

THE REGULATION OF THE ELECTION SUPERVISORY BOARD OF
THE REPUBLIC OF INDONESIA
NUMBER 11 OF 2014
ON
ELECTION SUPERVISION

BY THE BLESSINGS OF THE ALMIGHTY GOD

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

- Considering :
- a. that the election supervision is conducted in order to hold the democratic, direct, general, free, confidential, honest, fair, and qualified election, as well as to fully implement legislation on the election;
 - b. that in order to achieve the integrity of the administrators, the transparent implementation and the accountable result of the election, it is necessary to supervise the election;
 - c. that in order to carry out duties, authorities, and obligations of the Election Supervisory Board in accordance with Article 73, Article 74, and Article 120 section (1) of Law Number 15 of 2011 on Election Administrators, it is necessary to issue the Regulation of the Election Supervisory Board on Election Supervision;
 - d. that in order to supervise the election of members of the House of Representatives, the Regional Representatives Council, and the Regional House of Representatives, the election of President, and the election of Regional Head

and Deputy Regional Head, it is necessary to issue the Regulation of the Election Supervisory Board which on supervising the election of members to the House of Representatives, Regional Representatives Council, and the Regional House of Representatives, the election of President and Vice President, and the election of Regional Head and Deputy Regional Head;

- e. that the Regulation of The Election Supervisory Board Number 8 of 2009 on Supervision of the Presidential Election, the Regulation of the Election Supervisory Board Number 7 of 2009 on Fraud Proceedings of the Presidential Election, the Regulation of the Election Supervisory Board Number 1 of 2012 on Supervision of the Election of the Regional Head and Deputy Regional Head, the Regulation of the Election Supervisory Board Number 2 of 2012 on Procedures for Reporting and Fraud Proceedings of the Election of Regional Head and Deputy Regional Head, the Regulation of the Election Supervisory Board Number 13 of 2012 on Procedures for Election Supervision, the Regulation of the Election Supervisory Board Number 14 of 2012 on Procedures for Reporting and Frauds Proceedings of the Election of Members of the House of Representatives, Regional Representatives Council, and Regional House of Representatives, the Supervisory Board Election Number 3 of 2013 on the Amendment to the Regulation of the Election Supervisory Board Number 14 of 2012 on Procedures for Reporting and Fraud Proceedings of the Election of Members of the Board of Representatives, Regional Representatives Council, and Regional House of Representatives are no longer effective;
- f. that given the considerations as referred to in point a, point b, point c, and point d, it is necessary to issue the Regulation of the Election Supervisory Board on Procedures for Election Supervision;

- Observing : 1. Law Number 32 of 2004 on Regional Government (State Gazette of the Republic of Indonesia of 2004 Number 125, Supplement to the State Gazette of the Republic of Indonesia Number 4437) as amended several times, last by Law Number 12 of 2008 on Second Amendment to Law Number 32 of 2004 on Regional Government (State Gazette of the Republic of Indonesia of 2008 Number 59, Supplement to the State Gazette of the Republic of Indonesia Number 5246);
2. Law Number 42 of 2008 on Presidential Election (State Gazette of the Republic of Indonesia of 2008 Number 176, Supplement to State Gazette of the Republic of Indonesia Number 4924);
3. Law Number 15 of 2011 on Election Administrators (State Gazette Republic of Indonesia of 2011 Number 101, Supplement to State Gazette of the Republic of Indonesia Number 5246);
4. Law Number 8 of 2012 on Election of Members of the House of Representatives, Regional Representatives Council, and the Regional House of Representatives (State Gazette of the Republic of Indonesia of 2012 Number 117, Supplement to State Gazette of the Republic of Indonesia Number 5316)

HAS DECIDED:

To enact : REGULATION OF THE ELECTION SUPERVISORY BOARD ON ELECTION SUPERVISION.

CHAPTER I GENERAL PROVISIONS

Article 1

In this Regulation of the Election Supervisory Board:

1. Election hereinafter referred to as Pemilu 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. House of Representatives hereinafter referred to as DPR means the House of Representatives referred to in the 1945 Constitution of the Republic of Indonesia.
4. Regional Representatives Council hereinafter referred to as DPD means the Regional Representatives Council referred to in the 1945 Constitution of the Republic of Indonesia.
5. Regional House of Representatives hereinafter referred to as DPRD means the provincial House of Representatives and regency/municipal House of Representatives 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 Regional Head and Deputy Regional Head means the Election for electing Regional Head and Deputy Regional Head directly in the Republic of Indonesia under Pancasila and the 1945 Constitution of the Republic of Indonesia.
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 the National Election Commission.
10. Electoral Management Bodies mean Election institutions

that consist of the National Election Commission and the 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 Election of governors, regents and mayors.

