

Indonesia Presidential Elections 2009

A short observation report on the conduct of 2009 Presidential Elections



Asian Network for Free Elections – 2009

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Background

The essence of democratization agenda in Indonesia is mandated for a power transforms on the parliamentary and presidential position through direct elections system held every 5 years. A unique diversity nation wide of ethnicities, languages and religions spreads out of thousands island within the country. Making it a distinguish challenge for conducting of elections itself. The fresh elections to select the parliamentarian have just finish on April 2009, where ANFREL deployed 20 Short term observers to post conflict area in Indonesia.

Drawing experiences from EOM in Parliamentary Elections conducted on April 2009, ANFREL conclude its finding by highlighting the anomalies in conduct of the elections. Particular concerns are in the voter list that is considered dirty and also the breaches in the election conduct in post-conflict areas of Aceh. Indicators pointed towards a strong interest of some local party which seemingly had an interest to push for the victory of local parties in Aceh to prove and strengthen its bargaining position in relation to the central government. Nevertheless a free and fair elections conduct in Aceh was doubtable during parliamentary elections¹.

ANFREL has been monitoring the democratic development in the country since 1999, when the post authoritarian regime elections were held and it marked Indonesia as the most develop country in South-east Asia from the point of view stabilization and electoral reforms.

Through a small grant from the British embassy ANFREL has an opportunity to deepen its understanding of the problems in Indonesia elections and electoral reforms, particularly in the issues of: *first*, voter list problem that almost ruins the electoral process and has deeply impacted and fragmented the integrity of the Elections Commission (KPU) as plenty of elections stakeholders condemned the KPUs for its in-ability to resolve the issue; *second*: it was also learnt that in Aceh, the people exercised their votes in Presidential elections in a different manner as compared to the previous situations of tensions and interests when compared with previous parliamentary elections. Perhaps, this could be a reflection of the pattern and tendency of the people to vote under the changed situation and also in a situation where there were noticeable strongmen² involved in persuading people to vote for particular candidates. These two are valuable lessons learnt during the election processes in the recent time.

ANFREL deployed three team of two persons in pairs, a team assigned to *Nanggroe Aceh Darussalam to follow up the previous elections*, a team to *Central Java* as the area that considered a high competition between the Red³ and Blue⁴ candidate supporter and a team in *Capital of Jakarta*, to lead the investigation in order to detailing the root causes on the voter list problem.

¹ Read EOM for Indonesian parliamentary elections 2009 report at http://www.anfrel.org/report/indonesia/2009/Indonesia_General_Election_2009.pdf

² Mostly ex GAM combatant or volunteers in favor for Aceh people party is the one who coordinate themselves in polling station and "make sure" the peoples vote for what they instructed them.

³ Predominantly half part of Central Java is known as stronghold of Megawati-Prabowo (Mega-Pro) supporters, the Presindetal candidates (Former President Megawati Soekarno Putri from the PDI.P party) and her vice president candidates (Prabowo Subianto) the chair of GERINDRA party, a debut party which was surprisingly earned significant votes in the parliamentary elections).

⁴ Half part of Central Java also known as stronghold of supporter for the incumbent President Soesilo Bambang Yudhoyono, a presidential candidate from Democrat party who are won more than 20% of seat in Parliamentary elections 2009.

Executive Summary

Indonesian parliamentary elections has omitted 46,677.076 persons or approx. 29,01 per cent absences from the vote⁵, surprisingly this amount is double-higher from the votes collected by the democrat party as the winner of the elections which only collected 21,703,137 votes. The number is excluding the disfranchised voters which were unregistered by the mistakes of the registration process.

The Presidential Election of July 8, 2009 served as an important milestone for Indonesia of their continued progress towards peaceful democratic governance. Their first directly elected president, Soesilo Bambang Yudhoyono, became the first president to be re-elected as well. The election, while not without considerable flaws, was peaceful and for the most part smooth, particularly election day itself.

The pre-election day problem with the voter list did leave a feeling that things must improve and that the problems they faced this time around are unacceptable. In this matter, mostly Indonesians felt that this election was a bit of a step back when compared to other elections.

Insofar as we focus on the use of the voter list and it eventually being tossed out of the process, this is true. If we look at other election metrics such as the lack of politically motivated violence however, we can say the election was a step forward because there was not the same amount of politically motivated violence that has been observed in the past, in Aceh in particular.

A perhaps somewhat less important but not insignificant problem that we encountered while talking to many voters was - a perceived lack of real choices for the post of President. Many eligible voters expressed to our observers that they would not vote, because none of the candidates seemed to represent what they believed in. Some even more acknowledged that they would indeed vote and had a preference but also found the candidates to be lacking overall and not representing as wide of variety of choices as they'd hoped.

The freedom of press and the media environment was also generally free and open. There remains concern among some Indonesian citizens however that the press is not as independent as it could be. The complaint is that because most of the press is owned by tycoons with business interests and political ties which must be maintained, their newspapers and television stations are unlikely to report news adverse to the political candidate the owner-tycoon is allied with.⁶

Just as we found in our report from the general election in April, Indonesia continues to face problems with their voter list. The problems and disorganization from the April election were not solved in the interim period between elections leading up to July 8th.

The problem with the voter list was deemed bad enough that the Constitutional Court removed the requirement that a person be on the voter list in order to vote.⁷ This was done in response to an NGO's lawsuit brought on behalf of a voter that had been erroneously left off the voter list. This ruling made Election Day run more smoothly but is indicative of the problems that continue to stem from the voter list and remain unsolved.

Proper management and use of the voter list remains a considerable challenge for Indonesia in the future, one they must not ignore to ensure that the electoral system is seen as legitimate and fair in the future. This challenge remains.

The overall feeling on Election Day was one of a legitimate election where people's voices were heard and they were able to express their preferences.

⁵ Pronounced by Chief of the KPU, Abdul Hafiz Anshary in Jakarta, Saturday 9th May, 2009 on the result of parliamentary elections of DPR, DPD and DPRD

⁶ Alliance of Independent Journalists Interview

⁷ Constitutional Court Allows Voting without registration as it was granted through MKs decision no. 102/PUU-VII/2009, issued on August 6th, 2009.

Political Environment

As mentioned above, dissatisfaction with the candidates on offer was common. Many felt that the three candidates and their manifestos on offer were too similar. Indonesia's experiment with Presidential debates only confirmed this for many voters. They saw the debates as a missed opportunity. The Indonesians interviewed almost unanimously agreed that the debates were tedious and didn't reveal much at all about the candidates themselves. They were disappointed that the candidates didn't actually debate much of anything because they were too polite but also because they agreed with each other on most major issues and had largely similar policy platforms.⁸

This was partly the result of SBY's popularity. His high approval rating caused the other candidates to adopt policies designed to be a continuation of SBY's first term.⁹

In addition to this unavoidable tendency of success breeding imitators, Indonesia's current system is also designed to make it difficult to run for president. The party system requires that a party have a broad base of support and deep pockets in order to be able to open offices in 2/3 of the provinces of the country before it will be recognized as a party¹⁰, furthermore the presidential candidates should be nominated by the party or coalition of parties which is secure more than 20 per cent of the total valid votes from the parliamentary election that conducted on April 2009. Voters expressed disenchantment at the horse trading that goes on behind the scenes with the multitudes of parties lining up behind whichever candidate seems most likely to reward the party for its support. Some were cynical and disenchanted at a system which they felt wasn't offering a choice representing their political views or peoples sentiments.

