

ACTIO

ISSUE #10 / APRIL 2019

Black Campaign Legal Analysis

**This Is How Indonesians Abroad
Join Elections**

**In-Depth Look On
UU Pemilu 2017**



LET'S VOTE!



We, Akasa Cipta Tama (ACT), was established in April 2015 as a response to the demand of highly qualified translators for business, legal, technical, and general documents; as well as interpreters and note takers for meetings, seminars, and conference. Our translators, interpreters and note takers have extensive experiences in their respective fields.

With a comprehensive database of qualified human resources, ACT works to ensure the best results in every project we run. Some of our top personnel have worked for various international events and some of our clients include the Office of the President of the Republic of Indonesia, People's Consultative Assembly, The United Nations, The World Bank, AusAID, USAID, and some prominent law firms in Indonesia.



Please do not hesitate to contact us if you have any question at marketing.akasa@gmail.com.
Looking forward to hearing from you.

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ACTIO

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“God does not change the fate of a nation before the nation changes its own destiny.”

- Ir. Soekarno

(Speech of the Anniversary of the Proclamation of 1964)



Dear Readers,

Indonesia celebrates a feast of democracy every five years. April 17, 2019 will be the peak of excitement and we all hope that this general election will take place smoothly and peacefully.

In this edition, ACTIO presents a variety of topics in relation to democratic parties including “black campaigns” which often arise and are debated between the two camps, legislation related to the General Election in particular, and procedures for resolving criminal acts during elections.

Elections in Indonesia are closely related to democracy which is embodied in the fourth of our Pancasila Precepts: Democracy led by wisdom in deliberation and representation. Therefore the implementation of the general election is expected to strengthen national unity. Let’s take part in this celebration by participating and using your voting rights wisely and intelligently, because every one of our voices is precious to the nation.

Lastly, all of us from ACTIO Team wish our dearest readers happy reading and that the winners in the election bring Indonesia Forward to greater Unity and Victory.

Warmest regards,

Setyawati Fitri A, S.H., LL.M., FCI Arb., FAIADR.

The 2017 Election Law: CLEARER LAW ENFORCEMENT IN THE 2019 GENERAL ELECTION



In 2017, President Joko Widodo assented to Law Number 7 of 2017 concerning General Elections (“**Election Law**”) which integrates laws and regulations related to general elections into one regulation, which was previously regulated based on: Law No. 15 of 2011 concerning General Election Organizers (“**PPU Law**”); Law No. 8 of 2012 concerning General Elections on members of the DPR, DPD and DPRD; Law No. 42 of 2008 concerning General Elections on the President and the Vice President; and parts of Law No. 11 of 2006 concerning the Aceh Government. Since the enactment and promulgation of the Election Law, the laws and regulations relating to the aforementioned Election have been revoked and declared not applicable.

Some of the points highlighted in the 2017 Election Law are new provisions which deal with issues including : (i) law enforcement in the Election Law; (ii) persons with disabilities in the Election Law; (iii) changes to the duties and authorities of election organizers; (iv) presidential and parliamentary thresholds; and (v) provisions regarding campaign and campaign funds This article will focus on law enforcement based on the 2017 Election Law.

LAW ENFORCEMENT IN GENERAL ELECTIONS BASED ON THE ELECTION LAW

Election law enforcement in this Election Law is divided into several parts, namely; **First**, election violations; **Second**, election disputes; **Third**, disputes over election results; and **Fourth**, election crimes.

First, election violations consist of violations of the code of ethics, administrative violations and violations of other laws and regulations that are not included in election violations, not election disputes,

and not election crimes. An administrative violation may be an general administrative violation or an integrated administrative violation. The difference between those two is that the integrated violation is structured, massive and systematic. Moreover, these violations encompasses instances where there is any invalid, missing or deficiency during an administrative process in the general election. Examples include where an administrative officer of KPU who has a duty to verify any administrative documents of any election participants fails to check and consequently results in inflicting harm to an election participant in the general election process.

Second, election dispute in Election Law distinguishes between two classes of disputes. First, disputes between election participants, and election participants’ disputes with the election organizers as a result of the issuance of KPU Decrees (red: Sengketa Proses Pemilu) and second, election disputes which occur after a KPU Decree on the national voting results which happens between KPU and election participants.

