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Some Principles of the New Election System
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PRIOR to the upcoming parliamentary elections, due on 7 June 1999, we are now experiencing party campaigns and rallies. Later in this year, the People's Consultative Assembly (MPR) will choose Indonesia's next president and vice president. Political negotiation: BJ Habibie set time for November; PAN-PKB-PDIP wanted in September at the latest.

My presentation this afternoon will focus on three main issues: (1) some important provisions in the new legal framework for elections; (2) the election system.

THE NEW POLITICAL LAWS

Pursuant to the demand of *reformasi* and in order to achieve a transition to genuine democracy, we Indonesians are to establish a new governmental structure and elect a new government with popular legitimacy. This means that a new membership of MPR, as the highest political institution of the country, must be established. To do that, elections must be held. In Indonesian political system, elections are held simultaneously for members of DPRD-II at district (regency or municipality) level, DPRD-I at provincial level, DPR and MPR at national level. It is MPR that will elect both the president and the vice president of our republic.

Unlike in the previous elections where MPR consisted of 1,000 members, the new framework of Indonesian political system assigns 700 members of MPR:

- 38 seats of DPR are assigned for the Armed Forces (reserved or free seats)
- 462 elected DPR members; the new election system embodies the idea that election is 'translating votes and territories into seats.' It means that parliamentary seats represent certain amount of popular votes (e.g. Java's provinces) or territories (e.g. 800,000 East Timorese residing in 13 provinces are represented by 4 DPR members) – FF: element of property ownership?
- 135 representatives of Provincial DPRD (27 provinces, 5 reps per province)--called Regional Delegates; Note that 10% of the Provincial DPRD seat is reserved for the Armed Forces
- 65 representatives of several functional groups (under 9 categories, including religious leaders, intellectuals, artists, cooperatives, labor unions)--called Delegates of Functional Groups; They are appointed by the incumbent president
- Thus, only 597 (or 462 + 135) members of MPR are elected.

The 700-member MPR will choose the president and vice president according a simple majority principle (the 1945 Constitution provides "*Presiden dan Wakil Presiden dipilih oleh MPR dengan suara terbanyak.*"). It could mean that a-351 vote is needed to win the presidential election. The implication is that, a political party (or presidential candidate) has to secure 75.97 % of 462-elected seat of DPR (351/462) OR 58.79 % of 597-elected seat of MPR (351/597).

With the proliferation of political parties where no single party is likely to garner a majority vote (or turnout) in the June 7th elections, a political coalition (of 2-3 parties) is needed to

secure the presidential election. This will become an interesting political maneuvering in the aftermath of the elections day. However, as there are no rules about how that 'majority rule' is to be ascertained in the event that there are several candidates with significant (and polarized) support, the process of selecting a president could lead to further political tensions. A possible gridlock could also occur, considering that each candidate might become a dark horse.

ELECTION SYSTEM

Law No. 3 of 1999 serves as the basic legal framework for the June 7th parliamentary elections. The law appears to be the outcome of last-minute political compromises that resulted in a unique and hybrid election law. The law provides that "*Pemilihan umum berdasarkan sistem proporsional dengan stelsel daftar.*"

The law adopts proportional representation by province with some elements of district system --i.e.: province is the electoral boundary or district. The law provides for elections for the People's Representatives Council (DPR) by proportional representation by province. This is an elections system with party lists of candidate. However, rather than assigning individual seats based on priorities stated in party lists, as in the previous elections, the law specifies that the actual winning candidates depend on how the parties performed well at the district (regency or municipality) level. Elected candidates are those assigned to districts where party performed best. Best performance is defined as the best percentage of returns, not the highest vote totals. Note that this is a single-member district system.

Ballot papers will only show party names and symbols, with candidates assigned to districts (regencies or municipalities) are announced in advance --see KPU official newspaper on list of candidates (more than 13,000 candidates from 48 political parties). This means, you punch (or make a whole on) at a party symbol on the ballot with an assumption that you know and agree with a candidate of that party.

VOTING RIGHTS

Citizen of the Republic of Indonesia, 17 years old or married prior to polling day are eligible to vote if s/he is a registered elector.

Ineligibility to register: A citizen to be eligible to register must not

- suffer from mental disorder
- serve a prison sentence or be sentenced for a criminal act for five years or above
- be deprived from her/his voting right by a decision of Court of Justice (to be confirmed to the KPU by the Minister of Justice)

If, after being registered, a citizen meets one or all of the requirements above, s/he becomes ineligible to vote.

As before, members of Armed Forces are not allowed to vote. But, unlike in previous elections, former members of the banned Indonesian Communist Party and their off springs are now eligible to vote.

From 209,389,000 of the country's population, there are approximately 120-million voters. They will vote in approximately 320,000 polling stations around the country. The casting out, counting, and tabulation of votes, as well as the verification of election results will be monitored by independent groups (290,000 are ready to monitor).