

REGULATION OF THE ELECTION SUPERVISORY BOARD OF
THE REPUBLIC OF INDONESIA
NUMBER 2 OF 2015
ON
AMENDMENT TO THE REGULATION OF THE ELECTION SUPERVISORY
BOARD OF THE REPUBLIC OF INDONESIA NUMBER 11 OF 2014
ON ELECTION SUPERVISION

BY THE BLESSINGS OF ALMIGHTY GOD

THE CHAIRMAN OF THE ELECTION SUPERVISORY BOARD OF
THE REPUBLIC OF INDONESIA,

- Considering :
- a. that with the promulgation of Law Number 1 of 2015 on Enactment of Government Regulation in Lieu of Law Number 1 of 2014 on the Election of Governors, Regents, and Mayors into Law as amended by Law Number 8 of 2015 on Amendment of Law Number 1 of 2015 on Enactment of Government Regulation in Lieu of Law Number 1 of 2014 on Election of Governors, Regents, and Mayors, some of the provisions in the Regulation of the Election Supervisory Board Number 11 of 2014 on Election Supervision need to be amended;
 - b. that given the consideration as referred to in point a, it is necessary to issue Regulation of the Election Supervisory Board on Amendment to Regulation of the Election Supervisory Board Number 11 of 2014 on Election Supervision

- Observing : 1. Law Number 15 of 2011 on Election Administrators (State Gazette of the Republic of Indonesia of 2011 Number 101, Supplement to the State Gazette of the Republic of Indonesia Number 5246);
2. Law Number 1 of 20 15 on Enactment of Government Regulation in Lieu of Law Number 1 of 2014 on Election of Governors, Regents, and Mayors into Law (State Gazette of the Republic of Indonesia of 2015 Number 23, Supplement to the State Gazette of the Republic of Indonesia Number 5656) as amended by Law Number 8 of 2015 on Amendment to Law Number 1 of 2015 on Enactment of Government Regulation in Lieu of Law Number 1 of 2014 on Election of Governors, Regents, and Mayors into Law (State Gazette of the Republic of Indonesia of 2015 Number 57, Supplement to the State Gazette of the Republic of Indonesia Number 5678);
3. Regulation of the Election Supervisory Board of the Republic of Indonesia Number 11 of 2014 on Election Supervision (State Bulletin of the Republic of Indonesia of 2014 Number 792);

HAS DECIDED:

To issue : REGULATION OF THE ELECTION SUPERVISORY BOARD ON AMENDMENT TO THE REGULATION OF THE ELECTION SUPERVISORY BOARD OF THE REPUBLIC OF INDONESIA NUMBER 11 OF 2014 ON ELECTION SUPERVISION.

Article I

Several provisions in Regulation of the Election Supervisory Board of the Republic of Indonesia Number 11 of 2014 on Election Supervision (State Bulletin of the Republic of Indonesia of 2014 Number 792) are amended to read as follows:

1. The provisions of Article 1 are amended to read as follows:

Article 1

In this Regulation:

1. *Pemilihan Umum*, General Election, hereinafter referred to as Election means a tool to implement people's sovereignty held based on direct, general, free, confidential, honest, and fair principles in the Republic of Indonesia under Pancasila and the 1945 Constitution of the Republic of Indonesia.
2. Election of the House of Representatives, Regional Representatives Council, and Regional House of Representatives means the Election for electing members of the House of Representatives, Regional Representatives Council, Provincial House of Representatives and Regency/Municipal House of Representatives in the Republic of Indonesia under Pancasila and the 1945 Constitution of the Republic of Indonesia.
3. Dewan Perwakilan Rakyat, House of Representatives, hereinafter referred to as DPR means the House of Representatives as referred to in the 1945 Constitution of the Republic of Indonesia.
4. Dewan Perwakilan Daerah, Regional Representatives Council, hereinafter referred to as DPD means the Regional Representatives Council as referred to in the 1945 Constitution of the Republic of Indonesia.
5. Dewan Perwakilan Rakyat Daerah, Regional House of Representatives, hereinafter referred to as DPRD means the provincial House of Representatives and regency/municipal House of Representatives as referred to in the 1945 Constitution of the Republic of Indonesia.
6. Presidential Election means the election for electing President and Vice President of the Republic of Indonesia under Pancasila and the 1945 Constitution of the Republic of Indonesia.
7. Election of Governor and Vice Governor, Regent and Vice Regent, as well as Mayor and Vice Mayor,