11. National Election Commission hereinafter referred to as KPU means a national, permanent, and independent administrator charged of implementing the Election.
12. Provincial Election Commission hereinafter referred to as Provincial KPU means an Election Administrator in a province.
13. Regency/Municipal Election Commission hereinafter referred to as regency/municipal KPU means an Election Administrator in a regency/municipality.
14. 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.
15. Voting Committee, hereinafter referred to as PPS means a committee established by Regency/Municipal KPU at village levels or other names/wards.
16. 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.
17. 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.
18. Provincial Election Supervisory Board hereinafter referred to as the Provincial Bawaslu means any board established by Bawaslu to supervise the Election in provincial areas.
19. Regency/Municipal Election Supervisory Committee hereinafter referred to as the Regency/Municipal

Panwaslu means any committee established by Provincial Bawaslu to supervise the Election in regency/municipal areas.

20. 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.
21. Village Election Supervisor means any official assigned by the Sub-district Panwaslu to supervise the Election at villages or other names/wards.
22. Overseas Election Supervisor means any official assigned by Bawaslu to supervise the Election overseas.
23. Polling Place hereinafter referred to as TPS means any place where votes are casted.
24. Overseas Polling Place, hereinafter referred to as TPSLN, means any place where votes are casted overseas.
25. Election Supervision means any activity to monitor, observe, examine and assess the implementation process of the Election in accordance with laws and regulations.
26. Fraud Prevention means any action, measure, early prevention against potential frauds that violate the integrity of the process and result of the Election.
27. 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.
28. Findings mean the supervision result containing any alleged fraud.
29. Alleged Fraud Reports mean written reports delivered by Complainant to the Election Supervisor about any alleged fraud of the Election.
30. Complainant means any Indonesian eligible to vote, observer, contestant who is entitled to report any alleged fraud of the Election.

31. Electoral Fraud means any action that is contrary to or inconsistent with laws and regulations regarding the Election.
32. 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.
33. 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.
34. Day is 1 x 24 (one times twenty four) hours in a day according to the calendar.

CHAPTER II PURPOSE OF ELECTION SUPERVISION

Article 2

Election Supervision aims to:

- a. ensure the direct, general, free, confidential, honest, fair, and qualified Election, as well as fully implementing legislation concerning the Election ;
- b. realize the democratic Election; and
- c. uphold the integrity, credibility of the administrators, the transparent implementation and the accountable result of the Election.

CHAPTER III ADMINISTRATOR AND SCOPE OF SUPERVISION

Part One

Administrator of Supervision

Article 3

The Election Supervision shall be conducted by the Election Supervisor.

Article 4

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

Part Two

Scope of Supervision

Article 5

The Election Supervisor shall supervise the Election.

Article 6

- (1) Bawaslu shall supervise:
 - 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 socialization 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 voter list and fixed voter list;
 2. the registration and the verification of political parties as Election contestants;

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 Presidential Election and the Gubernatorial, Regent and Mayoral Election;
 6. the determination of candidate pairs for the Presidential Election and Gubernatorial, Regent and Mayoral Election;
 7. the implementation of campaign;
 8. the procurement and distribution of the Election logistics and;
 9. the implementation of voting and counting at TPS;
 10. the aggregation of ballots, the minutes of counting and vote result certificate from TPS to PPK;
 11. recapitulation process at PPS, PPK, Regency/Municipal KPU, Provincial KPU and KPU;
 12. the implementation of recounting and revoting, delayed Election, 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 the court decision and the Election Administrator Ethics Council as well as the recommendation of the Election Supervisor.
- (2) The Provincial Bawaslu shall supervise:
- 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 voter list and the fixed voter list;

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 and;
 8. the implementation of voting and counting of the Election result;
 9. the whole process of v 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 recounting and revoting, the delayed Election, and the suspended Election; and
 13. the process of the Election results in province.
- b. the follow-up of Findings and Reports of the Electoral Fraud;
 - c. the socialization of the Election; and
 - d. the follow-up of recommendations of the Election Supervisor.
- (3) Regency/Municipal Panwaslu shall supervise:
- 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 voter list and the fixed voter list;
 2. the verification of political parties as candidates for the Election Contestant;