Based on the Election Law, the decision of the Indonesian Election Supervisory Board (Bawaslu) regarding dispute resolution in the electoral process is a final and binding decision, except for decisions on electoral disputes relating to election political party verification, determination of the list of candidates for DPR, DPD, Provincial DPRD and Regency/City DPRD, as well as the determination of presidential and vice-presidential candidates. Bawaslu resolution on this matter can be appealed to the Administrative Court. These provisions explain the authority and flexibility of the roles and duties of the Election Supervisory Body to handle and resolve election disputes.

1. Regulation of Bawaslu No. 8 of 2018 on General Election Administrative Violation Settlement. Art. 1 Par. 28 and 29;

2. See: Bawaslu Decree No. 010/ADM/BWSL/PEMILU/XI/2017.

Third, another election disputes are disputes between KPU and Election participants regarding national election results for candidates for DPR, DPD, DPRD, President and Vice President nationally including disputes over the determination of votes and the results of votes that can affect the election seats. Requests for settlement of disputes are submitted by election participants to the Constitutional Court no later than 3x24 (three times twenty-four) hours from the announcement of the voting results by the KPU. The KPU must also respect and give effect to a verdict of the Constitutional Court both for legislative election disputes and the elections for president and vice president.

Fourth, election crimes in the General Elections are criminal acts of violations and/or crimes against elections, such as: (i) providing false information during the General Elections processes; (ii) any head of village or other title who deliberately takes any action for enriching himself and inflicting harm to other election participants; (iii) any person who interferes with, hindering, and/or disrupting the election campaign; (iv) any person who knowingly conducts an election campaign at any other time outside those scheduled by KPU; and any other election crimes stated in Chapter II of 5th book on Election Law. Any reports of alleged election crimes are forwarded to the National Police of the Republic of Indonesia at the latest 1x24 (one twenty-four) hours after coordinating with the Indonesian National Police and the Attorney General’s Office of the Republic of Indonesia. The law specifically refers to an enforcement body Gakkumdu, translated as the Integrated Law Enforcement Agency of the General Elections.

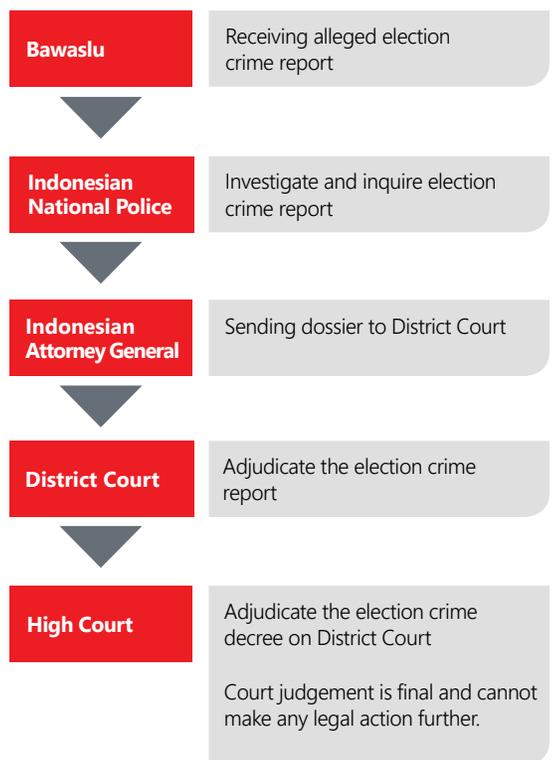
The previous PPU Law did not detail the supervisory institution that could forward an Election crime report, the 2017 Election Law clearly stipulates that that the lowest supervisory institution that could deal with an Election crime report is the Sub-District Election Supervisory Committee (Panwaslu Kecamatan) to Bawaslu.

Further, the Act allows wide discretion to investigators. Although the submission of the results of investigations along with case files to the public prosecutor must take no longer than 14 (fourteen)

days after the report is received, the investigation and can be carried out even without the presence of the suspect. Furthermore, the public prosecutor can delegate case files to the district court within 5 (five) days after receiving the case file and this Prosecution can also be carried out without the presence of the suspect (in absentia).