Run-up to Election Day

The problem of the voter list that is explored in detail below presented itself as a looming challenge on Election Day.

Fortunately (or unfortunately), for the sake of smooth operation on the Election Day, the voter list was made a non-issue. Just two days before the election, the constitutional court finally ruled in response to two voters' suits against the KPU for their being left off of the voter list. To alleviate the problems presented by the flawed voter list, the court ordered that anyone with a valid ID will be able to vote in the coming election.

"This is the best way to protect people's voting rights," said Judge Arsyad Sanusi.¹¹ The court laid out some of the basic parameters for how the vote should be handled after the ruling while leaving the details to the KPU to manage. "Voters using an ID card must also show their family card and may only cast their ballot in their respective neighborhood areas," Court President



Many Children have been used for campaign at National Stadium

⁸ Singapore Institute of International Affairs, 22 June 2009; <http://www.siaonline.org/?q=programmes/insights/indonesia-presidential-debate-lacking-substance>

⁹ http://www.economist.com/world/asia/displaystory.cfm?story_id=14009129

¹⁰ Law No. 10/2008 about the parliamentary elections for DPR, DPD and DPRD, chapter III, articles No. 8 is indicates the requirement of political party structure and branches before endorsed as contestant in the elections.

¹¹ <http://www.tempointeractive.com/hg/nasional/2009/07/07/brk,20090707-185765,uk.html>

Mahfud MD¹² said. The judicial review focused on Articles 28 and 111 of the 2008 Presidential Election Law dealing with the electoral roll.¹³

What was behind this ruling is still unclear. Observers met with people that believed that the ruling, coming when it did, was the result of SBY putting pressure on the court to eliminate the most glaring issue that his opponents could use as a scapegoat when they lost to try and de-legitimise the election results. By doing so, it was believed, SBY had just left his opponents with no excuses when they lost. These voters believed that, in the run-up to the election, the voter list issue was getting enough press coverage and causing enough concern among the voters that SBY thought such a court ruling was necessary to undermine his opponents' complaints.¹⁴



Checking all fingers of prisoners: Good practice of poll officer at Salemba prison, Jakarta

A belief that the invisible hand of SBY was behind the court ruling is pure speculation however. The true impetus behind this ruling may never be known but SBY reacted positively to the news, which did little to dissuade those that felt he may have been behind the decision. "I thank God and I feel glad with this verdict. To be honest, personally this is what I have been hoping for," Yudhoyono said at a press conference at his state residence in Cikeas, just outside Jakarta, Monday evening. "It is a smart choice and the right verdict, and a solution we must safeguard to ensure the successful running of the presidential election."¹⁵



Poor polling station setting disturbs voter secrecy while voting at Ancol, Jakarta.

Regardless of whether or not the court acted independently, ANFREL learnt that, for the sake of voter education, the ruling could and should have come sooner. Inevitably, there were many voters that did not know about the last minute election rule change on Election Day and still believed the old requirements to be in place. Observers met people wanting to vote who believed they couldn't because of the voter list issue even after the court's ruling had come down. All the resources spent on voter education about the voter list and registration in the months leading up to the election was wasted because the court's decision came so late. In general and when possible, cases which could have such a profound impact on the process behind the election should be fast tracked through the court so that they are not decided just 36 hours before polls open. If this had been done, voters that believed they would be unable to vote if not on the list could have been re-educated and notified that

¹² Mahfud MD is also former minister of Defense on the KH. Abdurrahman Wahid Ruled On 1999-2004

¹³ <http://www.thejakartapost.com/news/2009/07/07/court-rules-ids-can-be-used-vote.html>

¹⁴ <http://www.thejakartapost.com/news/2009/07/01/it%E2%80%99s-vital-safeguard-election-megawati.html>

¹⁵ <http://www.thejakartapost.com/news/2009/07/07/court-rules-ids-can-be-used-vote.html>

they would be able to vote regardless of whether they were on the voter list or received an invitation from the KPU.

The KPU accepted the court's decision while expressing fear that some polling stations would run out of ballots since the number of ballots allocated to each polling station is based on the number of voters registered at that Election Day



Observers from Thailand and Philippines observed mobile polling stations using bus and rickshaw for voting at Solo

Election Day

The electoral processes on the Election Day itself were largely successful and well organized. There were a few polling stations that could not operate as scheduled due to logistics problems and some minor violence in West Papua¹⁶ but by and large the Election Day process went off as planned.

Fortunately, the fear that many polling stations would run out of ballots did not come to pass. In the polling areas surveyed, turnout was up thanks to the Constitutional Court's ruling allowing people to vote without being on the voter list, but the numbers using this method did not create a significant up-tick in turnout as some people predicted.

One of two things can be assumed from this fact. Either that - *one*, the late timing of the constitutional court's announcement and the very limited amount of voter education that could be done in such a short amount of time left a lot of people thinking they could not vote if they weren't on the voter list so they did not show up on Election Day; or *second*, that the number eligible voters left off of the voter list is not as significant as some groups such as the NGOs mentioned above have claimed.

¹⁶<http://www.brisbanetimes.com.au/world/polls-give-yudhoyono-massive-lead-as-indonesia-votes-20090708-dd66.html>

The correct answer, from what we determined in talking to voters and seeing the amount of awareness about the decision that was out there, is probably a combination of both.

Democratic Development in Post Conflict Areas: Aceh

Of particular interest for Indonesians and the rest of the world is the continued rehabilitation of those areas of the country that had been hotbed of unrest and violence in the past. Of all the post-conflict areas, Aceh is the primary province people would focus their attention on to survey whether Indonesia's post-conflict areas are continuing to make democratic progress or not. This is because it was the site of the most intense, consistent violence in the past and because it remains the most likely to break out into violence in the future.

On this matter, for this election, we saw significant progress. It's unclear however whether this is a permanent step towards peaceful democracy or whether it was simply a product of the circumstances surrounding this particular election. Because there were not any local candidates running and the election wasn't expected to be competitive in Aceh, it was natural that election related violence would be more under control. ANFREL learned that the candidates for president barely competed or campaigned in Aceh because people there were overwhelmingly pro-SBY and there were very few undecided voters.



Extensive road repairs in several parts of Aceh seems inclined in favor of the incumbents.

From what observers found in talking with locals, was that - they favored SBY because they associated the Megawati ticket with the martial law and heavy-handed government crackdown on the region that was instituted during her previous term in office. SBY, on the other hand, was mostly given credit for the peace agreements that had been reached and the progress towards peace and stability that had been made in the region. The peace negotiations were popular enough that Jusuf Kalla used his former role in them as a large part of his outreach to the area.

By and large however, observers found little campaigning in Aceh and fortunately little interference. In addition to the popularity of SBY, because most all of the local parties had come together behind SBY, there was little competition. It's unclear whether there would have been the same amount of calm surrounding the elections in Aceh if the candidates and parties involved were fiercely contesting them in the province. All the same, the environment of calm in Aceh leading up to the election and on Election Day is welcome progress as the area transitions to a hopefully permanent state of peace.