3. the nomination requirements and procedures of candidates for members of DPD, members of Regency/Municipal DPRD and the verification of candidates for regent/mayor;
 4. the nomination process of candidates for members of Regency/Municipal DPRD and candidates for regent/mayor;
 5. the nomination of candidates for members of Regency/Municipal DPRD and candidates for regent/mayor;
 6. the implementation of campaign in the regency/municipality;
 7. the procurement and distribution of Election logistics and;
 8. the implementation of voting and 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 from all sub-districts;
 12. the implementation of revoting and recounting, the delayed Election, and the suspended General Election; and
 13. the process of determining the results of the Election of members of Regency/Municipal DPRD and the Election of regent/mayor.
- b. the follow-up Findings and Reports of the Electoral Fraud;
 - c. the Election socialization; and
 - d. the follow-up of recommendations of the Election Supervisor.
- (4) Sub-district Panwaslu shall supervise 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 voter list and the fixed voter list;
 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 and;
 6. the implementation of voting and 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 recounting and revoting, the delayed Elections, and the suspended Election.
- b. the follow-up of Findings and reports of the Electoral Fraud;
 - c. the socialization of Election;
 - d. the follow-up 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 shall supervise:
- a. the Election stages at the village level or other names including:
 1. the updating of the voter data based on demographic data and the determination of the temporary voter list, the revised voter list, and the fixed voters list;
 2. the verification of political parties as candidates for the Election Contestants;
 3. the factual verification of independent candidate

- support for the governor, regent or mayor;
 - 4. the implementation of campaign in the work area;
 - 5. the equipment and distribution of Election logistics and;
 - 6. the implementation of voting and counting process at each polling station;
 - 7. the announcement of the results of vote counting at each polling station;
 - 8. the announcement of counting result from polling stations affixed to the secretariat of PPS;
 - 9. the aggregation of ballots from TPS to PPK; and
 - 10. the implementation of revoting and recounting, the delayed Elections, and the suspended Election.
- b. the follow-up of findings and reports of the Electoral Fraud;
 - c. the Election socialization;
 - 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 based on the instruction of Regency/Municipal Panwaslu through the Sub-district Panwaslu.
- (6) Overseas Election Supervisor shall supervise over:
- a. the Election stages of the overseas Election including:
 - 1. the updating of the voter data based on demographic data and the determination of the temporary voter list, the revised voter list, and the fixed voter list;
 - 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 counting in each TPSLN;

5. the announcement of the 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 recounting and revoting, the delayed Elections, and the suspended Election.
- b. the follow-up of findings and reports of the Electoral Fraud
 - c. the Election socialization;
 - d. the follow-up of the Election Supervisor's recommendations; and
 - e. supervision referred to in point a, point b, and point c, under the instruction of Bawaslu'.

Article 7

Election Supervisor in supervising as referred to in Article 6, conducts the functions in accordance with the respective levels:

- a. Bawaslu shall:
 1. arrange the standard supervision guidance.
 2. arrange the national supervision planning of the Election which includes Province, Regency/Municipality, Sub-district and the Village Election Supervisor and the Overseas Election Supervisor;
 3. supervise over the implementation of the Election Supervisor at all levels;
 4. supervise over the planning of the Election supervision by Provincial Bawaslu;
 5. the development of the Election at all levels in implementing the tasks and authorities of the Election Supervisor;
 6. the evaluation of the Election Supervision; and
 7. the report the results of the Election supervision.

- b. Provincial Bawaslu shall:
 - 1. arrange the Election supervision in province;
 - 2. supervise over the planning of supervision by Regency/Municipal Panwaslu;
 - 3. supervise over the implementation of Regency/Municipal Panwaslu duties;
 - 4. development the Election supervision duties by Regency/Municipal Panwaslu; and
 - 5. report the Election supervision at the provincial level to Bawaslu.
- c. Regency/Municipal Panwaslu shall:
 - 1. arrange the Election supervision in the Regency/Municipality including Sub-district Panwaslu and the Village Election Supervisor;
 - 2. supervise over the Election Supervisor duties at lower level; and
 - 3. report the supervision results in Regency/Municipality.

CHAPTER IV SUPERVISION STRATEGY

Part One

General

Article 8

- (1) Election Supervision shall be conducted by using strategic Prevention and Proceedings.
- (2) Prevention as referred to in section (1) shall be conducted with measures, and optimal efforts of early prevention on the potential Fraud and/or the early fraud indication.
- (3) Proceedings as referred to in section (1) shall be conducted with series of the alleged fraud proceedings and the result forwarding of the study on the alleged fraud to the relevant authorities for further action.

Part Two
Focus on Prevention

Article 9

- (1) Prevention of the electoral Fraud shall be focused on the Election administrators, the Election Contestants, the campaign team, the governments, the societies, voters and all parties under legislation on the Election.
- (2) Prevention of the electoral fraud committed by the Election administrators as referred to in section (1), shall be focused on:
 - a. the wrong and inappropriate Electoral process in accordance with legislation;
 - b. the intransparent Electoral process in each stage;
 - c. the unpunctual Electoral process at each phase according to the determined schedule ;
 - d. the tendency towards the Election Contestants and/or the campaign team or other names;
 - e. the disobedience to the ban at every phase of the Election; and
 - f. the actions categorized as the electoral fraud.
- (3) Prevention of the Electoral Frauds committed by the Election Contestants and/or the campaign team or other names referred to in section (1), shall be focused on:
 - a. the unpunctual submission of the administrative compliance for the nomination and the campaign finance reports at each phase of the Election;
 - b. the incompleteness of the administrative nomination, the campaign finance reports, data and documents at each phase of the Election;
 - c. the invalid and wrong data and documents required and submitted at each phase of the Election;
 - d. the disobedience at every phase of the Election; and
 - e. the actions categorized as the electoral fraud.
- (4) Prevention of electoral Frauds committed by the voters and the public referred to in section (1), shall be focused on:

