

INSTITUTE OF CURRENT WORLD AFFAIRS

ERC - 14
The Indonesian Election Law

Djalan Sultan Hasamuddin 29
Medan, North Sumatra
Indonesia
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Mr. Walter S. Rogers
Institute of Current World Affairs
522 Fifth Avenue
New York 36, New York

Dear Mr. Rogers:

The attached statement in regard to the Indonesian Election Law is to replace the one that I sent you under date of June 2.

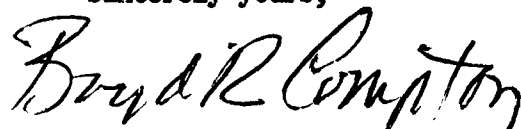
I took a short trip yesterday through the estate country around Medan to visit Moslem schools and social projects. The estate managers--worried sick by labor unrest and agitation--welcome and support the Moslem preachers, with their message of social order and individual self-restraint. The religious leaders know that they are being "used," but do not mind so long as they can go on with their work of saving souls and teaching Arabic. Left-wing labor leaders curse them as "tools of the imperialists," but the workers themselves seem happy if their children can get education of any kind. On a small scale, this situation mirrors the general political alignment in Indonesia: the left-wing parties calling for the complete expulsion of foreign capital, and the Masjumi (Moslem) Party arguing that Indonesia should make the best of the situation as it is.

My guide yesterday, Rivai Abdul Manap of the Islamic Educational Foundation, was very proud of two things: the violent criticism of the left wing, and a letter from an estate owner attributing the recent decrease in theft and labor unrest on his estate to the work of the Islamic Educational Foundation. Through his efforts, a coordinated system of schools and mosques has been established on over a hundred estates since his organization was set up in 1950. He is the type of Moslem that cosmopolitan nationalists sneer at--single-minded, self-educated, intolerant. But he has burning energy, a demanding ideology, and a drive to organize. Even more important, he seems respected by the estate workers.

Before I leave Indonesia, I want to learn more about the battle between Islam and the left wing on the foreign estates. My first impression is that men like Rivai Abdul Manap are a powerful stabilizing force in Indonesian society. Unlike their comrades in China, the Indonesian communists are faced with a determined and capable enemy.

Happy July 4 to everyone! Here in Medan, we don't even know who is on top in the American League, but as good Americans we'll celebrate nonetheless.

Sincerely yours,



Boyd R. Compton

THE INDONESIAN ELECTION LAW

The Indonesian Election Law was signed and promulgated in the first week of April, 1953, after long months of parliamentary debate and years of cautious government preparation. This carefully worked out document is the first fulfillment of the promise of popular sovereignty which helped nourish the Indonesian revolution from its first years. It has immediately become the object of much speculation, hope, and fear.

According to the Election Law, Indonesian citizens who are legally registered and over eighteen years of age or already married will have the opportunity to choose representatives to Parliament and the Constitutional Assembly by secret ballot in a direct election. The election date has not been set, but the most optimistic observers predict that it will be held by the middle of 1954.

Preliminary campaign skirmishing among the major parties has already added new fuel to political fires that have been smoldering since the October 17 crisis of last year. It is widely hoped that the election will bring greater stability to the Indonesian political process, though there is little doubt that the campaign itself will increase current tensions and antagonisms. Considerable faith and courage are required to schedule such an experiment while important areas of the country are plagued by bandits and rebels, and the Indonesian army is split by divided loyalties. The mettle of the young Republic of Indonesia will be put to a severe test during the election period.

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1. Undang-Undang No. 7. Tahun 1953. Tentang Pemilihan Anggota Konstituante dan Anggota Dewan Perwakilan Rakyat (Statute No. 7, 1953, Concerning the Election of Members to the Constitutional Assembly and People's Representative Council). Signed April 4, and promulgated April 7, 1953. The People's Representative Council is usually referred to as Parliament.

The Period of Preparation

When President Sukarno presented his official formulation of the famous Pantjasila (Five Principles) on June 1, 1945, he spoke of the principle of "populism" or "popular sovereignty" as one cornerstone of the Indonesian state. In November, 1945--when the fate of the determined, unorganized nationalist movement was still precarious--a Government Proclamation gave more specific content to this democratic principle.

