

# Indonesia: a long-established system for external voting at diplomatic missions

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In 2004 Indonesians participated in a historic series of elections, in April in what are widely regarded as the most democratic elections for legislatures held since the 1955 Sukarno-era elections, and in July and September for the first direct elections for the presidency. Between 200,000 and 250,000 voters (c. 0.2 per cent of total voter turnout) voted outside Indonesia at these elections. Voting outside Indonesia for national parliamentary bodies has been a constant feature of Indonesian elections since the first post-independence direct popular election—that for the national People’s Representative Council in September 1955.

Concern to preserve the voting rights of a large external population of immigrant workers and students, mostly resident abroad for a relatively short period, had led to external voting provisions being included in the 1953 Election Law. External voting was managed by the Ministry of Foreign Affairs. Indonesians who met the qualifications to vote but were overseas and living in a city where Indonesia had diplomatic representation could register to vote for the national legislative body at the relevant embassy. They were registered to vote for the electoral district in which the Ministry of Foreign Affairs headquarters was located—the province of Jakarta. Overseas voting committees (PPLNs) were formed at each Indonesian diplomatic mission by the ambassador to manage electoral registration, voting and the counting of ballot papers.

Similar arrangements continued under the 1969 Election Law, which governed the six Suharto-era ‘elections’ for the national People’s Representative Council (DPR) held between 1971 and 1997. The first post-Suharto era election, in 1999, also continued these arrangements, although PPLNs made up of party representatives now replaced the bureaucrats of the ministries of home affairs and foreign affairs of the Suharto era. External electors could still vote only for the DPR, and their votes continued to be added to votes for the province of Jakarta.

Constitutional changes between 1999 and 2002 significantly altered the structure of the organs of the Indonesian state. They resulted in a significant overhaul of electoral management—the setting up of an independent National Election Commission (KPU), and the adoption in 2002 and 2003 of new electoral laws. Elections for the DPR and

regional representative councils (DPRDs) were now to be held using an open list proportional representation (PR) system. The system adopted requires that voters must vote for their preferred political party and may also vote for their preferred candidate from that party's candidate list for the relevant electoral district. (Previously, a closed List PR system, in which only party names/symbols appeared on the ballot papers, was used.) The KPU also now had to divide each council's area into electoral districts, each returning between three and 12 representatives. Previously, elections for the DPR had been based on the provinces as electoral districts, and elections for DPRDs were held 'at large' within each council's area. A new second chamber of the national parliament, the Regional Representatives Council (DPD), was to be elected by a Single Non-Transferable Vote (SNTV) system, using each province as an electoral district. All these elections were to be held on the same day. Subsequent presidential elections were to be held using a Two-Round election system.

The complexity of the new electoral arrangements made any significant changes to the external voting arrangements difficult. The vastly increased number of electoral districts provided even greater administrative difficulties in providing external voting facilities for elections to provincial and local representative councils. (For elections prior to 2004, electoral districts for the DPR and provincial DPRDs were equal to the number of provinces (27 in 1999), and for local DPRDs equal to the number of regencies/municipalities (*c.* 260 in 1999). For the 2004 elections there were 69 electoral districts for the DPR, 32 for the DPD, 211 for the provincial DPRDs and 1,745 for local DPRDs.) The relevant electoral laws (Law no. 12 of 2003 on Elections, and Law no. 23 of 2003 on the Election of the President and Vice-President) stated that external electors could vote only in elections for the DPR and the presidency.

The increase in the number of national electoral districts and the introduction of an open list voting system was also decisive in restricting change to the framework for external voting for DPR elections. It was argued, successfully, that it was not possible for external voting stations to cope with administrative materials for the 69 national electoral districts, and that neither the political parties nor the electoral administrators had the capacity to provide information at all external voting locations about the candidates standing on party lists in all these districts. To simplify the administration, the KPU determined that for the 2004 elections votes cast by external voters would continue to be amalgamated with votes cast in the Jakarta province. However, the Jakarta province was now split into two electoral districts for the DPR elections. Arguments were made for continuing the historical arrangement whereby all external votes were amalgamated into the votes for the electoral district where the headquarters of the Ministry of Foreign Affairs is located, but this was not accepted. Instead, external votes were divided into what the KPU believed would be relatively equal shares. Votes for the DPR from external voters in Malaysia and Singapore were amalgamated with votes for one Jakarta electoral district, and votes from external voters at all other locations were amalgamated with votes for the second Jakarta district.

The administrative arrangements for external voting for the 2004 elections were therefore similar to those for previous elections. The process was managed by the KPU, in coordination with the Ministry of Foreign Affairs. External voting facilities were located at Indonesian diplomatic missions and managed at each location by an

independent PPLN, appointed by the KPU. Election supervisory committees (Panwas) were also established at each external voting location. Panwas are a uniquely Indonesian institution, formed at each election administration site. They are responsible to the KPU and charged with supervising the election processes, handling complaints, resolving disputes that do not involve a breach of the law, and reporting on alleged breaches of the law to the relevant authority.

Indonesians overseas who met the normal qualifications to vote were able to register at the Indonesian diplomatic mission in the city in which they were resident. PPLNs at each mission were responsible for registering them: registration could be done in person, by email or by post. Electors registering overseas were not included in the population counts used to determine the number of seats in the DPR allocated to the Jakarta province, or to the districts within the province. A single electoral register was constructed for each mission, later to be broken down into lists to be used at each polling station within the mission. (The electoral law sets a maximum of 300 electors per polling station.)

Voting in person at diplomatic missions was held simultaneously with voting in Indonesia. Observers, party agents and Panwas members had the same rights to observe the election processes at external voting locations as their counterparts in Indonesia. For the 2004 elections external voters could also apply to lodge postal votes, which had to be received by the relevant mission within ten days of election day. Votes lodged in person and by post at external voting locations were counted at that location and the results faxed or emailed to the KPU's headquarters in Jakarta.

For the three elections in 2004, between 405,000 and 460,000 persons registered as external electors, of an estimated 2 million Indonesians overseas. External voter turnout at these elections, at between 55 per cent and 60 per cent, was significantly lower than turnout within Indonesia.

Funding requirements for external voting are specifically recognized in the KPU's budget. For example, in its budget proposals for the 2004 elections, the KPU sought parliamentary approval for allocations of over 57.5 billion Indonesian rupiah (IDR—c. 6 million US dollars (USD), or 13 USD per registered external voter) for the costs of administering external voting for the April 2004 legislative elections. This did not include the costs of voter information, the printing of ballot papers, and central administration for external voting. Actual costs are not known.

During the period in which new election laws were being developed for the 2004 elections there was some discussion, initiated by civil society organizations, as to whether external electors could also be eligible to vote in elections other than those for the DPR and the presidency, but such proposals were not strongly argued or seriously considered. The administration of external voting for around 2,050 national, provincial and local government electoral districts was deemed too difficult. It was also argued that, while external voters may maintain a connection to Indonesia's national affairs, this could not be said to be true of the affairs of a particular province or local government area. Since the 2004 elections, there has been no further public discussion about altering the current external voting arrangements.