District court decisions can be appealed to the High Court, and the appeal decision is final and no further legal action can be taken after this Appeal. The new Election Law is an improvement from the earlier laws which failed to clearly regulate the Prosecution of Election crimes.

A flow chart illustrating the process of Election crimes under the 2017 Law is set out below:



Based on the explanation above, the target of election regulation can be said to be an effort to realize the objectives of the promulgation of this Election Law, which are to realize elections that are democratic, fair, credible, accountable, effective and efficient. **TKK/HES**

1. Election Law, Art. 488; 2. Election Law, Art. 490; 3. Election Law, Art. 491; 4. Election Law, Art. 492.

AN INQUIRY INTO THE LEGAL CONSEQUENCES OF A BLACK CAMPAIGN

The presidential and general elections have been conducted intensively with Candidates employing both explicit or implicit campaigns. Their goals are clear, to be the election winner at whatever the cost to their political competitor.

Campaigns should ideally facilitate greater awareness of the Candidate's vision, mission, program, and/or image and the Elections are governed by Law Number 7 of 2017 concerning General Election ("General Election Law"). However, it is often that the general election participants, intentionally or not, resort to black campaigns in order to undermine the credibility and electability of the other Candidates. Tragically, a few black campaigns are conducted by fanatical political sympathizers of Candidates who do not receive any direct actual benefit on the winning nor losing of their favored Candidate. In fact, there are several legal consequences for people who initiate these black campaigns.

A. AMBIGUITY OF DEFINITION

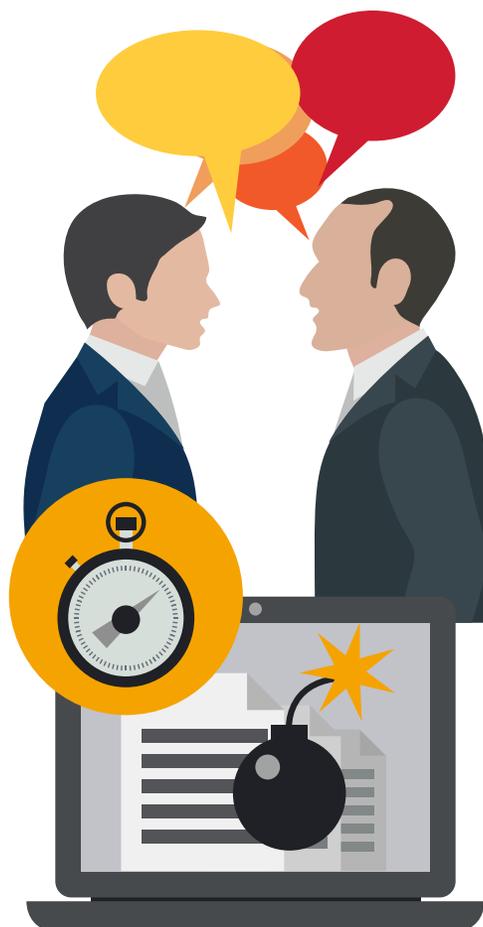
Laws and regulations do not specifically define the definition of black campaign. While, the definition provided by General Election Law is only limited to a definition of campaign. Pursuant to the General Election Law, a campaign is defined as activity of the general election participants or other party appointed by them to attract voters by introducing their vision, mission, program, and/or image of the general election participants. Meanwhile, The Official Indonesian Dictionary (KBBI) defines black campaign as a campaign whose goal is discrediting the political competitor.

The definition of black campaign in the KBBI above is still ambiguous since the scope of what constitutes "discrediting political competitor" has too broad a definition. First, the discrediting action toward the political competitor may be conducted based on factual information, or commonly known as negative campaign. Second, discrediting the political competitor may be to spread non-factual information, this second form commonly known as black campaign.

B. CONSEQUENCE AND SANCTION

The legal consequences of a black campaign are found in various laws and regulations, including the General Election Law, Law Number 11 of 2008 concerning Information and Electronic Transaction ("ITE Law"), and the Indonesian Criminal Code (ICC) itself.

The principal differentiation of the aforesaid laws are with respect to its regulated parties. Parties regulated under General Election Law are organizers, participants, and campaign team in the general election, while ITE Law and ICC regulate individuals regardless of their position and role prior to, on, or after the general election.