Other democratic steps, such as a general election, must be quickly taken, so that freely elected people's representatives can take a definite part in carrying out government policies and setting the course of the state. ^{1.}

But the democratic steps could not be quickly taken during the period of intermittent hostilities, negotiation, and unification which lasted until the unitary Republic of Indonesia was proclaimed on August 17, 1950.

During the troubled five year period of revolution, legislative power in the Republic of Indonesia was held by an appointed body: the Central National Committee (KNIP) and its Working Committee (BPKNIP). ^{2.} After the dismissal of the original presidential cabinet and the formation of the first Sjahrir cabinet on November 14, 1945, the BPKNIP was enlarged and given effective control of government policy. Ensuing attempts to give the KNIP and its Working Committee a truly representative basis through a general election were condemned to failure by the chaos of revolution.

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1. Quoted by Subagio Reksodipuro in Pemilihan Umum (General Elections), Djakarta, 1951, p.8.
2. The Central National Committee was appointed around ~~of~~ a core of members from the Preparatory Committee for Indonesian Independence which has been formed in the last months of Japanese occupation.

Long government planning finally resulted in Statute 27 (1948), which called for the indirect election of a People's Representative Council. Election Offices were set up in certain Republican areas, but the Madiun Rebellion and the Second Dutch "Police Action" destroyed the slightest hope^{2.} for general elections. No further action could be considered until after the Republic had become a state in the Federal Republic of Indonesia on December 27, 1949. Then in an historic "tail-swallow-tiger" process, the constituent Republic of Indonesia absorbed its eighteen brother states in the first months of 1950. On August 17, the unitary Republic of Indonesia was proclaimed and the revolution of 1945 had come to its logical completion. The legislative body of the new state, however, was still only approximately representative.^{3.} Full political independence now demanded that the longstanding promise of general elections be fulfilled soon.

Since 1950, two experiments have been carried out to determine what type of election is best suited to the Indonesian situation in which widespread illiteracy, administrative inexperience, and difficult communications are balanced against a desire for the most democratic institutions.

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2. Some elections were held in Java in 1946, at the lower levels of government.
3. The new Parliament consisted of 176 legislators from the Senate and Parliament of the Dutch-organized Federal Republic of Indonesia and 59 from the revolutionary Republic of Indonesia.

The Djogjakarta and Minahasa Elections

The first experiment took place on June 14, 1951, in Minahasa, a Christianized area at the northern tip of Sulawesi. Since the almost completely literate population of Minahasa had experienced elections before, it was decided to hold a direct election for the twenty-five members of the District People's Representative Council.

On election day, over seventy-three per cent of the eligible electorate turned out. After having his name checked against the registration roll, each voter was given a ballot on which was printed the names of the candidates, presented either as individuals or members of a party or organization list. In either case the voter cast his secret ballot for an individual. After the polls closed, the ballot boxes were sealed and taken to the district capital where all votes cast in the area were counted by a single committee.

Vote counting took six days, partly because of the complicated system of proportional representation followed. An election quotient was established by dividing the total number of votes cast by the number of seats to be filled. A candidate was elected if his vote exceeded this amount, and a list received seats in proportion to the number of election quotients in its vote. On the first count, fifteen of the twenty-five seats were won by seven party lists. On the second count, candidates and lists were allowed to combine; if the combination vote exceeded the election quotient, one seat was given to the largest vote in the combination. Two seats were disposed of in the second count. For the ensuing counts, the d'Hondt system (highest average vote) was used and remaining eight seats were distributed. This involved system favored the larger parties slightly.

The election held in the Special Area of Djogjakarta was different in almost every way. There, an indirect election for district representatives was carried on in two stages from July 16 to October 15, 1951.

On the first election day, approximately fifty-three per cent of the electorate went to the prepared polling places and exchanged their registration receipts for ballots. The candidates for elector were seated in the election hall holding pictures of the objects they had chosen for symbols. The voter then entered the polling place alone and dropped his unmarked ballot in the box which bore the symbol of the elector he favored. In this manner over half a million voters chose 7,268 electors, who met five weeks later to elect the 40 members of the District Representative Council.

The April 4 Law

Lessons from both the Minahasa and Djogjakarta elections were incorporated in the Draft Election Law which was first discussed in plenary session by Parliament on January 14, 1953.¹ In a display of unprecedented legislative teamwork, the eighteen political factions in Parliament arrived at a compromise final draft on April 1.

