



## **Interim Report of the ANFREL International Expert Election Observation Mission (IEEOM) to the 2024 Indonesia General Elections**

### *Executive Summary*

The Asian Network for Free Elections (ANFREL) congratulates the people of Indonesia for their unwavering commitment to democracy, demonstrated through their active participation in the electoral process, which is truly commendable. Nevertheless, there remain concerns regarding the quality of various aspects of the overall electoral processes.

As election observers engaged with a spectrum of electoral stakeholders during the course of their deployment, ANFREL deems that it would be of a disservice to the electoral stakeholders who continued to push back if we ignore concerns and fears regarding instances in the whole election period that showed signs of declining democratic norms and values such as encompassing challenges in the legal framework, issues surrounding the independence of the Komisi Pemilihan Umum Republik Indonesia (KPU), the mobilization and misuse of state resources to sway voter preferences, and the responsiveness of the Badan Pengawas Pemilihan Umum Republik Indonesia (Bawaslu) in addressing complaints and violations of election laws. These factors have contributed to concerns that a lack of established systems and processes exists for ensuring accountability, transparency, inclusiveness and public confidence in the electoral process and election results.

In the issues surrounding the legal framework, ANFREL extends its respect to the decision of the members of the Constitutional Court. However, ANFREL also views the decision as a legal uncertainty, which causes a lot of interpretation as to the age requirement. Notably, the Constitution has never specified an age limit for presidential and vice-presidential candidates. ANFREL recommends the inclusion of age qualifications in the Constitution to ensure stability and consistency in the eligibility criteria for political office. This would establish a clear and enduring standard, preventing frequent changes or amendments to electoral laws based on evolving opinions.

ANFREL also believes that the current legal framework lacks the necessary provisions to effectively address instances of the misuse of state resources in elections. ANFREL urges Parliament to tackle this issue through legislation. The legal framework should strengthen initiatives to monitor and publicize findings related to abuses.

Moreover, the independence of KPU has been questioned on multiple occasions due to actions perceived as biased and incompetent by both political parties and civil society organizations. The KPU should enhance transparency and inclusivity in its regulatory decision-making process, making regular consultations with relevant stakeholders a standard practice. Additionally, BAWASLU should take proactive measures to keep stakeholders informed about the resolutions of complaints.

Notwithstanding the challenges, ANFREL also recognizes the extensive work that the KPU has done, most especially the polling staff and security personnel who largely managed and facilitated the peaceful and orderly conduct of the Election Day. Polling staff braved the challenges of a complex voting process even in instances of delays observed during the opening of some polling stations, extending beyond the scheduled opening time. Despite adverse weather conditions in certain areas, the polling staff remained committed, and voters displayed patience waiting for their turn to vote. The management of polling stations and queues was effective, contributing to an orderly voting process.

Moreover, the participation of various voter categories, including those listed under the additional voters' list and special voters, is commendable. This practice fosters inclusivity in elections, a vital aspect in guaranteeing a fair, representative, and accessible electoral process for all members of society.

During the campaign period, the electoral atmosphere was dynamic and competitive, allowing candidates and political parties to engage in campaigning through various activities across traditional and social media platforms. Despite the presence of legal measures to promote a fair campaign environment, there was a prevailing concern that the influence of money in politics played a role in influencing voters. The absence of stringent penalties for campaign violations created a susceptibility to unethical and illegal practices during the election. Additionally, the absence of a comprehensive legal framework for thorough social media monitoring led to the persistence of hoaxes and various forms of disinformation and a lack of specific programs from the KPU to combat misinformation and disinformation. It is important to highlight that the focus should not be on content regulation but should extend to implementing transparency mechanisms.

With unwavering dedication and proactive initiatives, Civil Society Organizations (CSOs) established resilient networks and alliances, engaged in strategic communication, and employed grassroots mobilization. Despite these efforts, ANFREL has collectively noted the substantial challenges faced by CSOs in influencing decision-makers, policymakers, and election authorities.

Although quick counts have identified election winners, ANFREL urges electoral stakeholders to maintain vigilance and guarantee that subsequent processes determining the final and official election outcome are robust and genuinely reflect the voice of the people.

The following are the detailed interim findings of the ANFREL International Expert Election Observation Mission to the 2024 Indonesian General Election:

## **I. ANFREL's Election Observation Standards and Methodology**

For this Indonesia General Election Observation mission, ANFREL deployed its short-term observers, electoral analysts and the mission management team in 11 of Indonesia's 38 provinces, roughly 1/3 of the country. The provinces were chosen based on the following parameters and practical considerations: a) geographical coverage; b) population distribution and diversity; c) level of electoral competition; d) areas of concern with regard to human rights or previous election; and BAWASLU's Election Vulnerability Index Report.

Throughout the mission, electoral analysts conducted desk research and engaged with stakeholders 15 days before the deployment. To complement the work of the electoral analysts, short-term observers were deployed. During the actual field work, observers were able to cover critical pre-election processes, the campaign period, and Election Day. Their assessment was the result of: a) interviews with stakeholders; b) access to relevant election information and documents; c) first-hand election observation; and d) objective overall analysis. This methodology ensures that the information is neither one-sided nor tinged by partisan bias. Information was also verified in various manners to ensure the integrity and veracity of the election data.

