ELECTORAL REFORM AND LOCAL POLITICS IN INDONESIA: PROSPECT FOR CHANGES

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ABSTRACT


Key words: politik pemilihan, reformasi sistem Pemilu, demokratisasi/lokal.

PENGANTAR

A landmark of political reform was carried out in 11 August 2002 when a plenary session in the MPR (People’s Consultative Assembly) approved the fourth amendment to the 1945 constitution of Indonesia. This fourth amendment concludes a series of amendments initiated by the MPR session in late 1998 after the fall of Suharto from his long administration. The MPR accepted that following the 2004 General Election there shall be only elected members of the MPR, which will consist of members of the parliament (DPR) and the members of Dewan Perwakilan Daerah (DPD), the regional representative council. In other words, there will be no more members of parliament nominated by the military nor will there be non-elected representatives of special interest groups.

The other significant change with the amendment of 1945 constitution is that the President and the Vice President, in one package, will be directly elected by the people (Article 62). Prior to the amendment, the Indonesian presidents have been elected through a “representation...
democracy" in which he or she was appointed by the MPR. Certainly, the constitution amendment will drastically change the process of general elections in Indonesia. By MPR decree, a Constitutional Commission will be established to re-evaluate the constitutional changes done so far and to harmonise the stipulations of the constitution. For the general elections, a permanent and independent Commission of General Elections (KPU, Komisi Pemilihan Umum) is assigned to undertake the tasks.

BASIC CONSIDERATION IN ELECTORAL SYSTEMS

In a democratic political system, elections constitute the contests for the highest stakes in national politics as they confer both control over the government and legitimacy. Needless to say, control and legitimacy can only be acquired through free and fair elections. The principle of free and fair elections is so important that "those who seek to hold the power always prefer electoral victory to other means of obtaining power" (Lim, 1997:4). It also explains why those who have obtained power by other means almost invariably promise to hold free elections and why those who are determined to sustain their power by any means usually try to manipulate the electoral system or deceive the process before completely blow away the elections.

Electoral system refers to certain rules pertaining to the nature and conduct of elections. It also refers to a set of methods and means by which the people vote for their representatives (Lijphart, 1995). These rules bring about national political significance because of their effects upon the overall politics and the democratization process in a particular country. Rae (1971:133) succinctly describes that there are two kinds of effects, namely the "proximal" and "distal" effects. Proximal effects are those which "operate at the conclusion of any single election" while distal effects "occur over the course of several elections and follow from the proximal effects". Electoral system results in certain conclusion that would impact on the struggle for representation and power of the electoral contestants. Subsequently, electoral system also exerts a powerful influence on the contestants' behaviour and strategies and thereby produces longer-term effects on the nature of national politics.

A set of rules in electoral system generally comprises of three subsequent rules. First are the rules on franchise or the rules that determine who can and who cannot vote in elections. Next are the rules on the delination of electoral constituencies or those subdivisions of the total electorate that send one or a fixed number of representatives to the legislature. The second rules are
inextricably tied up with the third rules, those which related to the method of election or the decision formula to be used for determining the victorious candidate in each constituency. With regard to the first rules, although it is crucial in some countries, it is not the case for Indonesia. It is stipulated in the law that the right to vote is given to all Indonesian citizens who are 17 years of age or have ever married. In general there have been only trivial changes on the rules for the franchise in Indonesia. Therefore, this paper mostly highlights the second and the third rules as they are those which particularly relevant to the current electoral reform in Indonesia.

The rules on the delineation of constituencies and the method of election are usually included in the electoral formulas which can be differentiated into three:

1. Proportional representation (PR);

The constituencies vote for the political parties while the political candidates are listed out according to certain political parties’ policy. Each contestant are entitled to the parliamentary seats according to the proportion of vote they can get in the election. If, for example, a party gets 30 percent of the votes, ideally it is also entitled to a 30 percent of seats in the parliament.