- a. the disobedience to the ban at every phase of the Election; and
 - b. the actions categorized as the electoral fraud.
- (5) Prevention of electoral Frauds conducted by the government as referred to in section (1), shall be focused on:
- a. the tendency towards the political parties, the candidate pairs, or the specific campaign team;
 - b. the disobedience towards at each phase of the Election; and
 - c. the actions categorized as the electoral frauds.

Part Three

Focus on Enforcement

Article 10

Election Supervisor shall follow up findings and reports.

CHAPTER V

PREVENTION MECHANISM

Part One

General

Article 11

- (1) Before supervising the Election, the Election Supervisor shall identify and map the potential frauds of:
- a. each Election stage; and
 - b. other important aspects excluding the Election stages.
- (2) The identification and mapping of potential frauds referred to in section (1) is determined by:
- a. the orders or the prohibition regulated in legislation;
 - b. the provisions of laws and regulations that are unclear and vague and thus potentially leads to multiple interpretations;
 - c. differences in interpretation among stakeholders in

- understanding the provisions of laws and regulations;
 - d. the subjects or the perpetrators who are potential to violate; and
 - e. the supervision areas with the considerations of the low-high level of vulnerability and the magnitude of potential Frauds in a particular area based on the previous Election experience.
- (3) Based on the identification and mapping of potential Frauds referred to in section (1) and (2), Election Supervisor determine the focus of supervision.

Article 12

- (1) On potential Frauds, Election Supervisor conducts the prevention.
- (2) Prevention referred to in section (1) can be conducted through:
- a. strengthening inter-institution coordination in preventing Frauds;
 - b. improving inter-institution cooperation;
 - c. increasing transparency and accountability of the Election;
 - d. socialization of provisions of the legislation and/or the potential frauds of the Election; and
 - e. other activities that do not conflict with legislation.

Article 13

- (1) Strengthening coordination between institutions referred to in Article 12 section (2) letter a is conducted by the stages of:
- a. mapping organization or institution;
 - b. determining coordination materials;
 - c. drafting a memorandum of understanding;
 - d. arranging strategic measures on the fraud prevention as a follow-up of memorandum of understanding; and
 - e. evaluating of the effective coordination.
- (2) Determining/mapping organization or institution referred to in section (1) point a is conducted based on the

interests of the implementation of prevention and proceeding.

Article 14

- (1) Increasing cooperation between institutions referred to in Article 12 section (2) letter b is conducted in stages of activities by:
 - a. the mapping of the organization or institution;
 - b. the determination of the cooperation focus;
 - c. of a memorandum of understanding;
 - d. the arrangement of strategic measures of fraud prevention as a follow-up of memorandum of understanding; and
 - e. evaluation on the effective coordination and/or cooperation.
- (2) Further provisions on inter-institution cooperation as referred to in section (1) shall be regulated by the regulation of the Election Supervisory Board.

Article 15

Increasing transparency and accountability of the Election, as referred to in Article 12 section (2) c shall be conducted with:

- a. the coordination;
- b. the publication; and/or
- c. the regulation socialization on the importance of information disclosure.

Article 16

- (1) Socialization of legislation and/or the potential vulnerability of the Electoral Fraud, as referred to in Article 12 section (2) shall be conducted in the stages of:
 - a. mapping socialization target;
 - b. preparing socialization materials;
 - c. implementing of socialization activities; and
 - d. evaluating the implementation of socialization.
- (2) The socialization material as referred to in section (1) point b shall include:

- a. the Election supervision material;
- b. the types and forms of fraud;
- c. the types and forms of sanctions; and
- d. the impact of Frauds on the quality of the Election.

Article 17

Election Supervisor shall prevents the occurrence of the Electoral Frauds by:

- a. the observation and/or inspection of the stages of implementation of the Election;
- b. ensuring completeness, correctness, accuracy and validity of data and documents becoming the object of supervision on every activity and/or stages of the Election;
- c. confirming to the party-related in terms of early indications of Frauds;
- d. obtaining information and/or data required from the KPU in stages; and
- e. activities or other measures that do not conflict with legislation.

Article 18

- (1) The results of the supervision activities of the Election Supervisor shall be provided in the supervision reports pursuant to the model form A in the appendix to this regulation.
- (2) In the event of the alleged fraud of the report of supervision results as referred to in section (1), the Election Supervisor shall conducts legal proceedings.
- (3) The alleged fraud as referred to in section (2) may be be equipped by early evidence as following:
 - a. information;
 - b. letters or documents;
 - c. photos and/or video;
 - d. electronic documents; and/or
 - e. campaign props.