Although the polling ran smoothly - but there were breaches found at the polling sites, there were potentially serious irregularities which need to be addressed to improve the election system for the future. Some polling officers seems to be not well trained or seemingly powerless in rule the station - allowing unauthorized people to enter polling stations and allowing the village security (Linmas) to interfere into the voting process and affecting the secrecy of voting. Numerous intimidations were also reported from observers both international and domestics. However the intensity were significantly lower compared with April parliamentary elections 2009. SBY-Boediono enjoyed victory in Aceh and marked the highest votes of 93,99 per cent from the valid votes in Aceh Provinces¹⁷

¹⁷ Provincial tabulation base on quick count of Lembaga Survey Indonesia (LSI) update July 8, 2009 (23:59:46), displayed at

Continued Voter List Irregularities

ANFREL's mission to observe the Indonesian Elections of 2009 was designed to pay particular attention to the voter list problems that the country experienced in the parliamentary elections in April of 2009.

Difficulties with the voter list (DPT) were the primary challenge Indonesia's electoral system faced in the wake of the April Parliamentary elections. The problem was widely acknowledged and the response to the challenge in the intervening 3 months before the Presidential Elections would be a test of the resolve of Indonesia, the KPU, and other related government departments to respond to voter concerns and solve electoral problems.

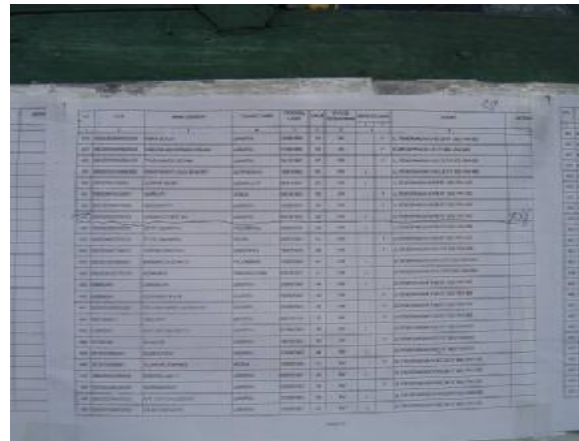
More than any other issue, serious problems surrounding the creation and maintenance of the voter list threatened to undermine the legitimacy of the election. A repeated story happened again in the weeks leading up to the election and in the period after it, voters, NGOs, and political candidates all called into question its accuracy and whether its use would invalidate the results from Election Day.

With the exception of some KPU officials, every individual ANFREL interviewed confirmed that there were problems with the voter list. Time and again before the election, observers met voters that had encountered problems with the voter list or knew people that had. Even if they themselves had not experienced problems, most everyone expressed concern over the way the list had been managed and the problems the process was creating.

The degree to which people and groups saw fraud or political manipulation of the voter list as the cause of the problems varied widely. This is a key distinction among voters' thoughts about voter list management. If voters believe that the list's problems are a result of poor but unintentional mismanagement of the list, they're more likely to also believe that the problems encountered will affect voters across all political parties and affiliations relatively equally. While this is still a serious problem, voters in this category would not likely blame the voter list for changing the final results/winners of an election.

On the other hand, voters that see fraud and manipulation as the cause of the voter list issues would be much more likely to see the whole election process and its result as tainted due to this fraud. Voters who believe this are an even more serious problem for Indonesia's budding democracy. A common belief and perception among the populace that an election is valid is a central requirement for democratic systems. Voters with these beliefs, especially if there were enough of them, could seriously undermine the system by refusing to respect the validity of election results.

The good news for Indonesia is that a majority of those interviewed by ANFREL usually primarily blamed KPU's mismanagement of registering and maintaining a voter list in a country as populated and spread out as Indonesia. These voters would tend to give the government the benefit of the doubt that they were acting in good faith in assembling the voter list but ran into problems regardless of their pure intentions. Given the



Double names of a Chinese voter in Kel. Jelambar, Jl. Penerangan, Jakarta Barat

complexity of the issue, it's unsurprising that some citizens blamed both political manipulation as well as mismanagement for the problems with the voter list.

One prominent example of this was the first observation event that the Jakarta team attended. The meeting between 3 NGOs (TEPI, LIMA, and Rumah Perubahan) and Komnas HAM (National Commission of Human Rights) was scheduled so that the NGOs could report the findings of their research into the voter list at that time. The NGOs reported to Ridnah Saleh, the vice chairman of KOMNAS HAM, that the list was badly flawed with duplicate registrations and some voter left off the list altogether. They claim that in Jakarta alone there were 61,000 duplicate registrations found.¹⁸ The NGOs claimed they were trying to be proactive and deal with the inaccuracies of the list before they presented serious problems on Election Day.

The size and scale of the problems the NGOs believed existed required the KPU or KOMNAS HAM to delay the election to correct these problems before they are used by the losing party in the election to invalidate the results and destabilize the country. They believed this was possible despite the promises of all three candidates to not use the voter list after the election. The leader of LIMA expressed his belief that the list was so flawed as to be reason enough to question the neutrality of the KPU itself. Additionally they added to the duplicate voter registrations and voters being left off of the list, other irregularities were present and easy to find. Subsequent research by the observation teams revealed this to be the case. Our teams, just as the NGOs had, found evidence of the voter registration number (NIK) missing from voter lists or of one voter having more than one NIK.

In certain districts, the number of voters on the list had gone up or down by over 20% since the legislative elections. The KPU never acknowledged this kind of significant change in the voter list makeup and never offered any kind of explanation. Without semi-accurate estimates of the number of voters in a district, the KPU is leaving the system open to fraud, particularly in those districts with too high of estimates of voters where there would be significant amounts of unused ballots and no system in place to secure these ballots.

The lack of transparency or interest from the KPU regarding the voter list issue was perhaps the most alarming aspect of this. The KOMNAS HAM received the report of the NGOs while acknowledging that it was unlikely that the election would be delayed, as the KPU had made clear.¹⁹ KOMNAS HAM told the NGOs that they had been in touch with the KPU in the past after the legislative elections and asked for a special election because of the amount of irregularities they had uncovered. This request fell on deaf ears however and the KPU never formally responded to the request with any effort. They simply said that they would act only if the legislature issued a decree calling for it. Asking or expecting elected officials to call for an additional special election because of the invalid nature of that election is insufficient. Such an expectation is an abdication of the duty that the KPU has to safeguard the election while being free of political intervention or pressure. KOMNAS HAM's Mr. Ridha vowed to invite the chair of the KPU to KOMNAS HAM where he would discuss the voter list issue with them.

The KPU was found to be not only lacking transparency in response to complaints and problems but their openness was found to be somewhat lacking from the beginning in terms of the creation of the voter list itself. Among other things, the methodology behind their voter registration methods was found to be opaque and inconsistent. In some places, the KPU used passive stelsel methods of sending people door to door to find and register people while other areas had mainly active stelsel registration methods that require the citizen to be more proactive and go out to register themselves when given the opportunity.

To try and remedy the problems created by the voter list in April, the KPU held a nation wide census in the period between the elections. A KPU commissioner for Jakarta informed us that two survey officers per

¹⁸ Jakarta Team Observation Report Day 1 - July 1, 2009

¹⁹<http://www.thejakartapost.com/news/2009/07/01/presidential-election-will-not-be-delayed-kpu-chairman.html>

polling station (TPS) were supposedly sent to survey the population that would vote in that polling center. One officer was from the KPU while the other was from the government. The KPU commissioner claims the survey itself took 20 days in May and they added one million or so voters to the voter list in Jakarta alone. After filtering for duplicate listings and deleting those where necessary, Jakarta ended up with a net increase of 600,000 voters since the legislative elections.²⁰ When confronted with the information that the NGOs presented to the Human Rights Commission, the KPU official dismissed the data set that the NGOs used. When asked about the government funded study²¹ that found forty-nine million unregistered voters, She said that this number was impossibly high and should not be believed.