2. Plurality or district system;

This system is designed to create a stable government through a majority seat in the parliament. Constituencies vote for candidates of particular parties. A candidate is entitled for the political mandate in a certain area or district if he or she can get the majority votes. Therefore, the votes that go to the loose candidates would not be taken into account, a principle that is commonly stated as “the winner takes all”. Plurality system is basically used in England, USA, Canada, New Zealand, Uruguay, etc.

3. Mixed system;

Given that both proportional representation and plurality systems have their own strengths and weaknesses, many countries adopt a mixed system. This system is used in many countries, particularly in those countries that have a diverse number in regional population, political parties and constituencies. For analytical purpose, however, one would argue that a mixed system is not a system at all.
It should be noted that, in practice, there are a lot more models for electoral systems. Around the world, there are more than 500 models. A detailed explanation on each formula might even lead one to argue that each country has a distinctive model of its own. Aside from the electoral formula, there are also some variables which characterize electoral systems. For example, the so-called “district magnitude” may vary from one country to the other. This is a variable that determines the number of representatives in particular district, which is usually depended on the population. Some countries, including Indonesia, use national territory as their single district, which makes possible that even a small political party is guaranteed to acquire a parliamentary seat. However, there are some other countries that divide the national territory into several districts with different magnitudes. Theoretically, r can be said that the greater the district magnitude, the better chances for small political parties to be protected.

Another factor that determines the nature of electoral systems is the so-called electoral threshold, the minimum percentage of votes to be obtained by the contesting political parties to win the seat or to be eligible for the next election. This factor may not particularly relevant to plurality or majority system, but this is crucial in proportional representation system as this determines access of small parties to the formal elections.

Under proportional representation formula there are also many variants. Based on the methods for allocating the seats, there are d'Hondt method that is more favourable for big parties and Hare-Niemeyer method that is more favourable for small parties. Based on the way to count the insignificant votes, there are Single Transferable Vote (STV) or Preferential-Quota system and Single Non-Transferable Vote (SNTV).

In order to get the majority in the plurality formula, there are basically two methods: the absolute majority (50% + 1) or the simple majority (also known as relative majority or “first past the post”). Another variant of plurality system is determined by the necessity to hold a second round election or the Run-Off Election, if the absolute majority cannot be attained.

Debates on the electoral formula have been almost never ended. An advantage in proportional representation system generally constitutes a disadvantage for plurality system and vice versa. Many of the arguments, however, are based on assumptions rather than empirical practice in the countries. Fairness and protection for small parties, for example, has been the main argument for proportional representation.
THE FORMAT OF 2004 ELECTION

It was scheduled in 2002 that the parliament was to deliberate about 100 new legislations. It turned out, however, that only 40 percent of the bills have actually been deliberated and ratified into laws. Legislation in the political realm — that would determine the incoming 2004 election — include draft on general election, presidential election, structure and membership of MPR, DPR, DPDP and DPRD, and on political parties. Now, a year before the scheduled 2004 election, only legislation on political parties (Law No.31 of 2002), general election for legislatures (Law No.12 of 2003) and general election on executives that have been ratified. Thus, the are many other legislations in the pipeline. With the new electoral reforms, it is urgent to regulate the link between elections for the members of parliament and for the president and vice president. Therefore, the parliament is currently also drafting a law for coalitions among the political parties.

Article 6 of Law No.12 of 2003 stipulates that election for members of DPR, provincial DPDP and Kabupaten/Kota DPRD will be conducted under proportional representation formula with open lists (sistem proporsional dengan daftar colom terbuka) while the election for DPDP members will be conducted under multi-member plurality formula (sistem distrik berurutan banyak). The seat numbers are, respectively, 550 for DPR, 35-110 for provincial DPDP, 20-45 for Kabupaten/Kota DPRD, and 4 seats of DPDP in each of 31 provinces. This first-round election is scheduled for 5 April 2004, only three months ahead before the second-round election for the president and vice president in July 2004. According to the national constitution, on 20 October 2004, Indonesian people should have a definitive president and vice president. Many experts have reasons to worry that this schedule would be difficult to be carried out. Complexity with multi-level ballot system implies that the vote counting would be an overwhelming task. If the open lists are to be applied

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for the multiple party contestants, as in the 1999 election, the ballots would be excessively large and create just another complexity in vote counting.