During the pre-election period, ANFREL observers interviewed more than 126 stakeholders and studied the socio-political context, the campaign environment, the security situation, voters' views and perceptions, voter registration, election administration, voter education, the conduct of government officials, and activities by civil society organizations, domestic observer groups, and the media.

Observers were able to visit 113 polling stations spread across 11 out of 38 provinces on Election day. Observers reported their findings on the voting and counting processes in line with the Indonesia Electoral Code, Law Nr. 7 (2017) and other relevant Komisi Pemilihan Umum Republik Indonesia (KPU) regulations.

ANFREL takes seriously the need for public trust and uses an approach founded on international human rights in its election observation mission. The most important indicator of the credibility of an election is whether or not the public has confidence in the process and results of an election.<sup>1</sup> The said human rights are categorized into three general standards: *accountability, transparency, and inclusiveness*. An analysis of whether each of the standards is present in an election guides ANFREL in its assessment of whether there is an electoral process that is truly free and fair.

All ANFREL observers and volunteers were duly accredited by the BAWASLU and followed the Declaration of Principles for International Election Observation<sup>2</sup> and the ANFREL Code of Conduct.

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<sup>1</sup> Merloe, Patrick, Promoting Legal Frameworks for Truthful election: an NDI guide for developing election laws and law commentaries, 2008

<sup>2</sup>Asian Network for Free election (ANFREL), "Declaration of principles for international election observation and code of conduct for international election observers", 18 December 2014, <https://anfrel.org/wp-content/uploads/2014/12/Declaration-of-Principles-for-International-election-Observation.pdf>

## II. Electoral Issues

Given the intricacies of the electoral process, the expansive archipelagic nature, and a substantial voter population exceeding 204 million, the concurrent election system was initially implemented in 2019, departing from the previous practice of separately conducting legislative and executive elections.

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The 2024 election operates under the same legislation as the 2019 election, signifying that the governing rules mirror those of the earlier electoral process. Mainly, the basis of the conduct of elections in Indonesia is Law No. 7 of 2017 on General Elections. Other legal basis includes elections Law No. 7 of 2023 on Determination of Government Regulations in Lieu of Law Number 1 of 2022 concerning Amendments to Law Number 7 of 2017 concerning General Elections, Law No. 23 of 2014 on Regional Government, Law No. 2 of 2011 on Political Parties (Amendment to Law Number 2 Year 2008) on Political Parties and Government Regulation No. 18 of 2016 on Regional Apparatus.

### a. Qualifications of a President and Vice-President

The election law stipulates that any political party or coalition wishing to nominate a presidential or vice presidential candidate must meet a nomination threshold, securing either 20 percent of seats or 25 percent of votes from the previous election. The general election also for president and vice president is carried out in two rounds if in the first round no pair of candidates obtains more than 50% of the votes with at least 20% of the votes spread over more than half of the provinces in Indonesia. This requirement is challenging to fulfill, prompting political parties to form coalitions to meet the criteria for nominating candidates.

Beyond these regulations, candidates nominated by political parties must satisfy various criteria, including a minimum age requirement of 40 years, as specified in Article 169, letter q of Election Law No. 7/2017. This particular article faced a challenge in the constitutional court.

In Decision No. 90/PUU-XXI/2023, the Court interprets Article 169 letter q of the Election Law to mean “Requirements that must be fulfilled by a Presidential and Vice-Presidential candidate are as follows: *at least 40 (forty) years of age or has occupied/is occupying an office elected through a general election, including the election of heads of regions.*”

ANFREL extends its respect to the decision of the members of the Constitutional Court. However, ANFREL also views the decision as a legal uncertainty, which causes a lot of interpretation as to the age requirement. The Constitutional Court has undergone multiple instances of judicial review for Article 169, letter q, of Law Number 7 of 2017 on General Elections. Notably, previous petition cases, such as Case Number 29/PUU-XXI/2023, Case Number 51/PUU-XXI/2023, and Case Number 55/PUU-XXI/2023, resulted in the rejection of the

applicants' appeal. The Constitutional Court justified its decision by asserting that the cases in question fell under Open Legal Policy, and thus, their authority rested with the legislators.<sup>3</sup>

The age limit for presidential and vice presidential candidates has never been stipulated in the Constitution. ANFREL recommends that the age qualifications should be put in the Constitution to safeguard this requirement, providing stability and consistency in the eligibility criteria for political office. It establishes a clear standard that remains constant over time, preventing frequent changes or amendments to electoral laws based on evolving opinions.

ANFREL hopes, for purposes of providing the electorate a clearer understanding on the qualifications of candidates for President and Vice-President, the open legal policy criteria which may be handled by the legislators and the Constitutional Court must be clearly defined and set.