Despite some of the issues mentioned above, and representative of the KPU's approach to the matter, the commissioner claims that KPU's primary problem is the lack of an effective spokesperson and public relations team to communicate the truth to the public. He believes that the media and certain politicians have dramatized and politicized the matter for their own personal gain. This insular and somewhat defensive view that nothing is wrong²² will not serve the KPU well if they wish to truly fix the problems surrounding the management of the voter list.

Root causes of voters list issues

First: Inaccurate data sourced that used as row data in developing the voter list.

Since the first time the data launched by the Ministry of Interior on 5 April 2008, plenty of stakeholders had warned and doubtful on the file accuracy that manage by the MoI, as they knew the most update database in fact is the one that managed by the KPUs in every provinces as they are has just finish the local elections in almost all provinces in Indonesian. Nevertheless the Minister was confident about the file and expressed as the as the most update one. This perhaps can be identified as the beginning of use of chaotic data base in the elections. The issue gained prominence after the first incidents on duplications, underage, dead persons and anonymous persons being found to be registered in big numbers in the East Java Provinces.

The crisis ends up without any party claiming to take responsibility or proceeding for any punishment for those responsible. The KPU and MoI kept on throwing mud at each other claiming that the other party was the most responsible on this shameful performance as the row regarding the data base become an issue. The question also arises from most of the stakeholder as to why the MoI insisted on using their data base instead of the KPUs data which was more updated, while some were also trying to find the relation between this incident and victory of incumbent President.

Second: Inappropriate method and approach taken update process from the field.

The updating model process implemented by the KPU is used a *passive stelsel* with changing the payment scheme from previous cumulative fees base on the number of surveyed head to be monthly base salary, this is one of the factor that made PPDP²³ less motivated to swap every residence to crosscheck the information data. This got worse when they also did not involve the local community head to confirm for somebody's information within the area. The PPDP officers were also not recruited locally but were coming from different places which compounded the situation and created more complications in recognizing the voter during the update process.

²⁰ ANFREL Interview with KPU Jakarta Commissioner, Mrs Dahlia Umar

²¹ <http://www.thejakartapost.com/news/2009/07/02/house-finds-50-million-unregistered-voters.html>

²² <http://www.thejakartapost.com/news/2009/07/04/kpu-insists-electoral-roll-valid.html>

²³ PPDP is Petugas pemutakhiran Data pemilih or Election Data Update Officer located at the village level to crosscheck and compile the data for that village.

Toward the presidential elections and still in between critiques and complain the government and KPUs initiate a measure to clean the DPT. The Minister of Interior has ordered its state officials and government structures from the governor level down to the head of the village to help to increase elections credibility by cleaning the DPT. The KPUs and government is used combination active and passive stelsel to encourage voter to update themselves by visited available channel on the KPUs branches and government office in all level. However that effort did not change much the DPTs and make it clearer as its problem is too complicated and the DPT problem remain unresolved.

Third: Technical-IT insufficient and lacking in management of voter data.

The most risk process in updating was the officer's technical ability to use and update the program system at computer units and the perception on the civilian status e.g. the category of moving the domicile of a person created odd data result. For instance a village in the database was found to have only males, etc. There were plenty other mistakes and it got worse with the insufficient IT support to recognize the unique NIKs at the data entry of each sample that needed updating.

The updating process seem to have worked and been designed relatively well up to the swapping and clarification of those villager who had passed away, moved, underage, and multiple or were unknown conducted by the PPDP (Election Data Update Officer) after crosscheck and compiles the data in village level. The problem began when the Data Updating Officers reported the data back to the KPU. The data at this point was mixed between using NIKs from the provincial residential bureau and the home affairs office.

Regardless of the fact that while preparing the census the citizen's National Identity number (NIK) is used to count the population number, a recurring problem is that the NIKs are generated using different systems and by different institutions. Therefore, the end result is that the numbers that are assigned to the NIKs do not conform or have any linkages with one another as the case should be. The 2 primary sources of NIK information generation are the Provincial Residential Bureau and the department of home affairs office that operates under the Governor of the province in question.²⁴

When the KPU tried to import this data back into their own systems, their software failed to properly recognize and import the information of those using NIKs from the provincial residential bureau and not the home affairs office. Each provincial residential bureau uses their own system to produce NIKs for the residents of that province. The KPU had a hard time managing the info of voters that were on the list from the provincial residential bureau among different department and provinces. This variance in the formatting of the data across each province showed the KPU's computers to be too rigidly programmed and not flexible enough to deal with the diversity of NIK data that they would receive.

In some places, the software would just leave the space for the NIK blank after importing even though the voter had a NIK originally supplied by the provincial residential bureau of their province. In other instances, because NIKs can be different at many levels of administration, some people ended up with more than one NIK per person, they got listed more than once with their different NIKs. And finally, there are instances where different people had the same NIKs and the automatic filtering option of the software was programmed to delete multiple entries of the same NIK in order to eliminate the problems, which landed up deleting more records.

The end result was that deceased, underage, and voters that had moved were mostly removed from the list in the proper fashion but the problem of double voter listings remained all too common and ultimately been distributed back and used as a final voter list (DPT final) at the polling station.

²⁴ Interview with Panwaslu DKI Jakarta

The situation drew serious concern from the presidential candidates to launch strong complains to KPU and this obviously created doubt on the overall DPT. Since the KPUs defended themselves by insisting that the DPT update progress was in good shape, this triggered reactions from Megawati and Prabowo camps who felt challenged and sent IT equipment with 100 unit of PC and operator to prove their point and to assist in cleaning the DPT.

Talking to Panwaslu,²⁵ ANFREL received a good picture of the state of the voter list from the provincial and district level. He acknowledged major problems with the list originally while also claiming that, a couple days before the election, it had been much improved through sorting and cleaning the data three separate times since the original list came out. There was concern however that this improved data would again be mishandled by the KPU since they had final say over compiling and issuing the list. The KPU used Microsoft Excel to cut and paste the data together in a way that, while it's simplicity might be admired, it left far too much room for user error.

The problem here then is both systemic as well as one of bad and sloppy management of voter data for the list. It's systemic in the sense that a unified system to assign NIKs was never created after the end of the Suharto regime. The disparate systems that vary between provinces and even within provinces depending on the government institution you're dealing with creates a great deal of problems, particularly for a country as large as Indonesia where so much of its population moves internally for work and family reasons. This problem is compounded by, and codified into law, by the system of semi-autonomy that some regions of Indonesia maintain. These semi-autonomous areas are not willing to give up some of their power over the National IDs cards to the central government.

While we must acknowledge systemic factors like those above that make it more likely to have errors, not all blame can be laid at history and circumstances' doorstep. The KPU was undoubtedly sloppy with data in a way that most certainly should be considered mismanagement if not the intentional malfeasance that some allege.