1. General Election Law

Article 280 paragraph (1) section c and d General Election Law stipulate that organizers, participants, and campaign teams shall not (i) discredit any person, religion, ethnic, race, group, candidate, and/or other general election participant, and (ii) provoke and instigate any person or society. Infringement of such provision conducted intentionally may attract a period of imprisonment for a maximum of 2 (two) years and a fine in the amount of IDR 24,000,000.00 (twenty four million rupiah). Therefore, black campaigners may be convicted by criminal sanction under the General Election Law if such campaign contains materials that are intentionally made to discredit any religion, ethnic, race, and group, or intentionally contain provocation, and instigation.

2. ITE Law

Article 28 paragraph (2) ITE Law stipulates that any person who intentionally and without rights distributes any information intended to cause hatred or hostility between certain individual and/or group based on ethnic, religion, race, and group, may be convicted by imprisonment for a maximum of 6 (six) years and/or fine in the amount of IDR 1,000,000,000.00 (one billion rupiah). Therefore, black campaigners may be convicted under the ITE Law when such a black campaign causes hatred or hostility directed towards an ethnic, religious or racial group.

3. ICC

Black campaigns under the ICC may trigger Article 310 ICC which stipulates that any person who intentionally attacks the dignity or reputation of any other person, and expressly intended to be known to the public, may be convicted of criminal defamation with a maximum 9 (nine) months imprisonment or a fine in the amount of IDR 4,500,000.00 (four million five hundred thousand rupiah). Therefore, black campaigners may also be convicted under ICC where statements contain incorrect accusations and is intended to be publicly known.

C. BLACK CAMPAIGN CASE

One of the most interesting cases that has attracted widespread public attention are 3 (three) women in Karawang who produced a video shared on social media, stating that if one of candidate pairs were elected, there would be a prohibition on adzhan and thereafter a legalization of same-sex marriages. Although the actual motives and status of the relevant 3 (three) women are still not known, it will be instructive to see how the police and prosecution deal with the case. It is also unclear whether the trio whether they are members of a campaign team or only sympathizers of one of the presidential candidate pairs.

Be that as it may, the Police have made their position clear. A statement by the Head of Public Relation of the Police Office of West Java, Police Commissioner Wisnu Andiko stated that the 3 (three) women will be sanctioned by various laws namely General Election Law and Article 28 paragraph (2) ITE Law with 6 (six) years imprisonment. We will need to wait to see the results of the Police action.

D. URGENCY FOR REGULATION

Considering that a black campaign has such a close relationship with the general election, the regulation and sanctions of a black campaign and the organizers of such a campaign should be specifically regulated under the General Election Law. Specific regulation would serve at least has 3 (three) purposes. First, to prevent society, participants, organizers, and campaign teams to refrain from conducting black campaigns. Second, to provide understanding and clarity for society that a black campaign is a criminal action expressly prohibited under the law. Third, to provide convenience for the legal enforcers to apply the most relevant provisions on black campaign, considering that General Election Law, ITE Law, and ICC provides different sanction over black campaign practices. **SCN/HES**



FORMER CORRUPTION INMATES BECOMING LEGISLATIVE CANDIDATES

In Indonesia the rules regarding the restriction of former corruption inmates who register as candidates for legislations are contained in Article 4 paragraph 3 of the General Election Commission (“**KPU**”) Regulation number 20 of 2018 regarding the nomination for members of the DPR, Provincial DPRD, District and City dated July 3, 2018 and Article 60 letter j KPU Regulation number 26 of 2018 regarding the Second Amendment to KPU Regulation number 14 of 2018 concerning the Nomination of Election Participants for Members of the Regional Representative Council (DPD) (“**KPU Regulation**”).

However, these two KPU regulations run contrary to Article 240 paragraph 1 letter g Law of Republic of

Indonesia number 7 of 2017 concerning General Elections (“**Election Law**”) which states that former corruption inmates who have served a sentence of five years or more can nominate themselves as long as the KPU makes an announcement to the public that the person has been imprisoned. Corruption is an extraordinary crime, and therefore it is natural that KPU plans to provide stricter rules. However, the rules seem inconsistent in both practice as well as other Laws and Regulations.