It is crucial for the Constitutional Court to uphold independence, consistency, accountability, and credibility to avoid negative perceptions from the public. By doing so, the court can effectively exercise legal supremacy in alignment with its assigned duties and authority.

#### **b. Nomination Process for Legislative Candidates**

The nomination process for legislative candidates follows guidelines set by the election law,<sup>4</sup> requiring political parties to include a minimum of 30 percent of women in each electoral district. Indonesia's electoral regulations mandate that political parties, to qualify for competition, must ensure at least 30 percent of their candidates are women.

However, PKPU 10/2023 regulation governing the nomination process such as the calculation of the 30-percent women's representation criteria faced backlash from the public, as it specified rounding down if two digits after the decimal point were less than 50. Critics argued that this approach could potentially diminish women's representation in elections.

When the General Elections Commission (KPU) released the definitive roster of candidates for the 2024 legislative elections, it was revealed that all 18 political parties vying for the 580 seats in the House of Representatives have successfully met the stipulated requirement for female candidates. However, in an interview with NETGRIT, NETGRIT reiterated their analysis of the KPU's DCT results which showed that of the 18 political parties participating in the election, only 1 political party met the requirement for women's representation of at least 30% in all DCTs in 84 electoral districts, namely Prosperous Justice Party (PKS).

In Decision Number 24 P/HUM/2023, the Supreme Court ruled that Article 8, paragraph (2) of PKPU 10/2023 is inconsistent with the Election Law. Consequently, the KPU was instructed to promptly amend this PKPU. Despite the issuance of the Supreme Court's decision, the KPU did not revise it. Instead, the KPU merely communicated to political parties, urging compliance with the court's ruling, without making revisions to the pertinent KPU regulation.

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<sup>3</sup> Rusmauliana Putri & Nuril Khasyi'in (2023): JURIDICAL REVIEW OF THE PROBLEMS OF CONSTITUTIONAL COURT DECISION NUMBER 90/PUUXXI/2023, Universitas Islam Negeri Antasari Banjarmasin Jalan Ahmad Yani Km. 4.5 Banjarmasin, Kalimantan Selatan

<sup>4</sup> Article 2 of Law No. 2 of 2011 on changes over Law No. 2 of 2008 on Political Parties stipulated that political parties should have women constitute 30 percent of their members  
Article 245 of Law No. 7 of 2017 on General Election stipulates that candidate lists should have at least 30 percent women's representation.

Article 246, point (2) which states that within a candidate list, for every three candidates, there should at least be one woman

ANFREL sees that the KPU undermined the spirit of women's representation by posing a potential threat to the 30% affirmative action for women on the legislative candidate lists. Consequently, nearly every party failed to meet the 30% women representation requirement on candidate lists in various electoral districts, competing without facing any sanctions. ANFREL urges the KPU to revise this regulation to align with the laws established over the years.

The potential impact of these changes may be minimal, considering that a majority of candidates are typically elected from the first position on the list. Nevertheless, it establishes a concerning precedent for the future of women's representation. Most especially that attaining the 30 percent target for women's representation is a challenging task, hindered by gender inequality and a patriarchal culture. It is crucial for all stakeholders in the general elections, including political parties, to intensify their efforts in empowering women in the realm of politics.

### **c. Independence of Election Management Body**

The independence of KPU has been put into question several times because of actions that political parties and civil society organizations alike deem displayed bias and incompetence.

The most recent and controversial case that stemmed from another known and controversial decision of the Constitutional Court is the vice presidential candidacy of Gibran Rakabuming Raka, the son of outgoing president Joko Widodo, who despite not being able to meet the minimum age requirement of 40 years old was allowed to run due to the exception that the court made.

The Election Organization Ethics Council (*Dewan Kehormatan Penyelenggara Pemilu*, DKPP) found KPU guilty of an ethical violation when they allowed Gibran to register his candidacy before adjusting the minimum age requirement for candidates in their internal regulation in line with the Constitutional Court ruling.<sup>5</sup>

DKPP said KPU should have followed the prerequisite requirement of meeting lawmakers and the government before revising the KPU regulation instead they opted to just informing the political parties about the changes then meeting lawmakers.

This was not the first time that the KPU chief and the other commissioners were issued warnings for ethical violations. In April 2023, KPU chief Hasyim Asy'ari received a final stern warning in connection to his relations with the chairman of the Republican Party Satu while in October 2023, Hasyim received a strong warning and six other KPU commissioners received a warning for the preparation of regulations related to prospective female legislative candidates.<sup>6</sup>

The perception of electoral stakeholders who ANFREL observers talked to on the ground vary about the performance of the election management body. While some informants said they have no problem with how the elections were managed, they are somewhat skeptical about the competence and independence of the KPU and the effectiveness of Bawaslu to address

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<https://www.thejakartapost.com/indonesia/2024/02/05/kpu-found-guilty-of-ethics-breach-in-handling-of-gibran-vp-bid.html>

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<https://www.kompas.id/baca/english/2024/02/06/en-pelanggaran-etik-berulang-menggerus-kepercayaan-publik>

election-related violations. The ethical violation of the KPU also raised concerns over their bias. Informants noted that the EMB needs to strictly adhere to election-related laws and improve dissemination of election-related information. They also believe that Bawaslu should be better empowered to address election-related issues including campaign violations and allegations of the use of money politics.