The general provisions of the law do not vary greatly with the draft first submitted by the government:

A Direct Election. The prospect of an indirect election was unacceptable to either government or Parliament. The Minahasa experiment was encouraging and indicated that a direct election would be no more complicated to administer than an indirect election. Conservative arguments, which favored indirect elections because of the supposed political immaturity of the people, failed to impress or sway.

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1. The government was represented in election preparations by the Minister of Internal Affairs and the Minister of Justice.

A Double Election. The Election Law includes provisions for two elections, which will be carried on simultaneously. One member of the Constitutional Assembly will be elected for every 150,000 citizens, and one member to Parliament will represent 300,000 constituents. At first the government proposed that only the Constitutional Assembly be elected, for it is quite possible that the new Constitution will alter the composition or function of Parliament.^{1.} Compromise was forced on the government, however, and it is not impossible that the new Parliament will only hold office until the new Constitution is completed.

Election Areas. The number of election areas is of the greatest importance in Indonesia, where regional interests are so strong. According to the April 4 law, Indonesia will be divided into sixteen areas for the distribution of seats and the administration of the election. Each area will be allotted seats in proportion to its population, and the seats will be divided according to the vote within the area. The Indonesian Communist Party had proposed that all Indonesia be made one area for the election, an arrangement which would have given greater strength to medium sized parties whose support is evenly distributed in Indonesia. Typically, the Indonesian Socialist Party (PSI) suggested thirty-seven districts in order to give the greatest possible voice to regionalist feelings. The final compromise of sixteen promises to give representation to strong regional groups, while discouraging the rise of scores of tiny local parties.

Franchise. The government originally proposed that all citizens over the age of eighteen should have the right to vote. This provision was finally amended to include a Masjumi Party proposal that the franchise be extended to all married or divorced persons regardless of age. It is assumed that this change will benefit the Masjumi, which has strength in the small rural villages where marriage before the age of eighteen is common. One member of Parliament commented that the provision is bound to start a general rush to the altar throughout Indonesia.

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1. The last Congress of the Masjumi Party proposed a two house legislature. There has been considerable outside support for the proposal.

A further stipulation in the law denying the franchise to persons in prison at the time of registration, is to be interpreted so that persons detained under Martial Law, but not convicted by a civil court, will have the right to vote.^{1.} This interpretation is said to benefit both Masjumi and Communist Party.

Election Machinery. The general election will be managed by a pyramid of election committees at five levels:

1. Indonesian Election Committee. The central election committee of five to nine members appointed by the President.
2. Area Election Committee. A committee of five to nine members in each of the sixteen election areas, appointed by the Minister of Justice.
3. Kabupaten Election Committee. Five to nine members appointed by the Governor in the name of the Minister of Internal Affairs, with the kabupaten chief (Bupati) as chairman.
4. Sub-District Voting Committee. At least five members appointed by the Kabupaten Election Committee in the name of the Minister of Internal Affairs, with the sub-district officer (t.jamat) as chairman.
5. Village Registration Committee. At least three persons appointed in each village by the sub-district officer with the village chairman (kepala desa) as chairman.

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1. According to the newspaper Abadi (March 23, 1953), 37,500 persons were detained under Martial Law during 1952 in the provinces of West and Central Java, the only two areas where Martial Law is now in force. Of these, 30,000 had been released by the end of the year. Many Communist Party leaders were taken in custody during the August 17, 1951 crackdown under the Sukiman cabinet, while many right wing Islamic leaders have been detained for connections with the Darul Islam rebellion. According to the Religious Affairs Office of Central Java, over 15,000 Alim Ulama (Islamic religious leaders) had been detained by the military up to October, 1952. (Abadi, December 26, 1952)
2. The kabupaten is perhaps the key unit in the Indonesian governmental structure. There are 160 of these areas at present, to the best of my knowledge, as well as many special areas and towns of equivalent administrative standing. The sub-district (ketjamatan), is the lowest level of the central civil service, usually consists of several villages, but, underpopulated regions, it may cover hundreds of square miles. No real uniformity in the names and functions of administrative units has yet been achieved in Indonesia.

A glance at this hierarchy shows that the election machinery meshes in with the regular civil service at the lower levels, giving the Ministry of Internal Affairs a strong voice in the conduct of the election. Appointing power, however, is shared with the President and the Minister of Justice, a division of authority which may lead to conflict between committees at various levels.