Furthermore, several articles concerning these restrictions were submitted by to the Supreme Court for a judicial review resulting in decision No. 46 P / HUM / 2018 and decision number 30 P /

HUM / 2018 dated September 13, 2018. The Supreme Court granted the petition and ruled that former corruption inmates can still nominate themselves as DPR / DPRD and DPD legislative members in the upcoming elections upon certain conditions.

In its consideration, the Panel of Judges stated that the prohibition for former corruption inmates to run for legislative members as regulated in KPU Regulations was contrary to the Election Law which had a higher position in the legislation hierarchy. In Article 240 paragraph 1 letter g and Article 182 letter g the Election Law states that former prisoners who have served five years or more can register as legislative candidates, provided that the KPU as the election organizer announces legal cases that have ensnared them to the public first, in this case a corruption case. Thus, based on the Election Law, former corruption inmates can still nominate themselves as legislative members of the DPR / DPRD or DPD in the upcoming elections after announcing about their case to the public first.

It bears noting that this year's election included 49 (forty-nine) legislative candidates who were former corruption inmates. Based on the Election Law there is no further regulation regarding the procedure for the announcement referred to in Article 240 paragraph 1 letter g and Article 182 letter g. However, in practice, the KPU, as the election organizer, has announced the names of legislative candidates who are former corruption inmates on the KPU website, and these names have been disseminated by other electronic media. Considering there are still many regions in Indonesia that are still not reached by the internet network, KPU plans to announce legislative candidates who have the status of former corruption inmates on every place of election (TPU) during the election.

The judge's decision to grant the petition for judicial review in cases above was considered appropriate because the right to vote and the right to be elected as a member of the legislative is a basic right in the political field guaranteed by the Constitution, namely Article 28 of the 1945 Constitution of the Republic of Indonesia. Political rights also stipulated in Article 43 paragraph (1) of Law Number 39 of 1999 concerning Human Rights states "Every citizen



has the right to vote and to be elected in general elections based on equality of rights through direct, general, free, confidential, honest voting and fair in accordance with the provisions of legislation."

A person's political rights can only be revoked through a judge's decision as an additional punishment that obtains permanent legal force in accordance with the provisions stipulated in Article 18 paragraph (1) letter d of Law Number 31 of 1999 concerning the Eradication of Corruption Crimes. So, if the political rights of former corruption inmates have not been revoked by the verdict of the Judge, the former corruption inmates have the right to nominate himself as a member of the legislative while still subject to the provisions in the Election Law. **DGM/HES**

REGULATION OF THE SUPREME COURT NUMBER 1 OF 2018 CONCERNING SETTLEMENT PROCEDURES OF CRIMINAL OFFENSE FOR REGIONAL AND GENERAL ELECTION



Supreme Court Regulation Number 1 of 2018 concerning Procedures for Settling Election and Election Criminal Actions (“PERMA 1/2018”) is a product of regulations from the Supreme Court to anticipate the completion of Election and General Elections in the General Court to be held in 2019. This is mandated by Law No. 1 of 2015 jo. UU no. 10 of 2016 concerning the Establishment of Perpu No.1 of 2014 concerning the Election of Governors, Regents and Mayors into Laws and their amendments (“Election Law”) and Law No. 7 of 2017 concerning General Elections (“Election Law”).

Criminal Actions are stipulated in Article 177-198 of the Election Law. In addition, Election Crimes are criminal acts of violation and / or crime provided for in Article 488-554 of the Election Law. Election and election crimes commence when there is a report of an alleged criminal act connected with elections which are conducted by Bawaslu, Provincial Bawaslu, Regency / City

Bawaslu, District / City Panwas and District Panwaslu. The complaint must be made to the Indonesian National Police within 1 x 24 hours.

The District Court and the High Court in examining, adjudicating and deciding criminal offenses in elections and criminal offenses within a period of 7 (seven) days from the receipt of the District Court or High Court. An appeal of the District Court decision must be made within 3 days from the verdict read / received by the absent party. The decision of the High Court is a final and binding decision and cannot be challenged¹.