Expert informants have noted that while KPU has maintained a good level of trust among electoral stakeholders, albeit recording its lowest trust rating compared to the past, the ethical violations have dampened its reputation and have casted shadows of doubt over their independence.

It is commendable that the EMB system allows for checks and balances to hold erring officials accountable but the lack of deterrent sanctions only further cast and deepen doubts on the integrity of the electoral process. The KPU should be more transparent and inclusive in its regulation making power, making consultation with relevant stakeholders a norm. Bawaslu should also proactively update stakeholders on complaints resolutions.

#### **d. Misuse of State Resources in Elections (Bansos/BLT)**

President Joko Widodo, persists in allocating social assistance (bansos) through various programs in the lead-up to the general elections scheduled for February 2024. The extensive distribution of social aid has given rise to speculation that it may be strategically used to support the candidacy of Gibran Rakabuming Raka.

In an interview with Jaga Pemilu, concerns were raised regarding the nature of bansos programs: (1) their distribution during the campaign period in closely contested areas, prompting suspicions of funds being utilized similarly to a pork barrel scheme; (2) the president personally handing out assistance, in contrast to other schemes where funds are transferred to beneficiaries' bank accounts; (3) despite being politically charged and targeted, bansos, as a program, lacks specificity and appears random, lacking clear data to justify its distribution to specific areas.

ANFREL observed consistent appeals from academe, the private sector, and civil society organizations, prompting the government to halt the distribution of BLT and bansos. Given these developments, ANFREL believes that the current legal framework lacks the necessary provisions to effectively address instances of the misuse of state resources in elections.

ANFREL urges Parliament to tackle this issue through legislation. The legal framework should strengthen initiatives to monitor and publicize findings related to abuses. Protections for whistleblowers or the implementation of Right to Information laws may provide avenues for collecting data on the inappropriate use of state resources in elections. Regulations can enhance transparency, such as rules on campaign finance reporting that shed light on campaign spending and financial entanglements. Understanding and navigating these legal considerations contribute to more effective monitoring and advocacy outcomes.

ANFREL also calls on the KPU and BAWASLU to thoroughly investigate these issues, concurrently exploring the potential implementation of policies to address such incidents. The mechanisms facilitating the misuse or abuse of state resources in elections are diverse and complex.

ANFREL further encourages citizen groups to uphold norms, enhance accountability, and drive reforms by utilizing existing mechanisms, influencing cultural changes, and advocating for reforms. Election monitoring groups should integrate the monitoring of institutional resource abuse into the responsibilities of long-term observers, putting emphasis that it also encompasses campaign funds monitoring. A crucial step for local civil society groups is to transition from merely collecting and reporting isolated incidents of abuse to implementing a more systematic and structured approach to data collection, resulting in more robust findings.

#### **e. Access to Information**

The media environment in Indonesia is rich and vibrant as the Media Law allowed for the practice of journalism to flourish. There are also media groups which push for the rights and welfare of journalists and media workers as well as promote press freedom and free expression in the country.

While press freedom is guaranteed under the law, the practice of journalism comes with issues and challenges that affect the people's right to know. The emergence and proliferation of hoaxes online has also exacerbated those challenges amid an ever changing media and information landscape, globally.

The media have been covering the elections by following the campaign trail and profiling the candidates and political parties, presenting pressing policy issues as well as election-related efforts of the academe and civil society organizations, and election administration and management, among others.

Prior to the election, media outlets and civil society organizations have been collaborating on fact-checking initiatives to counter the spread of disinformation or hoaxes online. CekFakta, a collaboration between AJI, AMSI, MAFINDO and a growing number of media organizations, conducted live fact-checking<sup>7</sup> during the presidential debates with the aim of countering false or misleading claims and data presented during the event. Cek Fakta also conducted a series of training for journalists on fact-checking ahead of the elections.

Fact-checking group *Masyarakat Antifitnah Indonesia* (Indonesian Anti-Defamation Society, MAFINDO) recorded 2,330 hoaxes in 2023 accounting for 1,292 political hoaxes and 645 election-related hoaxes. MAFINDO said the number of political hoaxes in the year leading up to the 2024 election doubled compared to the 2019 election season.<sup>8</sup>

The media coverage, however, was dominated by the presidential election. While the electoral stakeholders who ANFREL observers talked to on the ground said they have received sufficient information about the voting and counting procedures on Election Day, most of them said they do not have sufficient information about the candidates, political parties and their campaign manifestos. Understandably, the complexity of the elections, five concurrent elections at that, have made it difficult to provide information that would've allowed voters to know about the

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<https://www.liputan6.com/cek-fakta/read/5481055/koalisi-cek-fakta-gelar-live-fact-checking-uji-klaim-kandidat-saat-debat-capres-2024>

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<https://mafindo.or.id/2024/02/02/siaran-pers-mafindo-hoaks-politik-meningkat-tajam-jelang-pemilu-2024-gangu-demokrasi-indonesia/>



candidates in the four other elections simultaneously being held or to voice out the issues and concerns they seek to be heard and addressed thus allowing them to make informed choices.