All this said, there is some light at the end of the tunnel and reason to believe that helpful reform is on its way. Government decree 37 of 2007 regarded residential population regulations from the Ministry of Home Affairs that would remedy some of the systemic challenges the KPU faces.²⁶ The regulations, while being issued 2 years ago, are only set to go into effect in 2010. They were designed with the creation of a unified system for issuing NIKs in mind. A "single door" system will be set up where there is only one source for issuing and managing NIKs. Modernizing and unifying this system across the country should allow for the distribution of government services and benefits regardless of whether a person is in their home province. This will benefit the country as a whole as well as those many internal migrant workers that must leave their homes to look for work.

The system will inevitably face challenges in implementation but it is a much-needed reform that cannot come soon enough. At the same time, because the department managing this new system will have increased power, it's important that there are safeguards and watchdogs in place to ensure that the department is nonpartisan and operates in a manner free from political influence when providing NIK data for use by other government departments such as the KPU to build its voter list.

²⁵ Panwaslu/Bawaslu is Elections Supervisory Body, mandated to supervise the overall elections conduct.

²⁶ Interview with Panwaslu DKI Jakarta

Fourth: Infrastructure of KPU, performance and neutrality

The KPU performed poorly, at best, in dealing with the voter list issue. This is most frustrating because they had several months to solve it and all stakeholders either realized, or should have realized, that it was the most looming, pressing problem for the presidential elections after the provincial ones in April. That so little was fixed and what was done was so incompetently carried out is a serious violation of the KPU's duty to the people of Indonesia. The Indonesian people realize that they deserve better and that there are serious problems, it's now time for the KPU to have the same realization and to begin to deliver the change Indonesians deserve.

An elections stakeholder interviewed by ANFREL e.g. media, NGOs, Voter have almost the same opinion if the 2004 KPUs team was more quality and professional, including its sub-ordinate the 2004 were consider more experienced and independent. In the matter of management the most factor that contribute the mess of DPT is impartiality of KPUs and its staff, *“the impartiality indicator can be seen by ineffectiveness of the KPUs reaction to tackle the DPT issue in particular area that become rival of the political party that supported by them, the manipulation of DPT on the potential areas of particular party”*. A problem of DPT that widely spread in whole electoral districts also strengthens the allegation of neutrality in KPUs body and its sub-ordinate as a deal can be done directly with individual candidate without involving political party, its very easy to tailored a pragmatic relation.²⁷

Fifth: Budget and time constraint

Another factor that accused in creating the DPT's crisis are financial and time constraint to develop credible DPT on the first process of update during the parliamentary elections on April 2009.

The late establishment of the KPUs sub-ordinate in District level, PPK²⁸, and PPS²⁹ is also become the important factor that delay the crucial elections agenda, and more over the fresh new structured have to drag their work without any sufficient infrastructure to conduct their work as secretariat, equipment and operational thing. The condition was worsening with delay on the financial matter, as many KPUs in provinces have to find advance finance by themselves in order to make work done. It is very ironic whenever the elections fund should be planed and delivery on time for success of elections, the question should be address to the finance institution and the parliamentarian as they also indirectly responsible for the DPT crisis happened.

However both argumentations is not applicable in the case of the DPT for Presidential on July 2009 as both financial and time are available indeed, and seem there is no technical excuse for the DPT crisis beside professionalism and integrity of the KPU itself. *“It is unacceptable for the same problem happened with DPT, it seems the KPUs does not have a comprehensive solution for it, a repeated problem showed if KPUs is lack of integrity and ability to solve this matter”*, said Saryono Indro, the KIPPs Jakarta chairperson.

Election result and disputes

An election commission (KPU) announced the final tabulation result with the victory of the couple of incumbent Soesilo Bambang Yudhoyono – Boediono as a couple president and vice president on Saturday, 25 July, 2009 with marked the highest votes of 73,874.562 or 60,8 per cent from total valid votes received on the elections followed by Mega-Prabowo (32.548.105 or 25,79 percent votes) and the last is JK-Wiranto (15.810.814 or 12,419 percent votes).

²⁷ Irvan Mawardi, JPPR program officer, translate from “Anatomy of DPT Problem” <http://www.jprr.or.id/content/view/2525/80/>

²⁸ PPK (Panitia Pemilihan Kecamatan) is KPUs subordinate Sub district level.

²⁹ PPS (Panitia Pemilihan Kelurahan) is Ad-hoc KPUs subordinate in Village level.

A dispute covered the announcement of the elections result, the two couple of contestant JK-Wiranto and Mega-Prabowo submitted the case against the KPU to the Constitutional court (MK) as one of the MK's mandate's is to settle the elections dispute, and it decision is final.



The chief of KPU together with President/vice president elected at the announcement the official result by the KPU. At the extreme right is Yusuf Kalla, one of the presidential candidates.

http://images.kompas.com/detail_news.php?id=23133&page=18

Mega-Prabowo demanded re-elections due the vote's manipulation allegation, the lawyer is equipped with 50 documents as evidences involved 28 million votes (26,79 per cent of valid votes) from 22 provinces. Separately a JK-Wiranto team also has submitted a demand to MK to declare the July 8, 2009 vote is legally frauds and the result subjected to be cancelled due the massive frauds. MKs seem face the option to have re-elections, annulled the KPUs final result or keep the victory of the SBY-Boediono by declared the cases has no enough evidence.

In another side the KPUs made internal consolidation to preparing the objection from those two candidates by invited its provincial branches to Jakarta in order to develop substantial data before its court battle in the MK. While the Bawaslu is in the standby mode in providing expert opinion if suppose it required as a witness as their maintaining more than 90 per cent of tabulation certificates from polling station that they believed valid. Additionally the KPU legal team also threat to prosecute back to all parties who are sued them if suppose the cases is not proven³⁰, given a wonderful democracy education's show to the Indonesian publics where it's the first time an important election dispute handed out and finalize by the court.

The drama was eventually ended with the MKs announcement on their verdict on August 12, 2009 to not reject the demand including argumentation that disputed by the pairs of Mega-Prabowo and pair of JK-Win , and furthermore the court endorsed the result that finalized by the KPU early, and automatically endorsed the winning of SBY-Boediono team.

The thing that important to be highlight is Indonesian political actors were increased their consciousness and give a remarkable political education to the Indonesian people, when they gently accepted the MKs decision to ended the presidential disputes. "We achieved if the democratization in Indonesian showed a very health shape at this moment, with the reform in the KPU structure and another democracy institution, we believed its will be shaped better in the future" Said Maskurudin Hafid, a JPPR observer in Jakarta.

³⁰http://www.waspada.co.id/index.php?option=com_content&view=article&id=43517:teror-kpu-ke-jk-mega-ancam-demokrasi&catid=46:analisis&Itemid=128

Operation Quick Count in Presidential Elections 2009³¹

By 5 PM on July 8, 2009 or four hours after the closing of the polls of the recently-held presidential election in Indonesia, five poll / survey organizations, four TV channels, the government's Home Ministry, the National Police, and the three major political parties had the unofficial results from a Quick Count Operation (QCO). The survey groups and the media networks had posted the quick count (QC) figures in various information platforms: radio, TV, newspapers, and the web. The following day July 9, all the newspapers announced the "victory" (albeit unofficial) of the SBY-Boediono team in their headlines, based on the quick count results. The papers showed the percentage share of the votes of the three candidate teams, and the QC results of the various survey groups

Quick Count Pilpres 2009			
Lembaga			
LSI (1)	26,56%	60,85%	12,59%
LSI (2)	27,36%	60,15%	12,49%
LP3ES	27,40%	60,28%	12,32%
Puskaptis	28,16%	57,95%	13,89%
CIRUS	27,49%	60,20%	12,31%
LRI	27,02%	61,11%	11,87%

<http://indonesiafirst.com/2009/07/quick-count-pilpres-2009-result/>

Fortunately, all the QC bodies had the same winning candidates and yielded figures which were within 1 percentage point of each other (except RPI which showed higher numbers for the Kalla-Wiranto team and lower numbers for the Megawati-Prabowo tandem). Every Indonesian, from political analysts to the men in the streets knew 24 hours after the election day that the country need not go through a run-off election since the leading candidate garnered the more than 50% + 1 votes required to declare the winner in the first round, thanks to the QC of the various poll groups.