Because of the need for a speedy adjudication, it is necessary for this Special Judges Council, to be readily available and they are not permitted to try other cases except cases of criminal elections and / or elections. These Judges are appointed by the Chief Justice of the Supreme Court from career judges at the level of the District Court and High Court². **FDH/HES**

1. Article 3 paragraph 8; 2. Article 4 Perma 1/2018

PARTICIPATION IN ELECTION FOR INDONESIAN CITIZENS OVERSEAS

The Right to vote for Indonesian citizens abroad (“Indonesian Voters”) is an important component in the implementation of the upcoming General Election, 17 April 2019 (“Election”). In preparation for Election day, let us look at some questions related to the Election for Indonesian Voters abroad.

Q: What are the requirements for Indonesian voters to be able to exercise their voting rights?

A: Indonesian Voters may use their voting rights if they have been registered in the Final Voters List Abroad (“Final Voters List”), Additional Voters List Abroad (“Additional Voters List”) or are registered as Special Voters List Abroad (“Special Voters List”). Special Voters List is a list of Indonesian Voters who hold an Electronic Identity Card, Passport, or Travel documents but are not registered in the Final Voters List or Additional Voters List.¹

Q: If Indonesian Voters are already registered in Final Voters List/ Additional Voters List/ Special Voters List, what is the mechanism for Indonesian Voters in exercising their voting rights?

A: To use their voting rights, Indonesian Voters may use one of this following 3 (three) options:²

- Vote at a Voting Station which can be accessed at the Indonesian Embassy in the local country;³
- Voting through Mobile Voting Box which will be prepared by the Election Abroad Organizing Team in a place that can be easily accessed by Indonesian Voters⁴; and
- Voting by Post (only given to Indonesian Voters who are in areas that are difficult to access through Voting Stations or Mobile Voting Boxes)⁵. The Election Abroad Organizing Team will send the ballot paper by Post to Indonesian Citizens no later than 30 (thirty) days before the Election day⁶. These ballots paper can be returned by post or delivered directly to the Election Abroad Committee by the Election day at the latest.⁷



Q: What is the mechanism of Indonesian Voters who are on vacation abroad in using their voting rights?

A: Indonesian Voters may register themselves to the Election Abroad Organizing Team at Voting Station or Mobile Voting Box by showing their Electronic Identity Card, Passport or Travel Letter, after which the Indonesian Citizen is registered on the Special Voters List.⁸

Q: Can Voters also use their voting rights to elect members of the legislature according to their original domicile stated on their Identity Card?

A: Based on the provisions of Article 96 of the Regulation of General Election Commission of the Republic of Indonesia No. 3 of 2019 concerning Voting and Vote Calculation in General Elections (“KPU Regulation No. 3/2019”), voting abroad is conducted to elect the (i) President and Vice President Candidate; and (ii) Candidates for members of the House of Representatives (“HoR”) for the Electoral District (“Electoral District”) of the Jakarta II Special Capital Region. As such, regardless of the original domicile listed in the Identity Card, Indonesian Voters can only participate in the election of Candidates for HoR Members in the Jakarta II Special Capital Region. **KBA/HES**

1. Article 98 section (1) of the KPU Regulation no. 3/2019 jo. Article 1 number 45 of the Commission’s Regulation No. 3/2019; 2. Article 96 section (3) of the Commission’s Regulation No. 3/2019; 3. Article 110 KPU Regulation No. 3/2019; 4. Article 141 section (1) jo. Article 141 paragraph (2) of the Commission’s Regulation No. 3/2019; 5. Article 167 paragraph (1) of the KPU Regulation no. 3/2019; 6. Article 168 paragraph (1) of the KPU Regulation no. 3/2019; 7. Article 168 section (2) jo. Article 168 paragraph (3) of the Commission’s Regulation No. 3/2019; 8. Article 101 section (1) of the KPU Regulation no. 3/2019

QUALIFICATIONS FOR A LEGISLATIVE MEMBER



The presidential election is not the only general election that will take place in Indonesia this year. Legislative elections, which will determine the representatives of the people of Indonesia and is equally important, will be held simultaneously with the presidential election.