The information gap, especially in the digital age, leaves voters to conduct their own information gathering and rely on smaller and smaller circles of friends and families. Amid the spread of disinformation, there is a need for an electorate that is media and information literate to be able to navigate the polluted information ecosystem and discern facts from hoaxes. The empowerment of independent local media outlets and journalists could also help fill the information gap.

ANFREL observers have noted that the voters were overwhelmed not just by the complexity of the electoral system but the deluge of election participants. There is a need for civic and political education programs alongside voter education programs to help voters properly decide on who to vote for, equipped with the knowledge about the positions that are being contested, the roles and functions of elected officials, and the overall governance system.

### *State of press freedom*

An independent and well-functioning press is vital in a democracy. The Indonesian media, however, has seen a continuously declining state of press freedom in the country.

The Alliance of Independent Journalists in Indonesia (*Aliansi Jurnalis Independen*, AJI Indonesia), in its 2023 annual report on freedom of the press situation in Indonesia, said they have documented 89 cases of attacks, a significant increase from previous years where 61 cases were documented in 2022 and 41 cases in 2021 and the highest recorded cases in 10 years. The 89 cases documented affected 83 individual journalists, five journalist groups and 15 media outlets.

AJI said that the press freedom situation in Indonesia could worsen if there are no serious efforts by the state to protect the media and independent journalists.<sup>9</sup> Indonesia ranked 108 out of 180 countries surveyed in the 2023 Press Freedom Index of Reporters without Borders (*Reporters sans Frontières*, RSF).<sup>10</sup>

Ahead of the elections, AJI released a statement<sup>11</sup> calling on President Joko "Jokowi" Widodo: (1) to stop abusing his power that undermines democracy and electoral integrity, (2) to halt various types of violence against CSOs who exercise their right to free expression and in monitoring the integrity of elections, and (3) to ensure that the press can work independently and free from violence, criminalizations and interference from political interests.

In a statement, RSF called on the candidates to “voice their support for press freedom and commit to an agenda of related reforms” aimed at “strengthening the physical and digital security of media professionals, and putting an end to abusive defamation proceedings”.<sup>12</sup>

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<sup>9</sup> <https://aji.or.id/id/siaran-pers/indonesia-2023-highest-number-press-freedom-attack-decade>

<sup>10</sup> <https://rsf.org/en/country/indonesia>

<sup>11</sup> <https://twitter.com/AJIIndonesia/status/1756679803254816824>

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<https://rsf.org/en/general-elections-indonesia-rsf-urges-candidates-commit-taking-measures-enhancing-press-freedom>

## f. Vulnerable Groups

Indonesia's oversight body, BAWASLU, has created a General Election Vulnerability Index (GEVI), based on the probability or likelihood of election-related violations in certain regions for the general elections of 2024, to prevent and minimize election vulnerabilities.<sup>13</sup> Mapping out the vulnerabilities while holding elections simultaneously abroad, it further released a list of 20 countries identified as vulnerable.<sup>14</sup> The list comprises countries with larger Indonesian populations with past records of violations. There have been reports of several administrative violations this election season like Bawaslu alleged KPU committed a violation in the shipping of replacement ballots in Taipei without providing any distinction between the damaged ballots and the new ones.<sup>15</sup> In another incident, the list of eligible Indonesian voters in the US had names that were registered two or three times. To ensure free and fair overseas elections, ANFREL recommends increasing the strength of the Overseas General Elections Supervisory Committee with regard to the proper administration of overseas voting in terms of logistics, accuracy and integrity. One notable problem that also needs to be addressed is bringing adequate reforms to make it impossible for people to exercise their voting rights both abroad and in Indonesia.<sup>16</sup>

Furthermore, the National Commission on Human Rights (Komnas HAM) has identified 17 vulnerable groups, whose voting rights must be accommodated during the elections.<sup>17</sup> The three major coalitions reached out to several such groups during the campaigning period, often stressing the need to bring equality and implement an inclusive policy and highlighting their commitment to the welfare of vulnerable groups in their election manifestos, especially PwDs, laborers, and women.<sup>18</sup>

There were efforts by KPU to increase the registration and participation of PwDs and to make polling stations accessible. To make the election more inclusive, it conducted several training courses for polling station workers as well as provided technical guidance to people with disabilities on how they can vote. As per several media reports, however, access for disabled groups to vote seems low.<sup>19</sup> There were at least 352,784 disabled voters in this election according to the KPU's database.<sup>20</sup> Some surveys indicate there is still a significant proportion of disabled voters registered as non-disabled voters, highlighting the gaps. During the election day, ANFREL's observers found several polling stations either completely, or partially failing to meet the standards set up by KPU, making it difficult for the PwD and elderly voters to access the