³¹ Corazon H. Ignacio was a member of the international observation mission of the Asian Network for Free Elections (ANFREL) which observed the July 8, 2009 Indonesian presidential election. She is the Head of Projects of the National Citizens' Movement for Free Elections (NAMFREL Philippines) and has written various articles on democracy and election systems. She is based in Quezon City, Philippines.)

Earlier, the General Election Commission or the Komisi Pemilihan Umum (KPU) had set the following dates for the official vote count and tabulation:

Timetable of the KPU in Tabulation of Votes of the Presidential Election

July 10 - 15	Vote counting at the district level nationwide
July 16 - 18	Vote counting at the regency/municipality level nationwide
July 19 -21	Vote counting at the provincial level in 33 provinces
July 22-24	KPU tabulates the results from the provinces
July 25	KPU announces the President – elect and Vice President - elect

The above timetable shows that the official results will be known at the earliest only on July 22 or 14 days after the election and will be announced only on July 25 or 17 days after the voting day. Imagine the anxiety that will grip the country if there were no QCO. Speculations, suspicions of fraud, and opportunities for ballot switching / tampering by unscrupulous politicians would rule the day.

Quick Count Operation (QCO) or Operation Quick Count (OQC): goals and international practices

Quick Count Operation or Operation Quick Count

(QCO or OQC) is an internationally accepted practice where votes are tabulated usually by election monitoring organizations (EMOs) immediately after the closing of the polls. The methodology in counting is customized according to the conditions operating in the country. The results of the OQC are unofficial. The purpose of the quick count is to provide immediate feedback to the electorates on the results of the election. This is most useful and welcome in countries with young electoral systems, when the election commission has low credibility, or when the electoral process is stymied by bureaucratic red tape.

OQCs are considered honest and credible when the following conditions are present: quick counts are conducted by non-partisan and independent groups, use of systematic and transparent methodology, count is based on actual elections results from the ground (i.e., from the poll stations), the quick count bodies are not beholden to interest groups for funding, and the organization undertaking the OQC has a track record of yielding the eventual winner(s) from previous OQC projects. It helps that the OQC organization is accredited by the election commission of the country.

The matter of being granted accreditation to conduct the QC by the election commission is a double-edged sword; accreditation ensures access to official election documents like in the Philippines where the accredited OQC EMO is given the 6th copy of the official election return of every poll station. On the other hand, accreditation binds the QC body to certain protocols imposed by the electoral body, e.g. the timing of the release of the QC results, how and to whom the results will be released, etc., funding source, etc.

OQCs are conducted for the following objectives (from NDI's Handbook on The Quick Count and Election Observation, 2002): to deter fraud, offer a timely forecast of the results, instill confidence in the election process, and report on the quality of the process of the election. In the case of the recently held presidential

election in Indonesia, the OQC was both mandatory and critical given the protracted timetable of the KPU in determining the final winner.

The OQC in the Presidential Election

The July 8, 2009 election OQC was relatively simple to run because there were only three teams running in the election. Each of the teams was assigned Numbers: 1 (Megawati-Prabowo), 2 (SBY-Boediono), and 3 (Kalla-Wiranto) in the ballot papers. There were 176 million voters from 33 provinces dispersed in 450,000 polling stations nation-wide. Polling hours were from 8:00 AM-1:00 PM. Counting of votes cast at the poll stations started immediately upon the close of poll hours. Unless there was a question or protest on the appreciation of votes, counting at the polling station level was finished in one hour or less.

A well-planned OQC with data-gatherers on the grounds could be receiving their first data input as early as 12:30 PM (assuming that counting took only 30 minutes). Expectedly three TV stations were reporting OQC results as early as 1:00 PM. At 1:00 PM, Metro TV was reporting results from 13.8%, Trans TV was reporting results from 27.9% and SCTV1 was reporting results from 28.1% of their respective target population group. By 4 PM or three hours later, Metro TV was reporting 94.77%, Trans TV was reporting 99.29%, SCTV1 was reporting 98.95% and RCTI (which came in at 3:00 PM) was reporting 90.80%, of their respective population groups. The results of the OQC conducted by the professional survey groups were carried by radio and TV networks and by the newspapers at the following day.

The KPU granted accreditation to five institutions and several media groups to conduct OQC in the July 8 election. These institutions are:

1. The Lembaga Survey Indonesia (LSI) – the most visible survey organization, gets funding support from Fox Indonesia, a political consultancy contracted by SBY's Democratic Party
2. Institute of Economic and Social Studies and Development (LP3ES) – the oldest survey organization, having conducted the first OQC in Indonesia in 1999. For the 2009 presidential election, it partnered with the Radjawali Citra Televisi Indonesia (RCTI) granting the TV network exclusive rights on its OQC results. It also received some support from Fox Indonesia and donation from the public.
3. Indonesian Research Institute (IRI) – headed by Johan Silalahi who has political connection with Yusuf Kalla
4. Indonesian Circle Institute (LSI) – headed by Denny JA; the institute launched a public campaign supporting the idea of a single-round election to save state funds, suggesting support for SBY's Democratic Party.
5. Cirus Surveyor Group – no information available
6. Metro TV - One of the more aggressive TV networks in releasing OQC results. It pirated the key person of LP3ES for its 2009 OQC. Metro TV is affiliated with GOLKAR, the party of the Kalla-Wiranto Team.

Right off, having many players doing the same thing sets the tone for competition on accuracy and speed among the accredited entities. The advantage of having many groups doing the QC ensures minimal chance of collusion and promotes competition in achieving the best results; on the other hand, there is the potential risk of sowing confusion in the mind of the public should the results of the OQC by the several survey groups show conflicting results.

The KPU stipulated that the results of the QC should be released only after the poll stations have officially closed at 1:00 PM of the Election Day. This was a very logical and reasonable ruling by the KPU to ensure that voters would not be influenced by any QC figures. Any responsible poll / survey company should do

no less. The ratings game however has a different set of rules. Scoops and being able to claim, “You got it first in this channel” prompt TV channels to break rules. Two TV channels, SCTV1 and Metro TV released at 11:00 AM or while the voting was still going on, exit poll data that were interpreted by the voters to be QC results. Prabowo, the VP running mate of Megawati, complained before the KPU why MetroTV released exit poll results before 1:00 PM, in clear violation of KPU regulation. KPU reprimanded the offending TV network.

The Methodology of Quick Counts in Indonesia

The Quick Count (QC) results were cited not in absolute numbers but in percentage figures, and there’s a reason for this: the QC bodies were not willing or ready to disclose the sample size of the survey population. The unit of count / analyses in the OQC are the polling stations nation-wide: 450,129 polling stations or TPS.