It has not yet determined how many political parties are eligible to contest in the 2004 election. There have been more than 200 political parties registered to the Ministry of Justice and Human Rights, and it turned out that 174 are eligible. However, most of these are actually old parties that have been registered for the 1999 election. Leaving out the old parties, there would be only 33 new parties. Thus, if the previous electoral threshold that stated in Law No. 2 of 1999 is consistently applied, there would be only 6 parties left. It can be assumed that the 2004 election should not see more than 39 contesting political parties.

Aside from the administrative verification by the Ministry of Home Affairs, another verification procedures are being undertaken by the Commission for Elections (KPU, Komisi Pemilihan Umum) to determine new political parties that are entitled for contestation. According to article No.2(3) of Law No.51 of 2002, such parties should have representatives in 50 percent of the provinces in the country, 50 percent of the Kabupaten/Kota in each province, and 25 percent of the Kecamatan (subdistrict) in each Kabupaten/Kota. For the next election, the law has set forth a more stringent electoral threshold. To be eligible for the next election, the political parties should obtain at minimum 3 percent of the DPR seats, 4 percent of provincial DPRD in half of the overall provinces, and 4 percent of Kabupaten/Kota DPRD in half of the overall Kabupaten/Kota.

The 2004 election would be an unprecedented direct election for president and vice president. The candidates for president and vice president can only be proposed by political parties that accumulate at minimum 20 percent of total votes (Article 5 of the bill for Presidential Election). This stipulation reflects that only big parties would have a say in presidential candidates' proposition. It means that the argument for a full representation with the PR formula would not be attained accordingly. Given the fact that a multiple party election would result in fragmented votes, as in the 1999 election, the draft on party coalitions is critical for the success of 2004 election.

Article 46 of the bill on presidential election says that the winning package of candidates must obtain more than 50 percent of the total votes and at minimum 20 percent of valid votes in all the provinces. In other words, absolute majority will be applied with an additional condition for provincial representations. This rule is definitely tough for the candidates. Although there would be a run-off election if the condition is not
attained, anything can happen between the two rounds of election. Potentially, for frays and political instability is high given the fact that this will be the first direct election in the country.

Another issue that has to be tackled by KPU in addition to the cumbersome administration is that many of the new regions do not have definitive heads of region nor the DPRD. According to the KPU rules, regional election commissions (KPU Daerah) can be established if a head of Region is installed. The KPU has alerted the Ministry of Home Affairs of the difficulties it is facing in organizing the elections in 25 newly-established regions (Mediadea Indonesia, 26 March 2003). In order not to delay the preparations for 2004 election, the KPU might have to select the members of regional KPU’s by the original regions instead of the new regions.

LOCAL POLITICS; THE NEED FOR NON-CONCURRENT ELECTIONS

Even though some changes have been laid out to the electoral system in Indonesia, there are still many policy agendas for reform that need to be considered. In fact, there is not much change in electoral reform pertaining to local politics. This is one of the reasons as to why the big push for decentralization in Indonesia has not resulted in good governance and better public services at the local level.

Three years since the implementation, decentralization policy in line with Law No. 22 of 1999, but public participation and local governance have not shown significant improvement. On the contrary, many have complained that local politics and policies have deviated from what was planned.

Unlike in the previous systems in which governors and regencies were virtually appointed by higher authorities, the new law on regional administration stipulates that they are to be elected by the DPRD (local parliament). It is assumed that this new political mechanism would guarantee that governors, regencies and mayors be more sensitive to the local people’s interests. In reality, however, this new mechanism has been bypassed by the DPRD members for their own interests. Now that the heads of the regions must be responsible only to the DPRD, the local politics have become erratic and unstable.