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<sup>13</sup><https://www.bawaslu.go.id/sites/default/files/publikasi/BUKU%20IKP%20PEMILU%20DAN%20PEMILIHAN%20SERENTAK%202024-2.pdf>

<sup>14</sup> <https://www.kompas.id/baca/english/2023/08/31/en-bawaslu-soroti-20-negara-rawan-saat-pemilu>

<sup>15</sup>

<https://www.thejakartapost.com/indonesia/2024/02/16/bawaslu-rules-kpu-breached-regulations-in-taipei-overseas-election.html>

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<https://www.thejakartapost.com/indonesia/2024/01/23/labor-group-bawaslu-flag-duplicate-names-in-overseas-voter-roll.html>

<sup>17</sup> Disability groups, detainees, convicts, plantation workers, mining workers, migrant workers, domestic workers, indigenous communities, border communities, religious minorities, the elderly, LGBTQ+, PLWHA, refugees, hospital patients and medical personnel, first-time voters, homeless people

<https://news.detik.com/pemilu/d-6718454/lgbtq-hingga-napi-ini-17-kelompok-rentan-di-pemilu-versi-komnas-ham?single=1>

<sup>18</sup><https://www.thejakartapost.com/indonesia/2023/12/17/presidential-candidates-eye-votes-from-vulnerable-communities.html>

<sup>19</sup><https://www.kompas.id/baca/humaniora/2024/01/18/banyak-difabel-belum-terdaftar-sebagai-pemilih-difabel-untuk-pemilu-2024>

<sup>20</sup> <https://www.rri.co.id/pemilu/547688/prosedur-dan-cara-difabel-mencoblos-begini-penjelasan-kpu>

space. There were also a few incidents of unavailability of braille ballots, despite having visually impaired voters registered with the poll station.

Looking at one of the high points, despite the lack of clear trans rights laws in Indonesia, the general election 2024 is a landmark election for the trans community, most notably because of trans people's participation as voters, as well as candidates – Mami Vera becomes the first trans woman candidate in East Nusa Tenggara (NTT).<sup>21</sup> While the challenge remains, as legally they can only change their gender in the official documents if they have gone through gender reassignment surgery, the government has recognized the difficulties faced by trans women in securing Resident Identification Cards (KTPs) and has allowed them to vote in the 2024 elections.<sup>22</sup>

### **g. Civil Society and Other Election Monitoring Organizations**

In the context of the Indonesia General Election, Civil Society Organizations (CSOs) employed diverse strategies to ensure the lasting impact of their programs, aiming to uphold democratic principles. Through relentless efforts and initiatives, they built robust networks and alliances, engaged in strategic communication, and utilized grassroots mobilization. Additionally, harnessing the power of technology and social media emerged as a potent tool for amplifying their voices and gaining public support.

However, ANFREL collectively observed the significant challenges faced by CSOs in effectively promoting accountability, transparency, and inclusivity standards in the electoral process. The capacity to advocate for principled politics, grounded in universal values, has dwindled, as recent events and discussions painfully underscore. Despite sustained and active endeavors to champion various initiatives and reforms, the impact of these efforts on decision-makers, policymakers, and election authorities is diminishing. Notably, inadequate collaboration between CSOs and government agencies impedes joint efforts to address election-related challenges and implement necessary reforms.

## **III. Campaign Period**

The 75-day-long campaign period ending four days before the world's largest single-day election was celebrated as an 'epic festival of democracy'. This election cycle was indeed a historic one for Indonesia with a record number of voters as well as candidates. It was also the first time in 15 years that the election had more than two competing presidential candidates, making the elections highly competitive. The ANFREL team, spread across 11 provinces and 15 cities, witnessed the candidates, party workers, supporters, and volunteers engage in several unique and innovative techniques to attract voters besides the most trusted traditional canvassing approaches.

PKPU 20/2023 regulates campaigns for the 2024 general election and provides a list of legitimate campaign activities, which includes face-to-face meetings, dissemination of election campaign materials to the general public, placement of campaign material in public spaces, and use of social media, mass media advertising, online advertising, and debates. Given the economic disparity and lower level of digital literacy among voters, especially among older

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<sup>21</sup> <https://www.bbc.com/indonesia/articles/cw4q718w39zo>

<sup>22</sup>

<https://www.thejakartapost.com/indonesia/2024/02/01/long-sought-ids-give-trans-indonesians-the-right-to-vote.html>

cohorts, the political parties continue relying heavily on the traditional style of campaigning methods, like door-to-door messaging and rallies. While largely, the parties and candidates were able to campaign freely, all campaigns, especially in public spaces, required permits from regional KPU and police, making it somewhat difficult for the local candidates.