The Election Law definitely limits the duties of the Village Registration Committee, and thus also limits the power of the village chairman in the election. In practice, however, the Sub-District Voting Committee will probably be forced to utilize the energies of the village chairman and the village council in many ways not stipulated in the Election Law. Their prestige and authority will certainly effect voting in the small rural villages where the greater part of the Indonesian population lives.

The election machinery is not a strict hierarchy in matters of decision. The Election Law stipulates that certain final decisions in matters of registration, candidacy, and voting be taken at various levels. Although powerful, the central Indonesian Election Committee does not have power of review in all matters.

Registration. Registration will begin under the guidance of the Village Registration Committee about ten months before election day. Complaints concerning the temporary registration rolls will be decided by the Sub-District Election Committee. The system of registration receipts tried in the Djogjakarta election will not be used for fear of possible corruption. In view of the widespread illiteracy in Indonesia and the vague but general aversion to "politics", a registration of as many as thirty million Indonesians could be considered a very successful first step in the election.

Candidacy. Candidacy petitions with the required number of signatures will be accepted by the Kabupaten Election Committee from individuals, organizations or parties. The candidate rolls will then be sent to the Area Election Committee, which will make the candidate list for the entire area. Complaints by

candidates will be decided by these two bodies, but appeal can be made as high as the Indonesian Election Committee. Certain high government officials are prohibited from running for office, but there is no prohibition against members of election committees becoming candidates; it is hoped that this potential source of corruption will be eliminated by the government regulations now being drafted. It should be noted that in the Minahasa and Djogjakarta elections, all seats went to party or organization lists; not a single individual candidate was elected.

The Ballot. Ballots for each election area will be made from the final candidate rolls approved by the Indonesian Election Committee. The ballot will contain the numbers and names of all candidates and lists, as well as the symbols they have chosen. The voter can give his vote to any individual candidate, an individual in a list, or to a list itself, by marking the appropriate symbol or writing the name and number of the candidate favored.

Voting. Polling places will be determined by the Kabupaten Election Committee, and the voting meetings will be supervised by the Sub-District Election Committee. Most sub-districts will be divided into several sectors with separate polling places. In remote islands, these polling places may be several days journey from the sub-district seat. Votes will be cast in a private booth, then dropped in a box in the main meeting room. The room will be open to the public during election hours, and all public complaints must be immediately decided by the election committee.

Counting. Votes will be counted by the lowest level election committee immediately after the polls have closed. The counting meeting can also be attended by any voter, and all objections to the procedure will be immediately decided. The decisions will then be recorded and sent to the Area Election Committee along with the results and ballots. The Area Election Committee will then make the first distribution of seats and notify the Indonesian Election Committee of the results of voting in its area. The counting of votes by the Sub-District Election

Committees will undoubtedly give speedy results, but the process will be exceedingly difficult to control if it is carried out in thousands of places simultaneously .

The great number of party and individual candidates necessitates a rather complicated system of proportional representation, in which the election areas will be the units of selection. The Area Election Committee will determine the election quotient for each area by dividing the number of votes cast by the number of seats allotted to the area. As in Minahasa, a candidate is elected if his vote equals or surpasses the quotient, while a list receives seats in proportion to the number of election quotients in its total. All votes which do not count toward a seat are to be considered "remainder votes." It is certain that all the seats allotted to the area will not be won on this first distribution.

The "remainder votes" for all of Indonesia will then be totaled by the central Indonesian Election Committee, and a new quotient derived by dividing this figure by the number of seats not yet won. To vie for those seats the candidates and lists from various areas may form combinations. A second distribution then gives seats to combinations in proportion to the number of quotients in its remainder vote. The seats not filled on the second distribution will be given one-by-one to the combinations with the largest remainders.

The method of distributing seats is thus slightly less complicated than the one followed in Minahasa, but still difficult enough to cause some confusion to the average voter. It seems certain that the method outlined in the Election Law will guarantee a more representative election than in India, where the Congress Party gained approximately seventy-four per cent of the seats in the House of the People with less than forty-five per cent of the votes cast.