After the implementation of decentralization policy, there is an unclear situation in many regions where DPRD members use the rejection of the annual accountability speech as a tool to oust the incumbent Ketua Daerah (heads of regions). The minister of Home Affairs, Hari Sabarno, in many occasions has been quoted as saying that the LP [laporan pertanggungjawaban, accountability report] are missing as the final reports, although they were supposed only to be annual reports on the utilization of
the regional budget (Kompas, 23 July 2002). In nearly all regions in Indonesia the LDP has become a "proyek" for the DPRD, which has led to disappointment and mistrust in the local community (Kompas, 23 July 2002).

The general election in June 1999 was hastily prepared using the PR formula and closed lists of candidates for DPRD members. At that time, nobody could predict that the electoral formula for local parliament would create incompetent and unscrupulous members of local parliament. Most constituents was not accustomed with local elections and the centralized New Order government had in fact always appointed and tightly controlled the head of the regions and members of the local parliament. People did not really consider their choice for local governmental candidates when they voted for political parties. As a result, in the 1999 election candidates for DPRD were not screened properly according to their commitment and competence. Most of the DPRD members were unknown local politicians who did not have enough political credentials as the people representatives (Decentralisation News, 2 February 2001). Lack of political communications between the DPRD members and their constituents due to the systematic de-politisation the legacy of New Order government has also created a hazy accountability so the public at large.

Therefore, in many of regions in Indonesia, the DPRD members have become a focus of public criticisms because of their unscrupulous political behaviors. In their relationships with the Governors, Bupati or Mayors, DPRD members tend to be arrogant as they know that their political positions are very strong in such a "legislative heavy" situation. During the local budgets' deliberation, many of the DPRD members have been considering only budget shares for their own salaries instead of the development expenditures for the needy local people. Various honoraria and allowances are created to that purpose: the "ang representasi" (representation honorarium), "ang paket" ("package" honorarium), "ang jabatan" (position allowance), "bantuan khusus" (special purpose funds), and others (Decentralisation News, 18 December 2000). In some regions, the DPRD members even induced the head of the regions to secretly allocate the local government operational budget for other additional allowances of the DPRD members.

Because of reported differences in the remuneration, and because of the tendency of some DPRD to allocate to themselves large portions of the local budget (APBD), the central government issued Government Regulation No.110 of 2000 to provide the general framework
for the DPRD funding. Still, this regulation cannot stop DPRD members from misusing public funds. In many cases, such misconducts are also supported by the heads of the regions as they have become accustomed with the 'money politics' since their candidatures. Lavish lifestyle amongst the DPRD members have been much criticized, but there is no institutional effort to curb mismanaged public funds.

Conflicts between heads of region and the DPRD members have been a normal part of practicing regional autonomy. While most conflicts can be settled in the political process, in some cases councils and executive have embarked on a "head-on collision course" (Decentralisation News, 13 September 2002). In August 2002, South Kalimantan Governor Sjahril Dastam was dismissed by the provincial DPRD through a dramatic voting in the council. Earlier on, the council had actually accepted the Governor's budget accountability report. However, apparently because of differing opinions on the planned dredging of the Ambat Batre river, the provincial DPRD decided to dismiss the Governor in the midst of 3,060 demonstrators surrounding the DPRD building (Jakarta Post, 24 August 2002).