Given the size of the electorate, it was also challenging for the EMBs to prevent the spread of misinformation, hate campaigns, and money politics. Even though there is a legal mechanism<sup>23</sup> in place to ensure the adoption of healthy practices by the political parties and candidates and minimize campaign violations, all three major camps and several national and local candidates were accused of violations throughout the campaign period. Broadly, there were three categories of violations, ethics code, administrative and criminal which could be reported to Bawaslu, either offline or online, within seven days. However, the absence of any strict sanctions from Bawaslu makes the election vulnerable to unethical conduct by the candidates and highlights the need for reforms to ensure an equal playing field for those contesting elections.

The campaign period also witnessed a series of televised debates between the Presidential and the Vice-Presidential candidates, involving heated exchanges between them on the important issues of law, human rights, democracy, and corruption, and the controversial Constitutional Court ruling that reduced the minimum eligibility criteria regarding age. The last of such debates held in the final days of the campaign period saw candidates strike a more conciliatory tone, where they addressed the issues of education, health, human resources, culture, information technology, social welfare, and policy inclusiveness.

Furthermore, with millennials and Gen Z voters making up over half of the electorate, social media platforms like TikTok and Facebook came out to be the most popular mediums for communicating with voters.<sup>24</sup> Almost all the major parties and candidates were seen having committed social media teams to help them catch the voters' eye. Notably, this election also offered a glimpse of how the use of generative AI may impact and transform future political campaigns, the AI avatar of the presidential candidate Prabowo making a finger heart, for instance, seemed to have helped him in rebranding himself as a '*gemoy*' figure to the young Indonesians, especially the Gen Z first-time voters. While the use of AI to create campaign art might appear harmless, the other AI uses in the electoral campaigns tracking social media sentiments and building interactive political chatbots to engage with voters might require KPU, as well as the other EMBs around the world to formulate an adequate legal framework to protect the voters from its potential misuse.

Regarding the campaign funds, the Electoral Code, Law No. 7 (2017) mentions the legitimate and illegitimate sources for acquiring funds for the campaign and sets a limit for the same. While the primary sources include the candidate pairs' personal funds and the financial support from the supporting political parties in the form of money, materials, and services, the law permits the candidates to accept donations from individuals, groups, companies, and NGOs and makes it mandatory to report the donations to KPU. The candidates, however, are barred from accepting any funds from foreign parties, and donors without clear identity. The law also explains the audit mechanism through the KPU-appointed public accountant office, however, an audit in this regard is generally conducted at the end of the election process. ANFREL sees the audit

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<sup>23</sup> Electoral Code, Law No. 7 (2017); PKPU 20/2023

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<https://www.cnbc.com/2024/02/05/indonesias-presidential-hopefuls-on-tiktok-to-woo-gen-zs-millennials.html>

mechanism as weak when it comes to timely and transparent publication of these reports. ANFREL urges the KPU to strengthen the capacity of the oversight body to monitor and enforce campaign finance regulations. This can help ensure compliance and hold political entities accountable for accurate reporting. KPU should also implement strict consequences for non-compliance with reporting regulations. Penalties should act as a deterrent and encourage adherence to the established rules.

Notably, the Campaign Fund Report, maintained by KPU, comprises three reports – the Initial Campaign Fund Report (LADK), the Campaign Fund Contribution Report (LPSDK), and the Campaign Fund Receipt and Expenditure Report (LPPDK). Various stakeholders have highlighted discrepancies in the data and raised concerns regarding the exclusion of funds received by the candidates outside the LADK, i.e. the expenditure done by a candidate on campaign advertising even before the campaign period.<sup>25</sup> Given these concerns, KPU should make information regarding campaign funding more detailed, transparent, and accessible to the general public. Providing this data in real time should further help in ensuring transparency.

Regarding the implementation of open election data principles, KPU seems to have made good use of electronic and digital platforms for information dissemination regarding polling stations, candidates, and registration. However, given the digital divide, this proved to be more useful in the urban regions as compared to the rural parts. Nonetheless, KPU volunteers' efforts in providing the polling station details to the voters via printed letters the day before the elections were praiseworthy, and certainly helped in better participation of voters in the elections.

#### **IV. Election Day**

Despite the risk and pressure involved in working as polling officers in the election,<sup>26</sup> the participation of millions of Indonesian citizens who served as polling officers on Election Day, being voluntary in nature, is commendable. There were 5.7 million KPPS who facilitated the Election Day procedures in 820,161 polling stations across the country.

To mitigate potential health risks, KPU has limited the age requirement for polling officers to 55 years old.<sup>27</sup> It is, however, unfortunate that despite risk mitigation efforts, a number of polling staff died.<sup>28</sup> KPU said they conducted health checkups<sup>29</sup> and provided insurance to polling officers.