Control and Corruption. There is little direct reference to the control of malpractices in the Indonesian Election Law, except for one long section on penal sanctions and a special oath of honesty which all election officials will have to take. No mention is made of controls on campaign expenses, and no

provision has been made for inspection and control teams to be sent by higher level committees to check on the political campaign and voting. It would seem that the government hopes to control corruption and favoritism by relying on the mutual surveillance of the parties and the provision for public meetings for voting and counting.^{1.} As the Governor of North Sumatra remarked recently, the honesty of the election procedure is going to depend in large part on the discipline and impartiality of the Indonesian civil service, for it is the civil service which will control the election machinery.

Perhaps wisely, the framers of the Election Law have left many details to later government regulation. Since these important regulations which state rules for the political campaign and fill in holes in the Election Law will have to pass through the cabinet, the date of the general election is going to depend on the efficiency and tenure of the Indonesian cabinet.

It will be revealing to compare the Indonesian election with the election of People's Assemblies recently announced in China. According to Teng Haiao-p'ing's speech of February 11, 1953, the Chinese elections for hsiang and county assemblies will be direct, while the election of higher level organs will be indirect. The election machinery will be controlled by teams sent down from higher level committees. Landlords and "counter-revolutionaries" will be excluded from candidacy, and Teng quite boldly presents the election as a movement to mobilize public opinion against "those guilty of commandism." His speech leaves the impression that the election will be carefully controlled from the center and openly directed against certain elements in the state. Undoubtedly, the election will play an important political role in channeling public sentiment and in remolding Chinese society, but the Chinese Election Law would seem to imply less confidence in the political judgement of the masses than its Indonesian counterpart. Comparisons will inevitably be made by Indonesians at election time, especially by those young people who are attracted by the single-mindedness and unity of

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1. One competent western observer at the Minahasa election saw evidence of great reluctance on the part of the people of Minahasa to report malpractices.

Chinese government policy and appalled by the unrest in their own country 1.
where political power is widely dispersed among contending political factions.

The consequence of the Indonesian general election may well be greater political stability. Observers generally agree that many of the smaller parties in the present Parliament will all but disappear, and that the Masjumi Party will gain a large plurality or absolute majority of the votes cast. A victory for the Masjumi--with its moderate economic policy and anti-Communism--might mean significant changes in both domestic and foreign policy.

There is no certainty, however, that the current alliance of the Indonesian Nationalist Party (PNI) and Indonesian Communist Party (PKI) will fail in its efforts to dominate the new Parliament and Constitutional Assembly. The fall of the Wilopo Cabinet on June 2 will almost certainly delay the elections appreciably and perhaps allow the PNI to capture the all-important Ministry of Internal Affairs. 2.

The political troubles of Indonesia spring partly from the rootlessness of individuals and groups in politics. The real accomplishments of the Indonesian government during the last three difficult years are sometimes hidden by the excitement of the political drama in which party lines waver and individuals act unpredictably. The maximum hope from the general election is that political

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1. Teng Hsiao-p'ing, "Explanation of the Election Law," News Bulletin of the Embassy of the People's Republic of China in Indonesia, Number 20, March 15, 1953. He claims that 800,000 rural votes will elect one member to the All-China People's Congress; the quotient for city dwellers will be 100,000.
 2. On June 2, The Masjumi Party, withdrew its ministers from the Wilopo-Prawoto cabinet because the PNI had shown its support of the Siddik Kertapati motion in Parliament condemning the government's program of land distribution in North Sumatra. This drama followed the pattern set in the October 17 affair: The PNI, in cooperation with the Communist Party, again attacked the cabinet let by a PNI member. Whether the PNI has been maneuvering for popular support or merely trying to delay the elections, it still has the historical distinction of having been both a government and an opposition party at the same time.

groups will find a more substantial basis of real group interest. This in itself would not guarantee stability in a country where the real interests of town and country, region and center, and foreigner and native clash so violently. A successful election, however, could do much to rationalize the political struggle and increase the responsibility of politicians to the groups which support them.

No matter when the Indonesian election takes place, there is a general belief that it must and will be held. The idealism of the Indonesian revolution has faded as it must in the face of complicated and disuniting tasks of state administration. If the belief in democracy which fired the nationalist movement is also fading, the phrase "the people" is still a ubiquitous symbol. The time has come to give concrete meaning to the symbol. The serious and thorough effort of the Indonesian government to lay the legal basis for a popular election is a solid first step.

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