hereinafter referred to as Regional Election, means the implementation of the people's sovereignty in the Province and Regency/Municipality to elect the Governor and the Vice Governor, the Regent and Vice Regent, as well as the Mayor and Vice Mayor in direct and democratic manner.

8. Election Contestant means any political party for the Election of members of DPR, Provincial DPRD, and Regency/Municipal DPRD and any individual for the Election of members of DPD.
9. Contestant of the Presidential Election means any candidate pair for President and Vice President who have been determined by National Election Commission.
10. Contestant of the Regional Election means any Governor and Vice Governor Candidates set by the Provincial KPU or Regent and Vice Regent/Mayor and Vice Mayor Candidates determined by Regency/Municipal Election Commission.
11. Governor and Vice Governor Candidates mean the contestants of Regional Election proposed by a political party, coalition of political parties, or individuals who register or be registered in Provincial Election Commission.
12. Regent and Vice Regent/Mayor and Vice Mayor Candidates mean the contestants of Regional Election proposed by a political party, coalition of political parties, or individuals who register or be registered in Regency/Municipal Election Commission.
13. Electoral Management Bodies mean Election institutions consist of National Election Commission and Election Supervisory Board as an integral function to implement the direct Election of the House of Representatives, Regional Representatives Council, Regional House of Representatives members, the President and the Vice President, as

well as the democratic Regional Election of governors, regents and mayors.

14. Komisi Pemilihan Umum, National Election Commission, hereinafter referred to as KPU means a national, permanent, and independent administrator charged of implementing the Election.
15. Komisi Pemilihan Umum Provinsi, Provincial Election Commission, hereinafter referred to as Provincial KPU means an Administrator of Election in a province.
16. Komisi Pemilihan Umum Kabupaten/Kota, Regency/Municipal Election Commission, hereinafter referred to as Regency/Municipal KPU means an Administrator of Election in a regency/municipality.
17. Panitia Pemilihan Kecamatan, District Election Committee, hereinafter referred to as PPK means a committee established by Regency/Municipal KPU to implement the Election at sub-district levels or other names.
18. Panitia Pemungutan Suara, Voting Committee, hereinafter referred to as PPS means a committee established by Regency/Municipal KPU to implement the Election at village levels or other names/wards.
19. Election Supervisor means the Election Supervisory Board, the Provincial Election Supervisory Board, the Regency/Municipal Election Committee, the Sub-district Election Supervisor, the Village Election Supervisor, and the Overseas Election Supervisor.
20. Badan Pengawas Pemilu, Election Supervisory Board, hereinafter referred to as Bawaslu means the Election institution that supervises the Election in the entire territory of the Republic of Indonesia.
21. Badan Pengawas Pemilu Provinsi, Provincial Election Supervisory Board, hereinafter referred to as the Provincial Bawaslu means any board established by Bawaslu to supervise the Election in provincial areas.

