKB)
3. Prosperous justice party (PKS)
4. Indonesian Democratic party in Struggle (PDI-P): The ruling party
5. Functional Group Party (Golkar): First runner party
6. Great Indonesia Movement Party (Gerindra): Second Runner party.
7. Democrat party (PD)
8. National Mandate Party (PAN)
9. United Development Party (PPP)

10. Peoples Conscience Party (Hanura)
11. Crescent star Party (PBB).
12. Indonesia's Unity and Justice Party (PKPI)

While the three local parties in Aceh province are as follows:

1. Aceh peace party
2. Aceh National party
3. Aceh Party

The number of political parties participating in the 2014 Legislative Elections is much smaller than in previous elections. 48, 24, and 38 political parties participated in the 1999, 2004, and 2009 Elections, respectively and six local parties in Aceh in 2014 election.

Threshold:

To become national political party in Indonesia, the party should have to obtain minimum 3.5% of total valid votes in last parliamentary election. Similarly, each political party should have their provincial level party offices .Moreover; the party has to establish party office which covers 75% of local level bodies. Furthermore, each party office have to show at least either 1000 supporters or one-fourth of the population of the local community.

5.13. Political Finance:

About political finance, Indonesia has quite different experience in compare to Nepal. Each political party shall get some sum of amount in accordance with their obtained seats in the parliament. As we have informed during the discussion and interaction by officials, there are some subsidy ang grants provision for political party as well.

5.14. Independency and Autonomy of KPU:

As KPU is constituted by the constitution, the KPU has the constitutional status. All functions regarding election even declaration of the date of election, the KPU is independent. The KPU also performs all election matters from central to local level

without any obstruction of any authority or agency. In this regards the KPU has authority to hire or recruit to anybody as personnel for conducting the election. For this purpose the KPU starts the procedure to recruit or hire the expected personnel about 8 months before the election date.

There is a similarity in budgetary and financial system between Nepal and Indonesia. The KPU has to propose own annual budget to the parliament through Ministry of Finance. We have been informed by officials during the discussion the KPU has never felt budget constraints for conducting election.

5.15. Gender Inclusion:

There is no any provision regarding inclusiveness of any area in Indonesia ensured by law .But one-third of women are ensured only for candidacy.

5.16. Information Technology (IT) used in the 2014 General Elections in Indonesia:

The 2014 General Elections were assisted by IT at all of its stages .The result was a more transparent, participatory, efficient, and effective election.

- Voter Data Information System updates the voter data and detected problematic records in the voter list.
- Political Party Information System eases party registration and smoothes the political party verification process.
- Logistic Information System improves the efficiency of the election's logistical procurement and distribution.
- Voter Counting Recapitulation System triggered citizen's enthusiasm to guard their votes by uploading vote counting and recapitulation forms in every level.
- Electoral District Information System provides offline service to form and delineate the electoral districts in order to clarify the delineation for all stakeholders.
- Candidates Information System provides offline service to legislative candidate nominees.

6. Conclusion:

We learnt lesson from Indonesia :

(1) There should have threshold provision for political parties

- In terms of received vote.
- In terms of extension of political parties' offices.

(2) There should have legal provisions for political finance.

(3) As Indonesia is exercising provincial system but it is not federal system at all.

7. Annexes

Some photographs of study visit are as follows:



1.KPU Bogor team introducing with Nepalese team.



2.
From left: Commissioner Mr. Samsudin S. Hut, Mr. Maniram Ojha, Commissioner Ms. Siti Natawati, Chief Commissioner Mr. Undone Suryatna, Mr.M. K. Thakur, Ms.Namrata Chudal and Ms.Dian at KPU Bogor.



3. Nepalese team interacting with commissioners at national KPU office.



4. Nepalese team in KPU Bogor office.



5. Nepalese team interacting with commissioners at national KPU office.



6. Nepalese team leader joint secretary Mr.Maniram Ojha presenting gift to honorable commissioner at National KPU office.



7. From left:Commissioner Mr. Ferry Kurniya Rizkiyansyah, Ms.Dian, Ms.Namrata Chudal, Mr.M. K. Thakur, Mr.Maniram Ojha, Commissioner Mr.Hadar Nafis Gumay at national KPU Jakarta.



8. Nepalese team at Election Education Section at national KPU Jakarta.



9.Nepalese team at Provincial KPU Banten.



10.Nepalese team with commissioners at Banten KPU office.



11.Nepalese team leader joint secretary Mr.Maniram Ojha withchief commissioner Anyer sub-district KPU .



12. Joint secretary Mr. Maniram Ojha with chief commissioner Mr. Yayat Hidayat, commissioner and team members at West Java KPU office, Bandung.



13. Nepalese team interacting with commissioners and officials at Bandung KPU office.



14.Nepalese team at Governor's office Bandung.



15.Nepalese team leader joint secretary Mr.Maniram Ojha presenting gift to honorable chief commissioner at Bandung KPU office.



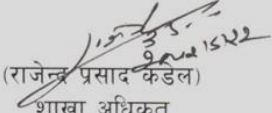


16. Nepalese team with chief commissioner and commissioners at West Java KPU Bandung.



17. sample of ballot paper

18. Nomination letter

 	
निर्वाचन आयोग, नेपाल ELECTION COMMISSION, NEPAL	
प.सं. च.नं./Ref:	मिति :
(१-१-११ क.प्र) ०७२७३/२१६	२०७२/९/२२
विषय : <u>मनोनयन सम्बन्धमा</u> ।	
सहसचिव (कानून) श्री मणिराम ओझा, निर्वाचन आयोग, नेपाल, शाखा अधिकृत श्री नम्रता चुडाल, निर्वाचन आयोग, नेपाल, जिल्ला निर्वाचन अधिकारी श्री महेश कुमार ठाकुर, जिल्ला निर्वाचन कार्यालय, सप्तरी ।	
१६-२२ जनवरी, २०१६ मा General Elections Commission of the Republic of Indonesia को अध्ययन भ्रमणका लागि तपाईंको मनोनयन भएको व्यहोरा यस आयोगको मिति २०७२/९/२२ को निर्णयानुसार अनुरोध छ ।	
सादर अवगतार्थ : माननीय कार्यवाहक प्रमुख निर्वाचन आयुक्तज्यू, माननीय निर्वाचन आयुक्तज्यू, श्रीमान् सचिवज्यू, निर्वाचन आयोग, नेपाल, कान्तिपथ, काठमाडौं ।	
बोधार्थ : श्री आर्थिक प्रशासन शाखा, श्री अध्ययन, अनुसन्धान तथा वैदेशिक सम्बन्धशाखा, निर्वाचन आयोग । UNDP/ESP, चाकुपाट, ललितपुर ।	
 (राजेन्द्र प्रसाद केडेल) शाखा अधिकृत	
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कान्तिपथ, काठमाडौं, नेपाल, फोन नं. (९७७-१) ४२२८६६३ । फ्याक्स: (९७७-१) ४२२९२२७ Kantipath, Kathmandu, Nepal, Tel: (977-1) 4228663, Fax: (977-1) 4229227 E-Mail. info@election.gov.np, Website: www.election.gov.np "फोटो सहितको मतदाता नामावलीमा नाम दर्ता गरौं ।"	