CHAPTER VI
PROSECUTION MECHANISM

Part One

General

Article 19

- (1) In implementing supervision on Election conduct and stages, the Election Supervisor has the authority to find the alleged Electoral fraud and/or to receive Alleged Electoral Fraud Report by the place at every stage of the Election.
- (2) Election Supervisor delivered Alleged Electoral Fraud Findings and/or Reports to the relevant authorities.

Part Two

Follow-Up Procedures for Alleged Electoral Fraud Findings

Article 20

- (1) Supervision report which contains alleged fraud event is decided to be alleged fraud finding through plenary session of the Election Supervisors.
- (2) The plenary decision as referred to in section (1) shall be followed by filling the Findings form as this regulation Findings form model A-2.
- (3) To fill the findings form as referred to in section (2), it is necessary to notice the following formal requirements:
 - a. the alleged fraud finder is the Election Supervisor;
 - b. the finding time does not exceed the time limit;
 - c. identity of the complained;
 - d. event and clarification.

Article 21

- (1) The Election Supervisor shall follow up the DPR, DPD, and DPRD members' alleged electoral Fraud Findings through prosecution mechanism.
- (2) The Election Supervisor shall follow up the alleged fraud not later than 7 (seven) days since it is known and/or

found as referred to in section (1).

- (3) Findings day of alleged electoral Fraud is the day when the Election Supervisor identifies and/or finds alleged electoral fraud of the DPR, DPD, and DPRD members.

Article 22

- (1) The Election Supervisor shall follow up the alleged Presidential Election Fraud Findings through prosecution mechanism.
- (2) The Election Supervisor shall follow up the alleged fraud not later than 3 (three) days since its occurrence and/or finding as referred to in section (1).
- (3) Findings day of alleged Electoral fraud is the day when the Election Supervisor identifies and/or finds alleged Presidential Election fraud.

Article 23

- (1) The Election Supervisor shall follow up the alleged Regional Head and Deputy Regional Head's Electoral fraud Findings through Prosecution Mechanism.
- (2) The Election Supervisor shall follow up the alleged Fraud not later than 7 (seven) days since its occurrence and/or finding as referred to in section (1).
- (3) Findings day of alleged Electoral fraud is the day when the Election Supervisor identifies and/or finds alleged Regional Head and Deputy Regional Head's Electoral fraud.

Part Three

Follow-Up Procedures for Alleged Electoral Fraud Reports

Article 24

- (1) The Alleged Fraud Reports delivered to Bawaslu, Provincial Bawaslu and/or Regency/Municipal Panwaslu may be forwarded to the authorized Election Supervisor to be followed up.
- (2) The Alleged Fraud Reports forwarded by Bawaslu, Provincial Bawaslu, and/or Regency/Municipal

Panwaslu to the Election Supervisor at lower level is done not later than 1 (one) day since the receiving of the report.

Article 25

- (1) The Alleged Fraud Report at each Election stage can be delivered by:
 - a. Indonesian citizen who has the right to vote;
 - b. Election observers; or
 - c. Election Contestant.
- (2) Election observers as referred to in section (1) point b are the election observers that have been registered and accredited by KPU, Provincial KPU, or Regency/Municipal KPU in accordance with their respective observation areas.

Article 26

Alleged DPR, DPD and DPRD members' Electoral Fraud Report delivered to the Election Supervisors in accordance with their respective levels and work areas not later than 7 (seven) days since it is identified and/or found.

Article 27

The Alleged Presidential Election Fraud Reports shall be delivered to the Election Supervisors in accordance with their respective levels and work areas not later than 3 (three) days since its occurrence.

Article 28

The Alleged Regional Head and Deputy Regional Head's Electoral Fraud Reports shall be delivered to the Election Supervisors in accordance with their respective levels and work areas not later than 7 (seven) days since its occurrence.

Article 29

- (1) The Alleged Electoral Fraud Reports delivered by the Complainant may be in the form of :
 - a. direct reports; and

- b. indirect reports.
- (2) The direct reports as referred to in section (1) point a, may be delivered orally or in writing.
- (3) In the event that the report is delivered orally as referred to in section (2), the Complainant shall report the Fraud in the Election Supervisor Office by filling the Acceptance Form as form Model A.1 which is attached in the Annex of this regulation.
- (4) In the event the report is delivered in writing as referred to in section (2), the Complainant shall come to the Election Supervisor with the written Report in letter and/or a copy of the letter and fill the Acceptance Report Model A.1.
- (5) The indirect reports as referred to in section (1) point b may be in the form of:
 - a. oral reports which are delivered by the Complainant to the Election Supervisor by telephone/hotline; and
 - b. written reports which are delivered by the Complainant to the Election Supervisor in the form of short messages through mobile phones, facsimile, electronic mail, or report on a web/websites.
- (6) The reports referred to in section (5), can be used as initial information by the Election Supervisor.