The first case of dismissal at the local (Kabupaten/Kota) level was the in the city of Sunanbatu. On 15 January 2002, mayor Sunarto Sumopiawono was dismissed by the DPRD on the ground that he was not fully committed to the city administration. Sunarto reportedly spent several months in Australia for receiving medical treatment without providing clear information while Sunanbatu city experienced serious problems with the garbage collection and dispersal system. This case prompted a hot debate pertaining to the question whether the DPRD's decision has been in line with existing laws and regulations. The Minister of Home Affairs stated that the central government still regards Sunarto as the incumbent mayor, because the DPRD decision has not yet been confirmed by the central government. Some high-ranking officials and experts, however, stated that the DPRD decision was in line with the law (www.kompas.com/kompas.html/02012002). Apparently, there is conflicting regulations in Law No.22 of 1999. Article 18.1c of this law says that the DPRD has only the right to propose (menyampaikan) the appointment or dismissal of a mayor and the final decision is with the central government. On the other hand, article 49 and 50 of the same law say that the dismissal of heads of region is "determined by a decision of the DPRD and officiated by the President." (ditetapkan dengan keputusan DPRD dan disahkan oleh Presiden).
On the legal framework of the dismissal procedures, the main issue is whether the central government is involved in the substance of considerations or whether its role is limited to supervise the legality of the process and then formally endorse the DPRD’s decision. Other cases of sensitive conflicts similar to the foregoing explanations have also occurred ever since the decentralization measure was implemented. Such cases have occurred in Kabupaten Kampar of Riau Province (Decentralisation News, 1 Nov 2002), Kabupaten Kendal and Kabupaten Karanganyar of Central Java (Suara Merdeka, 4 June 2002; Kedaulatan Rakyat, 22 September 2002), and numerous regions throughout Indonesia. It appeared from the cases, however, that the conflicts were not really related to the actual interests of the local people. Most of the conflicts were merely stemmed from local elites’ politicking (See Table 1). In fact, such conflicts have even created ineffective local administration. In the case of Surabaya city, for instance, the local leadership was not clear although the Sunarto has been replaced by Bumbang DH, the vice mayor. In July 2002, Bumbang DH who had assumed his position only for one month was also dismissed by the DPRD. The central government could not accept the dismissal and the disputes over the legal basis of the incumbent Surabaya mayor have been prolonged.

As has been mentioned earlier, in general the candidates for DPRD were not screened properly according to their commitment and competence. The proportional representation formula in 1999 election had also guaranteed the official term for DPRD members up to the 2004 election and, except for a serious crime, there is no legal procedures to call off the term of the DPRD members. As such, there is no systematic mechanism for checks and balances in local politics. Moreover, it turned out that the PR formula in local election makes it difficult to keep the heads of region and the members of local parliament to be accountable to the public.

There have been strong demand to change the electoral system for the heads of the region to the plurality or single majority system. Most of the political experts in the country seemed to be in accord with the plurality system and direct elections for heads of region, especially given the fact that the constitution has also endorsed direct election for the president. A team of researchers from the National Research and Science Institute (LIPI) has suggested the direct election of heads of region (Governor, Bupati, Walikota) in line with the direct election of the President (www.kompas.com/kompas cetak/0210/29/nasional). It is very unlikely, however, that this suggestion can be materialized in the near future.
For the incoming 2004 election, proposals for a plurality system and direct election for regional executives seemed to be 'dead on arrival' for obvious reasons: most of the members of parliament (DPR) would not wish to lose their power in the political parties. The plurality system will only be applied to select four DPR members in each province. However, it is important to keep alternatives opened for future electoral reforms.

Another possibility to restructure the electoral system is to create a non-concurrence system. This is to say that the elections for regional and central government legislatures and executives are not held at the same time. Governors and mayors who take up their authority through regional elections, that are separated from national elections, would be more accountable to their constituents.

As has been practiced in other democracies, this is particularly true if the election is conducted with direct votes under a majority formula. Political process at the local level would be transactional. Constituencies would not only entitled to vote for a particular figure, but would also be able to claim a 'political return' in the form of local programs that fit to their wish. This idea might not be applicable for 2004 election as it has been stated in the law that the national election will be conducted simultaneously.

"Pemungutan suara umum DPR, DPRD Provinsi, dan DPRD Kabupaten/Kota diselenggarakan secara serentak" (article 81 Law No.12 of 2003). Nevertheless, the idea can be gradually tried out in some regions or at least can be put in the next agenda for electoral reform. In early 2003, there were lively debates on the possible non-concurrence elections in Indonesian media (Jawa Pos, 14 January 2003, Sinar Harapan, 17 February 2003). Most of the academics and experts seemed to be agreed on the idea. Some politicians at the DPR did not oppose against the idea although they asserted that the more fundamental reform should be on the political accountability systems. By the law, the idea for non-concurrence elections has already been accommodated with Law No.18 of 2001 on the special autonomy for Aceh province and Law No.21 of 2001 on the same theme for Papua province. For Aceh, the heads of region shall be directly elected by the people, not by DPRD, in the local election. For Papua, there is a sort of bicameral council, the Majelis Rakyat Papua (MRP) aside from the local DPRD, which is supposed to elect the head of region.

