

# Indonesian court rejects election challenge

John Braddock  
21 August 2009

The Indonesian Constitutional Court last week dismissed an application for a presidential election re-vote by the two losing candidates, Megawati Sukarnoputri and Jusuf Kalla. Announcing its decision on August 12, the court declared the plaintiffs had failed to substantiate allegations of vote rigging and voters list inaccuracies.

Both Megawati and Kalla claimed that 25 million to 28 million ghost voters cast ballots for incumbent President Susilo Bambang Yudhoyono, enabling him to secure 60.8 percent of the vote and avoid a second-round poll. The two candidates called on the court to increase their respective vote tallies, enabling them to compete in a runoff election.

On July 25, Indonesia's General Electoral Commission (KPU) had officially declared Yudhoyono and his vice presidential running mate, former Bank Indonesia (central bank) governor Boediono winners by a landslide, gaining 73,874,562 votes. Yudhoyono's team also carried the July 8 ballot in all but 5 of the country's 33 provinces. Megawati finished second with 27 percent of the vote, and outgoing vice president Jusuf Kalla earned just 12 percent. Yudhoyono thus won the presidency on the first round, paving the way for his inauguration in October for a second five-year term.

The US and its allies backed Yudhoyono as the best guarantor of their interests in Indonesia and South East Asia, promoting him as their preferred leader to maintain a democratic façade while implementing pro-market economic reforms. However, all the candidates in the presidential elections were products of the decades-long Suharto dictatorship—Yudhoyono himself was a Suharto-era army general—and legal restrictions ensured that only well-financed parties could stand for parliamentary elections. Of the more than 100 parties that sought to stand in the April parliamentary election, only 38 were allowed to do so and of those only nine obtained the 2.5 percent national vote tally required to obtain seats.

Behind the legal appeals were significant differences within the ruling elite on economic policy. Yudhoyono

made clear that he would continue a pro-market and pro-investment economic program. At the same time, aware of widespread hostility in the impoverished population, he promised that the poor would be compensated in order to maintain “growth with equity”, and to “bring about a sense of fairness”.

Megawati and Kalla pitched their campaigns at the urban and rural middle classes, but their primary concern was to protect more vulnerable sections of business, including those run by the country's military, from the open-market agenda. The two disputed the result on a number of grounds, including a flawed voters list, a reduced number of polling stations, electoral assistance from foreign institutions, and vote rigging.

During the hearing, the plaintiffs presented witnesses to support their claims that the results of the election were a sham. A witness from North Sumatra showed a video of a child at a polling station who was about to cast a vote. The witness said 20 children were reported to have voted at one polling station in Central Tapanuli district.

A Central Tapanuli village chief, Beni Batubara, said a person there had been tried in court and convicted for voting for Yudhoyono 51 times. Chairul Anwar, a witness for Megawati from Bengkulu, said that in Kepahyang district, 99 percent of voters had no citizen registration numbers, and the remainder all had the same number.

During the case, Constitutional Court Chief Mahfud MD had commented that it was clear that the final voters list was “a total mess”. “We don't need to repeat and question that fact over and over again,” Mahfud was reported as saying.

However, in defending the court's finding against the plaintiffs, Mahfud asserted that none of these problems “could be described as structural, systematic or massive”. The court found 3.6 million duplicate voters. But the KPU had already deleted those names. “Even if they were not deleted, they wouldn't have changed the final result,” he said.

Mahfud said that at the outset he had been “really eager to teach the KPU a lesson” by ordering an election rerun,

but in the end there was “no proof”. Another judge, Maria Farida Indrati, reportedly slammed the KPU for its lack of professionalism in preparing the voters list.

The National Commission on Human Rights earlier claimed the KPU had violated human rights by denying millions of unregistered but eligible voters their right to participate in the presidential poll. The commission, also known as Komnas HAM, had been constantly critical of the embattled KPU, and lambasted it for problems with voters rolls used for the legislative elections in April.

Nur Kholis, a member of Komnas HAM, said the KPU had “neglected its work and as a result many people were unable to cast their vote”. Syafruddin Ngulma Simeulue, another Komnas HAM member, said the KPU had failed to fix problems with the voters list in time for the presidential election, despite widespread calls to do so.

Syafruddin said that a number of prisoners in Kalimantan had been unable to vote. “Most of the prisoners have no identity card, and the commission did not allow them to vote,” he said. Yoseph Adi, also a Komnas HAM member, said many hospital patients had not been able to vote because the KPU failed to provide polling stations. “There were systemic violations by design,” he said. “In the legislative elections, we already criticised them, but they ignored it. They did not fix problems for the presidential election.”

Nur Hidayat Sardini, chairman of the Elections Supervisory Board (Bawaslu), said his agency had determined that although many election irregularities had taken place, they were within a tolerable level. “Though several violations occurred during the election, we have to think critically and recognise that they were not massive or systematic as the plaintiffs alleged.”

After the court handed down its decision, the losing candidates indicated they would accept verdict. “The Constitutional Court verdict is final and binding,” said Chairuman Harahap, from Kalla’s team. “In this state of law, we have no other option but to accept the result.” Arteria Dahlan, from Megawati’s team, said that the team had yet to decide whether it was going to take further legal action.

Megawati met with protesters at Teuku Umar, Central Jakarta, urging them not to “riot” following the verdict. “I ask you all to go home now. If you are involved in violence, I will be disappointed,” Megawati said. Her running mate Prabowo asked for the protesters to “respect the legal system in the country” despite the court’s decision. The protesters had previously blockaded an area around the court, burning boxes and parking a truck in the

middle of the road.

The Indonesian media joined in, exhorting that it was time for the country to “move on”. The *Jakarta Globe* editorialised that “the future well-being of the country requires that the losers accept the results and move forward—as either avid opponents of the government or tactical allies”. That is precisely what Megawati and Kalla appear to be doing, well aware that any sustained campaign threatens to undermine the flimsy façade of Indonesian democracy and provide an outlet for deep-seated social discontent that none of the candidates has any answers for.

Yudhoyono used his first major speech after the court’s verdict to commit himself to “complete the reform agendas” in the economy, and calling for a major offensive to combat terrorism. Delivering his State of the Nation address to the House of Representatives on August 14, the president called on the “whole of the Indonesian people” to “lend a helping hand to the security apparatus” by providing information on “perpetrators of terrorism who hide in the midst of our community”.

Under the banner of fighting terrorism, Yudhoyono is strengthening the military-police apparatus as he steps up a free-market business agenda that will cause further hardship for ordinary people.



To contact the WSWs and the  
Socialist Equality Party visit:

**[wsws.org/contact](http://wsws.org/contact)**