Article 30

- (1) The Election Supervisor shall investigate the initial information correctness as referred to in Article 28 section (6).
- (2) In the event the alleged Fraud is correct, the Election Supervisor performs Prosecution.
- (3) The Election Supervisor shall decide the alleged Fraud as referred to in section (2) as the Findings through the plenary session of the Election Supervisors.
- (4) The plenary decision as referred to in section (3) shall be followed up by filling the Findings form as Model A-2 which is attached in the Annex of this regulation.

Article 31

- (1) The Complainant fills and signs the Acceptance Form of Alleged Electoral Fraud Report as form Model A.1 which is attached in the Annex of this regulation.
- (2) The Alleged Electoral Fraud Report as referred to section (1) shall contain:
 - a. the name and address of the Complainant;
 - b. time and place the event occurred;
 - c. the name and address of the complained;
 - d. names and addresses of witnesses;
 - e. description of the incident; and
 - f. signatures of the Complainant.
- (3) In filling the form Model A.1, the Complainant shall complete the form and attached:
 - a. copy of Identity Card and/or other identity cards; and
 - b. names and addresses of witnesses.
- (4) In the event that the requirements of the form as referred to in section (2) and section (3) are completed, the official receiver make an Alleged Fraud Report receipt in 2 (two) copies, as the form Model A.3 which is attached in the annex of this regulation.
- (5) The official receiver must provide 1 (one) copy of report receipt as referred to in section (4) to the Complainant and 1 (one) copy to the Election Supervisor.
- (6) The official receiver shall record and recapitulate the acceptance report on the Reports' admission register book.
- (7) The numbering in form Model A.1 uses the same numbering as in form Model A.3.

Part Four

Research of Alleged Fraud Report

Article 32

- (1) The official receiver examines the acceptance report form Model A.1's formal and material requirements fulfilling.
- (2) The formal requirements as referred to in section (1) shall

include:

- a. the parties which have the right to report;
- b. reporting time not exceeding the time limit; and
- c. the validity of the Alleged Fraud Report include:
 1. the suitability of the signature in the alleged fraud report form with the identity card; and
 2. date and time of report .

(3) Material requirements as referred to in section (1) shall include:

- a. identity of the Complainant;
- b. the name and address of the complained;
- c. events and descriptions of events;
- d. time and place the event occurred;
- e. witnesses who know the fraud; and
- f. evidence that may be obtained or identified.

Article 33

- (1) In the event that the formal and material requirements as referred to in Article 32 section (2) and section (3) of Alleged Fraud Report have been completed, the official receiver forwards the Report to the division/personnel that proceeds/observes fraud.
- (2) In the event that the formal and material requirements as referred to in Article 32 section (2) and section (3) of Alleged Fraud Report have not been completed, the official receiver shall reconfirm it to the Complainant to complete those requirements by paying attention to reporting deadline as referred to in Article 26, Article 27 and Article 28.
- (3) In the event that the formal requirements as referred to in Article 32 section (2) of Alleged Fraud Report have not been completed, it becomes the initial information of alleged Fraud which is prosecuted by the Election Supervision by performing the search to make it a Finding.

CHAPTER VII
PROCEEDING OF FRAUD

Part One
General

Article 34

- (1) The Election Supervisor shall proceed the Alleged Fraud Findings/Reports in accordance with its authorities based on the place of the complained fraud.
- (2) Under certain conditions, Bawaslu, the Provincial Bawaslu, and/or Regency/Municipal Panwaslu can take over the proceeding of Fraud which becomes Findings/complained to the Election Supervisor on the lower level.
- (3) The takeover as referred to section (2) shall be decided in the plenary session of the Election Supervisors.

Part Two
Time of Fraud Proceeding

Article 35

- (1) The Election Supervisor decides whether to follow up or not the Findings or Reports of the Alleged DPR, DPD, and DPRD members and Presidential Election Fraud not later than 3 (three) days since the Findings or Report of Alleged Fraud are accepted.
- (2) In the event that the Election Supervisor needs additional information to follow up alleged Fraud as referred to section (1), the time proceeding will be extended for not later than 5 (five) days since the alleged Fraud is accepted.

Article 36

- (1) The Election Supervisor decides whether to follow up or not Findings or Reports of Alleged of Regional Head and Deputy Regional Head Electoral Fraud not later than 7 (seven) days since the Alleged Fraud Findings/Reports are

accepted.