Another advantage of the non-concurrence elections is that there would be a closer cut between national and local issues. Local politicians would be compelled to be responsive with the local issues in order to survive in local politics. At the same time, political parties should be more serious to consider their local
political agenda. A security argument can also be pointed out. Grassroot political conflicts that turned to mass violence as have been Indonesian politics in the past general elections can be avoided since the people would become more familiar with political events in the form of elections throughout the year. One way to overcome political violence is to segregate the potentials for conflict into smaller areas within the institutionalized local elections. If there is incident of riots, security units would be easier to curb them as it would occurred only in limited local areas.

CONCLUDING REMARKS

From the hindsight, it is clear that reforms to the Indonesian electoral system are underway. Whether such reforms will be helpful in the thrust for democracy, it remains to be seen. The proportional representation with open lists for the DPR and DPRD and the plurality formula for the DPD are the present solutions for parliamentary election. In the second round for presidential election, direct votes with simple majority is set for the 2004 election. Proportional representation might not be the best formula to keep the politicians accountable to the public. In the current political constellation, however, there is still strong resistance.

Table 1. Effects of the Electoral Systems

<table>
<thead>
<tr>
<th>Features</th>
<th>Proportional Representation</th>
<th>Plurality / District</th>
</tr>
</thead>
<tbody>
<tr>
<td>Party simplification</td>
<td>Low</td>
<td>High</td>
</tr>
<tr>
<td>The role of political party</td>
<td>High</td>
<td>Low</td>
</tr>
<tr>
<td>Accountability</td>
<td>Low</td>
<td>High</td>
</tr>
<tr>
<td>Stable government</td>
<td>No</td>
<td>Yes</td>
</tr>
<tr>
<td>Mandate</td>
<td>Unclear</td>
<td>Clear</td>
</tr>
<tr>
<td>Minority representation</td>
<td>High</td>
<td>Low</td>
</tr>
<tr>
<td>Figure-constituency relationships</td>
<td>Low</td>
<td>High</td>
</tr>
<tr>
<td>Money politics</td>
<td>Presumably low</td>
<td>Presumably high</td>
</tr>
</tbody>
</table>

against the plurality system in the part
of the members of parliament.

It should also be noted that there will
always possibility for loopholes in any
electoral systems. The limited trial for
plurality formula in DPD election will
also tell whether this much suggested
formula is a robust system to avoid
loopholes and is really fit to promote
democratic elections in Indonesia.
Another viable alternative for reform
is to create a system of non-

Table 2. Cases of regional head dismissal after 1999

<table>
<thead>
<tr>
<th>Region</th>
<th>Position</th>
<th>Revealed reasons for dismissal</th>
</tr>
</thead>
<tbody>
<tr>
<td>South Sulawesi</td>
<td>Governor</td>
<td>Disagreement on strategic project Alleged “money politics”</td>
</tr>
<tr>
<td>Surabaya city, East Java</td>
<td>Mayor</td>
<td>Incompetence Unfavourable leadership</td>
</tr>
<tr>
<td>Kampar, Rius</td>
<td>Bupati</td>
<td>Perda regulations Public deceit (counterfeit certificate)</td>
</tr>
<tr>
<td>Karanganyar, Central Java</td>
<td>Bupati</td>
<td>Unfavourable leadership (gender issue?/Alleged “money politics”)</td>
</tr>
<tr>
<td>Kendal, Central Java</td>
<td>Vice Bupati</td>
<td>Misuse of public funds Public deceit (counterfeit certificate)</td>
</tr>
</tbody>
</table>

Source: Decentralisation News, various issue.

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REFERENCES