22. Panitia Pengawas Pemilu Kabupaten/Kota, Regency/Municipal Election Supervisory Committee, hereinafter referred to as Regency/Municipal Panwaslu means any committee established by Provincial Bawaslu to supervise the Election in regency/municipal areas.
23. Panitia Pengawas Pemilu Kecamatan, Sub-district Election Supervisory Committee, hereinafter referred to as the Sub-district Panwaslu means any committee established by the Regency/Municipal Panwaslu to supervise the Election at sub-district areas or other names.
24. Pengawas Pemilu Lapangan, Village Election Supervisor, hereinafter referred to as PPL means any official assigned by the Sub-district Panwaslu to supervise the Election at villages or other names/wards.
25. Pengawas Tempat Pemungutan Suara, Polling Place Supervisor, hereinafter referred to as TPS Supervisor is an officer designated by Sub-district Panwaslu to assist PPL.
26. Pengawas Pemilu Luar Negeri, Overseas Election Supervisor, means an officer designated by Bawaslu to supervise the Election overseas.
27. Tempat Pemungutan Suara, Polling Place, hereinafter referred to as TPS means any place where votes are casted.
28. Tempat Pemungutan Suara Luar Negeri, Overseas Polling Place, hereinafter referred to as TPSLN, means any place where votes are casted overseas.
29. Election Supervision means any activity to monitor, observe, examine and assess the implementation process of the Election in accordance with laws and regulations.
30. Fraud Prevention means any action, measure, early prevention against potential frauds that violate the integrity of the process and result of the Election.

31. Enforcement means series of fraud proceedings that include the findings, acceptance of the reports, collection of evidences, clarification, observation, and/or recommendations as well as forward the results of a review of the findings/reports to the competent authorities for further action.
32. Findings mean the supervision result containing any alleged fraud.
33. Alleged Fraud Reports mean written reports delivered by complainant to the Election Supervisor about any alleged fraud of the Election.
34. Complainant means any Indonesian eligible to vote, observer, contestant who is entitled to report any alleged fraud of the Election.
35. Electoral Fraud means any action that is contrary to or inconsistent with laws and regulations regarding the Election.
36. Administrative Election Fraud means any offense that includes guidance, procedure, and mechanism related to the administration of implementing the Election in each stage of the Implementation of the Election.
37. Electoral Crime means any felony offense and/or any crime against the provisions of the Election crime as enacted in the Law on Election of President and Vice-President and the Law on the Election of Members of DPR, DPD and DPRD, and Law on Enactment of Government Regulation in lieu of Law Number 1 of 2014 on the Election of Governor, Regent, and Mayor to become Law.
38. Code of Ethics Fraud means ethics fraud by Electoral Management Bodies under an oath and/or promise before stints as Electoral Management Bodies.
39. Electoral Dispute means a dispute between Contestants of Election, or disputes among Contestants of Election against Electoral Management Bodies.

40. Day means a calendar day.

2. Between section (5) and section (6) Article 4, 1 (one) section namely section (5a) is inserted so Article 4 read as follows:

Article 4

- (1) Bawaslu supervises the Election for the entire territory of the Unitary State of the Republic of Indonesia.
- (2) Provincial Bawaslu supervises the Election in provincial areas.
- (3) Regency/Municipal Panwaslu supervises the Election in Regency/Municipal areas.
- (4) Sub-district Panwaslu supervises the Election in sub-district areas or other names.
- (5) Village Election Supervisor supervises the Election at village areas or other names/wards.
- (5a) TPS Supervisor supervises Election in the TPS level.
- (6) Overseas Election Supervisor supervises the Election in overseas.

3. Between section (5) and section (6) Article 6 1 (one) section, namely section (5a) is inserted so Article 6 read as follows:

Article 6

- (1) Bawaslu supervises:
 - a. the preparation for the Election including:
 1. the planning and scheduling of the Election stages;
 2. the procurement and distribution of the Election logistics;
 3. the dissemination of the Election; and
 4. the determination of electoral districts and the number of seats on each district of the

Election of members of the Provincial and Regency/Municipal DPRD.