- (2) In the event that the Election Supervisor needs additional information to follow up alleged Fraud as referred to section (1), the proceeding time will be extended for not later than 14 (fourteen) days since the alleged Fraud is accepted

Part Three

Observation of Alleged Fraud Findings/Reports

Article 37

- (1) After the Alleged Fraud Findings or Reports have completed formal and material requirements, the official receiver does Alleged Fraud Report filing.
- (2) The Alleged Fraud Finding or Report files as referred to in section (1) are forwarded to division/personnel that proceeds/observes alleged fraud to be observed as the alleged fraud Observation form Model A.8 which is attached in the annex of this Regulation.
- (3) Observation as referred to in section (2) shall be confidential as long as it is not decided yet in the plenary session.
- (4) The numbering of form Model A.8 uses the same numbering as form Model A.1 number for Alleged Fraud Report or form Model A.2 for Alleged Fraud Findings.

Article 38

- (1) In the process of observing Alleged Fraud Findings or Reports, the Election Supervisor may ask for the attendance of Complainant, complained, the alleged offender, witnesses, and/or experts to be heard their information and/or clarification under oath.
- (2) Information and/or clarification as referred to in section (1) shall be made in the clarification official report as form Model A.7 which is attached in the annex of this Regulation.

Part Four
Result of the Election Supervisor Observation

Article 39

- (1) The observation results of alleged Fraud files in form Model A.8 are categorized as:
 - a. Electoral Fraud;
 - b. non Electoral Fraud; or
 - c. Electoral dispute.
- (2) Alleged Electoral Fraud as referred to in section (1) point a may be in the form of:
 - a. Electoral administrators code fraud;
 - b. administrative Election fraud; and/or
 - c. Electoral crime.

CHAPTER VIII

FOLLOW-UP OF THE ALLEGED FRAUD PROCEEDING

Part One
Electoral Fraud

Paragraph 1
Electoral Administrators Code Fraud

Article 40

- (1) The Election Supervisor shall forward alleged code Fraud recommendation to the Election Administrator Ethics Council using Form Model A.9 which is attached in the annex of this regulation.
- (2) The forward recommendation as referred to in section (1) shall attach alleged fraud files and observation result.
- (3) The forward recommendation of alleged code fraud by the Election Supervisor as regulated in the Regulation of Election Administrator Ethics Council Number 2 of 2012 on Guidelines for Electoral Administrator Procedural Code.

Paragraph 2
Administrative Election Fraud

Article 41

- (1) The Election Supervisor decides whether the Reports or Findings are fraud or not based on the observation result.
- (2) The Election Supervisor provides recommendation on Findings or Reports 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 delivery as referred to in section (1) shall attach 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 Election Participants is not proceeded then Bawaslu gives sanction verbal or written warning.

Paragraph 3
Electoral Crime

Article 42

- (1) The alleged electoral crime shall be forwarded by the Election Supervisor to Indonesian National Police Investigator in accordance with its respective level as form Model A.11 which is attached in the annex of this Regulation.
- (2) The alleged electoral crime fraud shall be 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 DPR, DPD, and DPRD members and

Presidential election crime Fraud forward Report as referred to section (2) shall be not later than 5 (five) days of time of electoral Fraud proceeding.

- (4) The alleged Regional Head and Deputy Regional Head election crime fraud forward Report as referred to section (2) shall be not later than 14 (fourteen) days of time of Fraud Proceeding.
- (5) The alleged Electoral crime fraud forward report as referred to section (1) shall be attached with Fraud files and observation result.

Part Two

Non Electoral Fraud

Article 43

- (1) To the observation results that are categorized as not alleged electoral Fraud nor other provisions of legislation alleged fraud, the process of fraud proceeding shall be stopped.
- (2) Observation results which are not categorized as electoral fraud but included to alleged fraud to other legislation shall be forwarded to the authorized institutions.
- (3) Termination and/or forwarding of alleged electoral Fraud as referred to section (1) and section (2) shall be decided in plenary session of the Election Supervisors.

Part three

Electoral Dispute

Article 44

- (1) To the observation result categorized as an Electoral dispute shall be forwarded to the field of Electoral dispute resolution to be followed up as Electoral dispute.
- (2) Bawaslu, Provincial Bawaslu, Regency/Municipal Bawaslu shall finish the Reports of Electoral dispute and without criminal elements.
- (3) The Electoral dispute resolution refers to the Regulation of the Election Supervisory Board on Procedures for

Electoral Dispute Resolution.

CHAPTER IX
STATUS OF ALLEGED FRAUD PROCEEDING

Article 45

- (1) Status of alleged Fraud Proceeding is announced at the Secretariat of the Election Supervisor with the Notification on Reports/Findings Status as form Model A.12 which is attached in the annex of this Regulation.
- (2) The notification of alleged Fraud status can be delivered to Complainant by mail.