The election of the representatives of the people of Indonesia plays a pivotal role in determining the direction of the nation for the next 5 years. For the purpose of screening out the candidates of the representatives, Indonesia election body, Komisi Pemilihan Umum (KPU) has issued KPU Regulation No. 20 of 2018 which has been amended by KPU Regulation No. 31 of 2018 ("KPU Regulation 20/2018"). This regulation stipulates the procedures and the qualifications to run for a spot in the DPR, Provincial DPRD and Regency DPRD. The prerequisites set out in KPU Regulation No. 20 of 2018 is expected to bring about the ideal legislative candidates for the public to elect as their representatives.

The following are the complete provisions regarding qualifications that must be fulfilled by a legislative candidate in the 2019 Election:

- a. Indonesian citizens
- b. 21 (twenty one) years old or older since the DCT determination
- c. Belief in God Almighty
- d. Resides in the territory of the State of the Republic of Indonesia
- e. Able to speak, read, and / or write in Indonesian
- f. Graduated with a minimum high school, madrasah aliyah, vocational high school, vocational madrasah aliyah, or other equivalent school
- g. Loyal to Pancasila, the 1945 Constitution of the Republic of Indonesia, the State of the Republic of Indonesia, and Bhinneka Tunggal Ika
- h. Never been convicted of a crime with 5 (five) years or more imprisonment term based on a court decision that has permanent legal force with the exception that they may offer themselves as Candidates if they have made an open and honest announcement to the public that they are a former convict
- i. Not be a former convicted drug dealer or a child sexual offender
- j. Physically, mentally, and free from use of narcotics, psychotropic substances and addictive substances
- k. Be registered as a voter
- l. And willing to work full time
- m. Candidates must also resign as
 - 1) governor, vice governor, regent, vice regent, mayor or vice mayor
 - 2) village head
 - 3) village apparatus that includes elements of staff who assist the Village Chief in policy

formulation and coordination accommodated in the Village Secretariat, and supporting elements of the task of the Village Head in implementing policies accommodated in the form of technical implementers and territorial elements

- 4) State Civil Apparatus
 - 5) members of the Indonesian Armed Forces
 - 6) members of the Republic of Indonesia National Police
 - 7) directors, commissioners, supervisory boards and / or employees in State-Owned Enterprises, Regionally-Owned Enterprises, Village-Owned Enterprises, or other entities whose budgets are sourced from state finances
 - 8) resign as Election Organizer, Election Committee or Supervisory Committee
- n. willing to cease practice as a public accountant, advocate, notary, deed of land officer, or do not carry out the work of providing goods and services related to state finances as well as other work that may result in conflict of interest with duties, authority and rights as members of the

- DPR, DPRD Province, and Regency / City DPRD in accordance with statutory provisions
- o. willing to cease concurrently holding positions as other state officials, directors, commissioners, supervisory boards and / or employees in State-Owned Enterprises, Regionally-Owned Enterprises, Village-Owned Enterprises, or other entities whose budget comes from state finances
 - p. is a member of a political party
 - q. nominated in only 1 (one) representative institution
 - r. nominated by only 1 (one) political party
 - s. nominated in only 1 (one) Electoral District; and
 - t. resign as a member of the DPR, Provincial DPRD or Regency / City DPRD for candidates for DPR, Provincial DPRD, or Regency / City DPRD if nomination comes from different Political Parties from the Political Parties represented in the Last Election.

By the abovementioned requirements, we can conclude that the stipulated requirements in the KPU Regulations generally can be divided into several categories. First, there are regulations regarding the personal aspects of candidates of legislative members such as age, level of education, domicile and their practice of Pancasila; Second, the obligation to resign from certain positions or professions in order to avoid conflict of interest; Third, the provisions on having a clean criminal records and last but not least, provisions regarding the nomination of legislative candidates by political parties.

Regulations regarding the qualifications of legislative candidates are expected to yield qualified candidates who possess integrity. Moreover, political parties also play a vital role in ensuring the quality of proposed legislative members, especially in connection with the revision of KPU Regulation No. 20 of 2018 through KPU Regulation No. 31 of 2018 which essentially still allows Candidates with corruption convictions to run for office, as long as he announces this matter honestly and openly to the public.

However, the Indonesian people play the most important role in ensuring the elected legislative members are those who earnestly have the ability and aspirations to represent the people. Ultimately, political education becomes crucial during this period to provide the general public with sufficient material and consideration to exercise their political choices.

WNA/HES





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