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<sup>25</sup> <https://rumahpemilu.org/en/kpu-does-not-explain-campaign-funds-in-detail/>

<sup>26</sup> <https://www.bbc.com/news/world-asia-48281522>

<sup>27</sup>

<https://www.cnnindonesia.com/edukasi/20231211111303-561-1035563/pendaftaran-anggota-kps-pemilu-2024-syarat-cara-daftar-hingga-gaji>

<sup>28</sup>

<https://www.cnnindonesia.com/nasional/20240215180033-617-1063176/update-petugas-kpps-meninggal-pada-pemilu-2024-terus-bertambah>

<sup>29</sup>

<https://www.thejakartapost.com/indonesia/2023/12/17/kpu-puts-health-as-priority-when-recruiting-poll-workers.html>

KPU also increased the pay of polling officials in this election: the chairman will be compensated 1.2 million IDR from 550 thousand in 2019 while members will be compensated 1.1 million IDR from 500 thousand in 2019.<sup>30</sup>

Most of the polling stations that ANFREL observers visited opened late with several instances, the voting process only started more than an hour after the polling stations opened. Considering factors of the bad weather condition and the long process of opening procedures to ensure transparency where the polling staff painstakingly made sure that the election materials were well accounted for, the overall voting process was satisfactory. Effective queue management was observed in the majority of polling stations, but some experienced chaos due to the absence of proper queue organization, resulting in long lines. Nevertheless, the average time to cast a ballot, starting from when the voter received it from the polling staff, was approximately 8 minutes.

The voting of different types of voters such as the voter groups under the additional voter's list and special voters were highly commendable, as it promotes inclusiveness in elections which is crucial for ensuring that the electoral process is fair, representative, and accessible to all members of society.

There were no instances of violence reported within or in close proximity to any polling station. Generally, there were minimal complaints or issues raised by party agents and voters.

The presence of party agents, as well as independent local and international observers, in the polling stations to monitor the voting and counting processes were good indications of the EMB's openness and transparency. ANFREL observers were duly accredited by Bawaslu and were able to observe polling and counting processes in most of the polling stations visited with a few instances of ANFREL observers refrained from observing in polling stations. The representatives from election commissions, foreign embassies, international agencies and international election watchdogs were also able to observe the elections through the Indonesia Election Visit Program of KPU.<sup>31</sup>

However, there are a number of concerns that ANFREL observers have raised.

The established protocols for voter identification, including thumbprint, signature, and finger checking, as well as the verification of invitation letters against the voter list before casting votes as a protective measure, were not consistently followed. In several polling stations, voters were only required to present their invitation letter without checking if their fingers are already marked by any ink which signifies that the voter already cast his or her vote.

The training of polling officials and a lack of uniformity in implementing election day procedures were evident issues. Inconsistencies observed were often attributed to variations in the quality and duration of training provided to polling officials.

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<https://www.detik.com/sumut/berita/d-7165637/kpps-2024-pengertian-tugas-gaji-masa-kerja-jumlah-anggota>

31

<https://en.antaranews.com/news/304881/tens-of-international-election-observers-to-visit-polling-booths-kpu>



While voters generally had the ability to mark their ballots in secrecy, ANFREL observers noted instances at two or three polling stations where the confidentiality of the vote was compromised. Some polling stations lacked sufficient cover, affecting voters' ability to maintain secrecy when casting their ballots.

The dimensions of the ballot papers posed a challenge in most observed polling stations, with voters struggling to fold their ballots effectively. The presence of party agents and election observers was not consistent across all observed polling stations. In numerous instances, voters remained uninformed about the details regarding local candidates as displayed on bulletin boards. The main concern revolves around how voters can make effective use of candidate information when it is readily available.

Across most observed polling stations, there was a lack of urgency among polling officials. The setup of polling stations consumed time, contributing to delays in their opening. Additionally, there were no clear guidelines stipulating who was allowed or not allowed inside the polling stations. Many children were observed playing inside these stations, some even assisting voters in placing their ballots inside the ballot boxes.

Accessibility emerged as a prevalent issue in many polling stations, reflecting the KPU's choices in polling station locations. It was noted that some polling stations were situated in highly vulnerable areas lacking adequate security measures, gates, and personnel to serve as peacekeepers. Moreover, it was also observed that some of the witnesses/party observers or saksi were the ones assisting the vulnerable voters, wherein it should be the role of the polling officers or KPPS.

Finally, a crucial matter that requires attention is the role of the BAWASLU officer at each polling station. Many observers have noted a lack of awareness among these officers regarding the proper reception of complaints from voters concerning irregularities in the elections and alleged violations of election laws. Additionally, some officers seemed indifferent to the presence of international observers, not allowing them free access to observe the voting and counting processes. ANFREL perceives these instances as stemming from inadequate communication originating at the national level of BAWASLU down to its local officials.

### **Post-Election Environment and the Recapitulation Process**

Digital records of election results emanating from polling stations were being consolidated through the Vote Recapitulation Information System (Sistem Informasi Rekapitulasi Suara, SIREKAP) and subjected to validation in a recapitulation process at the sub-district, district, and provincial levels.

With the use of digital data instead of hard-copy results, ANFREL hopes that the KPU will be more efficient in finalizing election results, significantly expediting the current official manual recapitulation process. ANFREL also contends that granting access to recapitulation centers for political parties, the media, and election observers could further enhance the transparency of the process and the announcement of results. Further, assessments of the post-election environment in the observed areas were generally positive, with only a few incidents or irregularities that did not significantly impact the integrity of the process.

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