CHAPTER X
SUPERVISION OF RECOMMENDATION FOLLOW-UP

Article 46

- (1) Bawaslu and Provincial Bawaslu supervise the follow-up of recommendation implementation on proceeding of alleged by authorized institution.
- (2) The Provincial Bawaslu supervises the follow-up of recommendation implementation of Bawaslu on sanction to members of Provincial KPU, Secretary and Secretariat Staff of Provincial KPU that are proved committing acts which disrupt progressing Election stages.
- (3) Bawaslu and Provincial Bawaslu supervise the implementation of court decision and Election Administrator Ethics Council decision.

Article 47

Regency/Municipal Panwaslu supervises the implementation of the follow-up of Bawaslu recommendation on sanction to members of Regency/Municipal KPU, secretary and secretariat staff of Regency/Municipal KPU that are proved committing acts which disrupt progressing Election stages.

CHAPTER XI
EQUIPMENT OF SUPERVISION

Article 48

- (1) In supervising, Election Supervisor comes with a letter of assignment and/or identification.
- (2) Letter of assignment as referred to in section (1) is regulated in the Regulation of the Election Supervisory Board on the Official Scripts.
- (3) In supervising, Election Supervisor carries equipment of supervision.

CHAPTER XII
PUBLIC PARTICIPATION

Article 49

- (1) Public participation in Election Supervision can be done by:
 - a. monitoring;
 - b. submission of the initial report and/or update the initial findings of the alleged fraud;
 - c. observation;
 - d. campaign of supervision; and
 - e. other forms that do not break the provisions of the legislation.
- (2) In order to increase public participation as referred to in section (1), the Election Supervisor :
 - a. encourages the active role of the public to supervise the election;
 - b. provides information, facilities or adequate facilities to facilitate public access to information about the supervision of the Election; and
 - c. prepares the means or facilities that are easy for the public to information, complaints and/or reporting Electoral fraud.

Article 50

The procedure of cooperation in Election Supervision is regulated in the Regulation of the Election Supervisory Board.

Chapter XIII

REPORTING OF SUPERVISION RESULT

Article 51

- (1) Election Supervisor at all levels shall compile election supervision reports.
- (2) Election supervision report as referred to in section (1) shall consist of:
 - a. report of every Election stage; and
 - b. the final report of all Election stages.
- (3) Election supervision report as referred to in section (2) is conducted in stages from the Election Supervisor in tiers down to the Election Supervisor in the higher level with the following conditions:
 - a. Village Election Supervisor delivers supervision reports to the Sub-district Panwaslu;
 - b. Sub-district Panwaslu delivers supervision reports to the Regency/Municipal Panwaslu;
 - c. Regency/Municipal Panwaslu delivers supervision reports to the Provincial Bawaslu; and
 - d. Provincial Bawaslu delivers supervision reports to Bawaslu.
- (4) Provisions on the procedures and reporting format of Election Supervision are regulated by the Regulation of the Election Supervisory Board.

Chapter XIV

MISCELLANEOUS PROVISIONS

Article 52

For the purposes of implementation of duties and obligations of Election Supervisor, Bawaslu sets:

- a. procedures of supervision to the respective stages of

Election in Regulation of the Election Supervisory Board; and

- b. forms and types of forms used for Election Supervision.

CHAPTER XV CLOSING PROVISIONS

Article 53

When this Regulation comes into force:

- a. Regulation of the Election Supervisory Board Number 7 of 2009 on Procedures for Presidential Election Reporting Fraud; and
- b. Regulation of the Election Supervisory Board Number 8 of 2009 on Presidential Election Supervisory Mechanism,
- c. Regulation of the Election Supervisory Board Number 1 of 2012 on the Control of Regional Head and Deputy Regional Head Election;
- d. Regulation of the Election Supervisory Board Number 2 of 2012 on Procedures of Reporting and Proceeding Fraud of Regional Head and Deputy Regional Head Election;
- e. Regulation of the Election Supervisory Board Number 13 of 2012 on Procedures for Supervising Members of the House of Representatives, Regional Representatives Council, and Regional House of Representatives Elections;
- f. Regulation of the Election Supervisory Board Number 14 of 2012 on Procedures of Reporting and Proceeding member of the House of Representatives, Regional Representatives Council, and Regional House of Representatives Election Fraud ;
- g. Regulation of the Election Supervisory Board Number 3 of 2014 on Amendment to Regulation of the Election Supervisory Board Number 14 of 2012 on Procedures of Reporting and Proceeding member of the House of Representatives, Regional Representatives Council, and Regional House of Representatives Election Fraud ;

repealed and declared ineffective.

Article 54

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

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

Issued in Jakarta
on June 12, 2014

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

Signed

MUHAMMAD

Promulgated in Jakarta
on June 12, 2014

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

Signed

AMIR SYAMSUDIN

STATE BULLETIN OF THE REPUBLIC OF INDONESIA OF 2014 NUMBER 792

Jakarta, 30 Mei 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 EKATJAHJANA