- b. the Election stages including:
 1. the updating of voter data and the determination of temporary and fixed voter lists;
 2. the registration and the verification of political parties as contestants of Election;
 3. the determination of Election contestants for the Election of members of DPR, DPD and DPRD;
 4. the nomination requirements and procedures until the determination of candidates for members of Provincial DPR, DPD, and DPRD and Regency/Municipal DPRD;
 5. the nomination requirements and procedures for the verification of candidate pairs for the President and Vice President as well as the Regional Election of Governor, Regent and Mayor;
 6. the determination of candidate pairs for the Presidential Election and the Regional Election of Governor, Regent and Mayor;
 7. the implementation of campaign;
 8. the procurement and distribution of the Election logistics;
 9. the implementation of voting and vote counting at TPS;
 10. the aggregation of ballots, the minutes of vote counting and vote counting result certificate from TPS to PPK;
 11. recapitulation process at PPS, PPK, Regency/Municipal KPU, Provincial KPU and KPU;
 12. the implementation of vote recounting and re-voting, delayed and the suspended

- Election; and
 - 13. the determination process of the Election results.
 - c. the Follow-up of Findings and Reports of the Electoral Fraud;
 - d. the implementation of court decision and the Election Organizer Ethics Council as well as the recommendation of the Election Supervisor.
- (2) The Provincial Bawaslu supervises:
- a. the Election Stages in provincial areas including:
 - 1. the updating of the voter data based on demographic data and the determination of the temporary and the fixed voter lists;
 - 2. the verification of political parties as candidates for the Election Contestant;
 - 3. the nomination requirements and procedures of members of the DPD, Provincial DPRD and the verification of nomination for governor;
 - 4. the determination process of candidates for Members of DPD, Provincial DPRD, and candidates for governor;
 - 5. the determination of candidates for governor;
 - 6. the implementation of campaign;
 - 7. the procurement and distribution of Election logistics;
 - 8. the implementation of voting and vote counting of the Election result;
 - 9. the whole process of vote counting in the work area;
 - 10. the aggregation of ballots from TPS to PPK;
 - 11. the recapitulation process of ballots from all regencies/municipalities conducted by Provincial KPU;
 - 12. the implementation of vote recounting and re-voting, the delayed and the suspended

- Election; and
 - 13. the result determination process of Election in a province.
 - b. the follow-up of Findings and Reports of the Electoral Fraud;
 - c. the dissemination of Election; and
 - d. the follow-up of the Election Supervisor's recommendations.
- (3) Regency/Municipal Panwaslu supervises:
- a. the Election stages in Regency/Municipal area including:
 - 1. the updating of the voter data based on demographic data and the determination of the temporary and the fixed voter lists;
 - 2. the verification of political parties as candidates for the Election Contestant;
 - 3. the nomination requirements and procedures of candidacy for members of DPD, members of Regency/Municipal DPRD and the verification of candidacy for regent/mayor;
 - 4. the nomination process of candidates for members of DPD, Regency/Municipal DPRD, and candidates for Regent and Vice Regent or Mayor and Vice Mayor;
 - 5. the nomination of candidates for members of Regency/Municipal DPRD and candidates for regent/mayor;
 - 6. the implementation of campaign in regency/municipality;
 - 7. the procurement and distribution of Election logistics;
 - 8. the implementation of voting and vote counting the Election result;
 - 9. the aggregation of ballots from TPS to PPK;
 - 10. the aggregation of ballots and/or the minutes of recapitulation of the counting

result at sub-district;

11. the recapitulation of ballots process carried out by Regency/Municipality KPU from all sub-districts;
 12. the implementation of revoting and vote recounting, the delayed and suspended Election; and
 13. the process of determining the results of the Election of members of Regency/Municipal DPRD and the election of Regent and Vice Regent or Mayor and Vice Mayor.
- b. the follow-up Findings and Reports of the Electoral Fraud
 - c. the dissemination of Election; and
 - d. the follow-up of the Election Supervisor's recommendations.
- (4) Sub-district Panwaslu supervises over:
- a. the Election stages in sub-district or other names including:
 1. the updating of voter data based on demographic data and the determination of the temporary and the fixed voter lists;
 2. the verification of political parties as candidates for the Election Contestant;
 3. the process of nomination requirements and procedures as well as the factual verification of independent candidates' support for the governor, regent or mayor;
 4. the implementation of campaign in the work area;
 5. the equipment and distribution of Election logistics;
 6. the implementation of voting and vote counting;
 7. the aggregation of ballots from TPS to PPK;
 8. the recapitulation process of ballots