Given the magnitude of the number of voters and polling stations, the configuration of the islands in the country, and the lack of transportation and communication infrastructure nationwide, it would be a sheer waste of time and resources to do a station-by-station count for the OQC. This was better left to the election body.

The OQC groups therefore did stratified random sampling of the polling stations where a sample size anywhere from 2,000-3,000 stations can be generalized to represent the vote of the entire country. The results are assumed to be representative if all 33 provinces are covered, if the field surveyors and regional supervisors are applying the same methodology, if these same staff are honest, non-partisan and committed to the goals of QC, and statistical principles of random sampling, margins of error and correction factors are observed.

Going back to OQC start in Indonesia, the first OQC was conducted in the first democratic election held in the country, the presidential election in 1999. Two organizations conducted QC: Forum Rektor Indonesia, (an EMO) with the support of National Democratic Institute (NDI) and LP3ES (a private survey group) with private funding support. In the 2004 presidential election, only the LP3ES conducted a QC, with support from UNDP, NDI, TIFA, Metro TV and SCTV.

Voters’ View of the OQC

One of the items of interest of the international observers from ANFREL which observed the conduct of the presidential elections in three key provinces (Jakarta, Central Java and Aceh) was the citizens’ opinion on the credibility of the quick count results in the previous election. Three issues surfaced about citizens’ views of the OQC: *first*, the QC institutions served political interest groups; *second*, they were predisposed to “trend” the result of the vote count in favor of their patron. Trending is a malpractice in QCO where figures are “massaged” to show a favored candidate leading the count when in fact he is not. One way of doing this is to release first the vote count from areas where the favored candidate is strong; thereby setting a trend of the favored candidate’s perceived win-ability; and *third*, was the most damning indictment of the OQC by the Indonesian voters: that KPU eventually just follows the results released by the QC institutions either out of lack of commitment to the electoral process, or because the KPU and the OQC bodies are in collusion with each other, or the KPU is avoiding a potential problem should the official results it will release be different from those earlier announced by the OQC groups.

This is an unfair accusation and is improbable to happen because the KPU strictly observes counting and tabulating procedures provided under the Election Law and it cannot abandon its legally mandated function. However, public perception is public perception. The public chooses to believe certain things even when the alleged act is improbable.

Still another voter's concern about the OQC was that the party in power would use the QC to prematurely announce that SBY has been re-elected, conditioning the minds of the citizens about the inevitable victory of the incumbent president. This view assumes a more sinister twist: when people's minds have been prepared to accept an SBY win, the bad men or political operators can then tamper with the ballot papers or ballot boxes to ensure an SBY victory. This is a wild plot that happens only in very disorderly elections and anarchic political systems. Nevertheless, this reflects a lingering distrust of the election process, the political leaders, and of the capacity of KPU to manage a clean and honest election.

Clearly, the intended purpose for which OQCs are being done has not seeped into the consciousness of the Indonesian voters. Unlike in other countries where OQCs and the group(s) running these are seen as beacons of clean and honest elections, the OQCs in Indonesia are lumped together with politicians, political operators, and ineffective election commissions.

OQC is an Open Field

Any organization, entity, or government office can do a QCO in Indonesia. Aside from the 5 professional survey organizations and the media networks, several government agencies also did QCO "for internal use." The Home Ministry Office conducted its own QC. It used the local government (regencies) facilities and staff to get data on election results. The OQC database of the Home Ministry may be considered more extensive than any of the private survey groups because the former, using state apparatus, received election results data from almost 100% of the local government units as opposed to the private survey companies which used stratified random sampling anywhere from 2,000 to 3,000 polling stations.

The national police organization had its own QCO, with police officers at the municipality level remitting data to the headquarters. The three political parties had their own QCO through data supplied by their political agents to protect their votes.

Surprisingly, even the KPU or the General Election Commission conducted its own quick count with funding support from the International Foundation for Electoral System (IFES) starting on the night of the election. The quick count was conducted through text messages from TPS (polling stations) officers who were technically under the KPU. KPU maintained a website to share its OQC results to the public: tnp.kpu.go.id/pilpres200907/sms/static. As of the evening of July 8 when poll results from 40,000 polling stations had been reported, the winning candidates in the KPU count were basically the same as the results of the other QC bodies.

Even the Panwaslu or the Election Supervisory Committee, which was created, to monitor, election-related irregularities conducted OQCs in certain areas. The Bali Panwaslu declared that it would conduct its own QC "to enable it to directly monitor or correct any irregularities during the counting process." (Jakarta Post, July 8, 2009). It is surmised that this OQC by Panwaslu was limited only to Bali province. If this QC covered areas outside Bali, it would have been a massive waste of resources (the budget and salaries of Panwaslu staff come from the government) and a misdirected sense of duty to be doing something that other groups are doing well.

Business-driven

All the five survey institutions operate as business concerns, ie., they maintain office space, have to meet monthly payroll, have monthly overhead expenses, etc. They disclosed that their respective OQC was funded by sponsors, partners, or conduits that are either affiliated with political parties or have tie-ups with media

networks. As Saiful Mujani LSI director states in a Jakarta Post article on July 10, 2009, *“People need to realize that surveys are expensive. Therefore, we need sponsors.”*

The institutions maintain however that they remain independent in spite of receiving funding support from consultants affiliated with political parties. The funder is not allowed to influence the results of the OQC or the pre-poll survey, its methodology, selection of volunteers, and other aspects of the organizations’ professional task.

Professional survey groups like LSI, LP3ES, IRI, etc. conducted socio-political surveys during off election season, pre-poll surveys during the weeks preceding the election, exit polls during the election, and OQC after the election. This is a logical business decision - do continuous surveys to maintain income stream, enhance the portfolio, and hone the skills of the staff. The only problem is, the OQC has the potential problem of being compromised if the same organization is doing both pre-election predictive survey and OQC.

The pre-poll surveys are predictive surveys on voters’ preference on which they will vote for in the coming election. This casts a shadow on the objectiveness of the OQC results, because survey groups have to protect their professional image; their pre-election survey and post - election OQC figures should match. Fortunately in this election, the OQC results of all the survey groups hew closely to the pre-election survey prediction that the SB-Boediono team will capture around 60% of the votes and the two remaining teams will divide the balance between themselves.

The pre-election survey and the OQC result of both the LP3ES and the LSI show respectable and remarkable consistency even if the newspapers gave LSI most of the credit for coming closest to its own prediction (which is not true, LP3ES did):

LP3ES Data:

Teams	Pre-poll Survey	OQC Result
SBY -Boediono	60.34%	60.28%
Megawati- Prabowo	27.83%	27.40%
Kalla-Wiranto	11.83%	12.42%

LSI Data:

Teams	Pre-poll Survey	OQC Result
SBY -Boediono	63.1%	60.85%
Megawati- Prabowo	19.6%	26.56%
Kalla-Wiranto	10.6%	12.59%

The more accurate measure of the performance of any of the QC bodies is not on the closeness of its QC figures to its own pre-election survey figures. It is the closeness of the QC figures of any of the OQC bodies to the official results to be released by KPU.