undertaken by PPK from the recapitulation result in all PPS; and

9. the implementation of vote recounting and re-voting the delayed and suspended Election.
 - b. the follow-up of Findings and reports of the Electoral Fraud;
 - c. the dissemination of Election;
 - d. the follow-up of recommendation of the Election Supervisor; and
 - e. the implementation of supervision as referred to in point a, point b, and point c, under the instruction of Regency/Municipal Panwaslu.
- (5) Village Election Supervisor supervises over:
- a. the Election stages at the village level or other names/wards including:
 1. the updating of the voter data based on demographic data and the determination of the temporary, the revised, and the fixed voter lists;
 2. the verification of political parties as candidates for the Election Contestants;
 3. the factual verification of independent candidates' support for the governor, regent or mayor;
 4. the implementation of campaign in the work area;
 5. the equipment and distribution of Election logistics;
 6. the implementation of voting and vote counting process at each TPS;
 7. the announcement of vote counting result at each TPS;
 8. the announcement of vote counting result from TPS affixed to the secretariat of PPS;
 9. the aggregation of ballots from TPS to PPK; and

10. the implementation of revoting and vote recounting, the delayed and suspended Election.
 - b. the follow up of Findings and Reports of Electoral Fraud;
 - c. the dissemination of Election;
 - d. the follow-up of Election Supervisor's recommendations; and
 - e. the supervision as referred to in point a, point b, point c, and point d under the instruction of Regency/Municipal Panwaslu through the Sub-district Panwaslu.
- (5a) TPS Supervisor in assisting PPL in implementing supervision has the duty and authority to:
- a. supervise the preparation of voting and vote counting;
 - b. supervise the voting;
 - c. supervise the preparation of vote counting;
 - d. supervise the vote counting;
 - e. submit an objection in the event of the discovery of the alleged fraud, errors and/or deviation in the voting and vote counting administration;
 - f. receive a copy of the official report and certificates of voting and vote counting; and
 - g. implement duties and other authorities granted by PPL in accordance with the provisions of laws and regulations.
- (6) Overseas Election Supervisor supervises over:
- a. the stages of overseas Election including:
 1. the updating of the voter data based on demographic data and the determination of the temporary, revised, and fixed voter lists;
 2. the implementation of campaign in the work area;
 3. the equipment and distribution of Election logistics;

4. the implementation of voting and the process of vote counting in each TPSLN;
 5. the announcement of the vote counting result in each TPSLN;
 6. the recapitulation process undertaken by the Overseas Election Supervisor from all TPSLN;
 7. the aggregation of ballots from TPSLN to the Overseas Election Administrator; and
 8. the implementation of vote recounting and re-voting, the delayed and suspended Election.
- b. the follow-up of findings and reports of the Electoral Fraud;
 - c. the dissemination of Election;
 - d. the follow-up of the Election Supervisor's recommendations; and
 - e. supervision as referred to in point a, point b, and point c, under the instruction of Bawaslu.
4. The provision of Article 17 is amended to read as follows:

Article 17

In addition to prevent the vulnerable potential as referred to in Article 12, Election Supervisor prevents Electoral Fraud in the stages implementation by:

- a. observing and/or inspecting the Election implementation stages;
- b. ensuring completeness, correctness, accuracy and validity of data and documents as objects of supervision on every activity and/or the Election stages;
- c. confirming related parties and providing suggestion in the event of early indications of error, deviation or mistakes potential to frauds; and
- d. obtaining information and/or data required from the KPU in stages and related parties.

5. The provisions of Article 36 are amended to read as follows:

Article 36

- (1) The Election Supervisor decides whether or not to follow up Findings or Reports of Alleged of Regional Head and Deputy Regional Head Electoral Fraud not later than 3 (three) days since the Alleged Fraud Findings or Reports are accepted.
 - (2) In the event that the Election Supervisor needs additional information to follow up alleged fraud as referred to in section (1), the proceeding time will be extended for not later than 5 (five) days since the alleged fraud is accepted.
6. The provision of section (2) Article 41 is amended, so Article 41 read as follows:

Article 41

- (1) The Election Supervisor decides whether or not the Reports or Findings are fraud based on the observation result.
- (2) The Election Supervisor provides recommendation on Reports or Findings which are alleged as administrative Election fraud.
- (3) The Election Supervisor delivers recommendation and observation files of alleged administrative Election fraud to KPU, Provincial KPU, Regency/Municipal KPU, PPK or PPS on their respective levels as form Model A.10 which is attached in the annex of this Regulation.
- (4) The alleged administrative Election fraud recommendation and observation files as referred to in section (1) are delivered by attaching fraud files and alleged fraud observation result.
- (5) In the event that alleged administrative Election fraud recommendation addressed to KPU, Provincial KPU, Regency/Municipal KPU, PPK, PPS or Contestant of Election is not proceeded then

Bawaslu gives sanction in verbal or written warning.

7. Between Article 41 and Article 42, 2 (two) Articles namely Article 41A and Article 41B are inserted so read as follows:

Article 41 A

- (1) Sub-district Panwaslu, PPL, and/or TPS Supervisor forwards alleged report and findings fraud of the Regional Election to Regency/Municipal Panwaslu for further action.
- (2) In the event of alleged administrative Regional Election fraud recommendations addressed to the KPU, Provincial KPU, Regency/Municipal KPU, PPK, PPS or Regional Election Contestant are not followed up, Provincial Bawaslu and/or Regency/Municipal Panwaslu give sanction in verbal or written warning.

Article 41B

Administrative fraud which have been followed up upon by Election Supervisor providing corrections administrative recommendation, followed by the recommendations of sanctions against the alleged offender of administration.

8. The provisions of Article 42 are amended to read as follows:

Article 42

- (1) The alleged electoral crime report is forwarded by the Election Supervisor to the Indonesian National Police Investigator, in accordance with its respective level which is attached in the form in the Annex as an integral part of this Regulation.
- (2) The alleged Electoral Crime report is forwarded to the Indonesian National Police not later than 1 x 24 (one time twenty-four) hours since it is decided by the Election Supervisor.

- (3) The alleged Electoral Crime report forward as referred to in section (2) is not later than 5 (five) days of time of electoral fraud proceeding.
- (4) The alleged Electoral Crime report forward as referred to in section (1) is attached with Fraud files and observation result.

Article II

The word Election in this Regulation of the Election Supervisory Board is also interpreted as Regional Election.

Article III

This Regulation of the Election Supervisory Board comes into force on the date of its promulgation.

In order that every person may know hereof, it is ordered to promulgate this Regulation of the Election Supervisory Board by its placement in the State Bulletin of the Republic of Indonesia.

Issued in Jakarta
on 22 May 2015

CHAIRMAN OF THE ELECTION SUPERVISORY
BOARD OF THE REPUBLIC OF INDONESIA,

Signed

MUHAMMAD

Promulgated in Jakarta
on 26 May 2015

MINISTER OF LAW AND HUMAN RIGHTS
OF THE REPUBLIC OF INDONESIA,

Signed

YASONNA H. LAOLY

STATE BULLETIN OF THE REPUBLIC OF INDONESIA OF 2015 NUMBER 773

Jakarta, 25 November 2016

Has been translated as an Official Translation
on behalf of Minister of Law and Human Rights
of the Republic of Indonesia

DIRECTOR GENERAL OF LEGISLATION,



WIDODO EKASAHJANA