On the other hand, the socio – political surveys also being done by the survey groups cover a wide range of concerns which are useful to political parties and candidates, government officials, businessmen, political scientists, etc. Among the issues covered in socio-political surveys are “Urgent development agenda”, “role of military”, “performance of government ministries”, “perception’s on cash dole outs to poor families”, etc.

The editorial of the Jakarta Post on Election Day, July 8, 2009, mentions the challenges that survey/OQC institutions face: *“The political surveys are complicating voting a little because most were commissioned by the candidates and therefore their independence is seriously questioned. But they are unlikely to affect the way people vote. These institutions are putting their credibility on the line, and those who erred too much would soon go out of business”.*

This would prove to be the unhappy fate of LRI. Its head, Johan Silalahi vowed that he would close LRI if his pre-election prediction of a 30%-30% ties between SBY and Kalla during the first round did not materialize. The result of the OQC, which his own institute conducted, showed his prediction was off. He subsequently closed LRI. This incident shows the conflict survey organizations face when they are forced to maintain a balance between professional commitment and responsibility to please a business patron.

Because the OQC in Indonesia is business-driven, there is a natural tendency for competition among the players which is positive in the way that it motivates the survey groups to maintain the highest standards of professionalism and competence. This in a way is Darwinian principle in action: the weak and the unable will fall by the wayside.

Fortunately, the results of the Quick Count conducted by various QC groups on the very day of the election yielded uniform results. One cannot imagine the political instability that would have ensued if the results of the OQC by the different institutions were different from each other. It would have stoked political unrest, the very problem that a reliable and credible OQC seeks to avoid by providing immediate and credible vote count.

The funding source of OQC by the various groups tends to cast a shadow on the credibility of the count, despite the pronouncements of the officials of the survey organizations, the professionalism of its staff, and its strict application of scientific methodology on researches and surveys. It is hoped that citizens become more aware of the value of independent OQCs and support these post election activities through volunteerism and cash donations. OQCs which are citizen-driven are more independent and objective. Towards this end, EMO’s like *Komite Independen Pemantau Pemilu (KIPP)*, Forum Rektor Indonesia, or The People Voter Education Network (JPPR) could be taking the lead in generating public support for a citizen- initiated and funded OQC.

Meanwhile that a citizen-led OQC is not yet operational, survey organizations should uncouple pre-election surveys and OQCs. Every survey group should do only one of the two activities, either the survey only or the OQC only, if only to assure the public that the figures (pre-election survey or the OQC count) are independent. Allowing one organization (even if it was an open field) to do both pre-election survey and OQC puts too much power in the hands of that organization. It will take only one irresponsible or malicious organization to stoke civil unrest should it decide to manipulate figures and present dishonest numbers in both activities.

The official count of the KPU will present the final and complete figures on the votes garnered by each of the three teams which vied for the presidential and vice-presidential posts in the July 8, 2009 election. Only then can the public determine how close / accurate the OQC figures of the survey organizations are to the complete and nation-wide count. The KPU has the mandate, time, machinery, and funding to undertake a complete and accurate count. It is hoped that the election body will not dissipate this opportunity to present a clean and honest count to the public.

ANFREL Final Statement

Indonesian Presidential Election 2009

July 11th, 2009

The Asian Network for Free Elections comprising of International Observers from 5 countries would like to commend all the stakeholders in the July 8, 2009 presidential elections for their ability to run the poll in an organized manner, thereby effecting a free, fair and peaceful election. The voter turnout in the areas covered by the Observation Team was relatively high even though there were big problems with the voter list as well as inadequate voter education.

The July 2009 Presidential Election offers a crucial lesson for the election commission and civil society in Indonesia. It also reflects on the professionalism of the electoral administration and the role of local monitoring organizations in providing checks and balances. Since April's Legislative Election, there have been some positive developments regarding technical matters and procedures such as Indonesia's respecting the rights of some hospital patients and more prisoners to vote. Indonesia continues to be a model for other countries by utilizing Bawaslu and Panwaslu to monitor the work of the Election Commission (KPU) and other election related stakeholders.

The voters are becoming more familiar with using the new ballot marking system (contreng). Voter awareness and familiarity with the new system had grown since our mission in April, resulting in less spoiled ballots. All these said however, there are still points where the voting system took a step backwards and several areas where all stakeholders need to pay close attention.

Recommendations

1. Creating a fair playing field
 - 1.1 It is important to enforce the existing regulations and to take legal action against violators of the laws that restrict the use of government manpower, state facilities, or vehicles for their own campaigns.
 - 1.2 Two months before Election Day, launching big government projects and public allocations that could be perceived as vote buying or part of a campaign should be suspended. The candidates to campaign and talk to people about their general policies rather than making promises regarding building infrastructure projects for specific areas.
2. Reforming the voter list
 - 2.1 The list should be managed with the assistance of an independent professional body and not be subject to real or perceived political manipulation.
 - 2.2 In order to use the same voter list created from the same sources in the same way for the whole country, a lot of time to re-census will be required. This new system must ensure that every eligible citizen receives an ID card, that one person holds only one ID card with their address, and that any extra cards will be confiscated or cancelled by the concerned authorities.
 - 2.3 The voter list should be disclosed and posted early enough in each village for the public to view in order to make sure they have time to address any problems they find with the list. The list should also be accessible online for the public and civil society.
 - 2.4 Invitation letters should also be sent to all households early enough to ensure voter rights by providing enough time to complain and revise the list if their names are not registered.
3. More efficient administration at the TPS on voting day
 - 3.1 A poor polling station setting was found again in this election for many polling stations (TPSs). Many TPSs do not provide cover for the polling booths. The lack of such a cover compromises secrecy in voting. Poll officers (KPPS) must receive proper training and enforce the regulations regarding polling station setup.
 - 3.2 The recruitment of polling officers should use a mechanism to prevent active party members from being appointed poll officers.
 - 3.3 All voters shall put their signature and/or thumbprint on the voter list directly before taking the ballot paper to cast their vote. This is useful for investigations in order to track any irregularities, cases of impersonation, or cheating.
 - 3.4 Poll officers, or KPPS, should always check all fingers of voters before allowing them to vote. It will be ideal if KPU requires voters to apply the ink on one specific finger on the left or right hand to standardize the practice.
 - 3.5 Indelible inking pens should be used instead of dipping fingers into indelible ink in the bottle. No tissue paper, cloth or sponge should be provided for drying the finger. If this is done, voters will not need to immediately dry the ink in a way that could remove or dilute the ink from the finger and nail.
 - 3.6 Since voting without showing any identification document with a photo (ID Cards or passport) is unacceptable, this process should not rely on only indelible ink. By requiring photo identification, Indonesia will add a much-needed second level of protection against multiple votes and voter impersonation.

4. Voters' Education must be done earlier in order to maximize peoples' awareness of new regulations, provisions, and any changes made to the electoral law.

5. KPU/KPUD and Bawaslu/Panwaslu
 - 5.1 The relationship between these two bodies should be clearly delineated.
 - 5.2 They should be totally independent electoral bodies. The appointment of Bawaslu and Panwaslu officials should be independent from both KPU and from politicians.
 - 5.3 KPU should be more pro-active and solve problem more effectively. Further delay of the serious work ahead of them could make things worse and impossible to control.

6. Political Parties are well advised to strengthen the training of their political agents at the TPS. They are found to be lacking skills in and commitment to election observation.

7. The existing law disallowing children from participating or becoming involved in political campaigns should be implemented and enforced.

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