The Politics of Gerrymandering in post New Order Indonesia: The Case of the Electoral District of Central Java DPRD 8

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Abstract. Electoral districts are an arena of competition and the basis of the representation of the population. The electoral district also represents and absorbs the aspirations of its constituents. In general, the formation of electoral districts takes into account the principle of adoption, namely, equality of votes, territorial integrity, and cohesiveness of the population. However, as expressed in the regulation of electoral districts in the 2019 election (Law Number 7 of 2017), the formation of electoral districts of the DPRD did not pay attention to these principles. Instead, the process included manipulation such as gerrymandering. Studies on gerrymandering have paid particular attention to the district system, but that does not mean that the practice does not occur in Indonesia, which applies a proportional system. Gerrymandering has been noted since the 2014 elections in the West Java DPR III electoral district, which is a large district. It occurred again in the 2019 elections, particularly in Central Java 8. This study proposes a preliminary assessment of the practices used in the structuring of Central Java 8 and argues that gerrymandering succeeded in giving more seats to certain parties in the provincial parliament.

Keywords: Electoral District, Gerrymandering, Redistricting.

1 Introduction

The formation of electoral districts poses a potential conflict of interest for legislators, who have an interest in making districts safe or favorable to them [1], potentially through methods such as gerrymandering. Electoral regulations can also influence a legislator's career and the balance between political parties in the government [2]. For incumbent parties, the addition of new constituents to an electoral district can represent an opportunity for new parties/challengers to seize seats [3]. Thus, it is only natural that electoral institutions created by the legislature reflect the arbitrary preferences of ruling politicians seeking to assure their reelection, so that the principle of electoral districts is violated by attempts to draw district lines in favor of one party [4].

Although the electoral regulation principle is vulnerable to violation by the legislature, it can also be ignored by independent institutions tasked with creating electoral districts. For instance, this occurred in Britain when the Labor Party convinced the Boundary Commission to accept certain electoral proposals. The strategy enabled the Labor Party to win in elections [5]. This case demonstrates that having a fair process of redistricting is critical.

For Indonesia's 2009 election, redistricting was taken over by the House of Representatives through the election law. This authority increased in the 2017 Election Law, where the DPR began to regulate provincial level electoral districts. The regulation starts with an increase in the number of seats. Some of the provinces that received additions included West Java, Central Java, and East Java, each of which gained 20 seats. These additions had an impact on the existing electoral districts so that they needed to be reorganized because they were not following the number of standard seats per electoral district (3–12 seats). The regulation led to the separation and merging of electoral districts. Therefore, there were new electoral districts such as the Central Java DPRD electoral district, which was the result of the breakdown of two electoral districts, Central Java DPRD electoral district 5 (consisting of the regions of Boyolali, Klaten, Sukoharjo, and Salatiga) and Central Java DPRD electoral district 6 (consisting of the regions of Purworejo, Wonosobo, Magelang, Temanggung, and Magelang).

In such a situation, evaluation is needed to determine whether gerrymandering has occurred. Gerrymandering is the manipulation of electoral boundaries or territories in favor of particular political parties or candidates. The word "gerrymander" illustrates the typical method used in the United States of redrawing district lines to achieve partisan (or other) profits. The term was first used by Elbridge Gerry, Governor of Massachusetts, in 1815, who established the boundaries of electoral districts in Boston in such a way as to divide and mix up to deflate political parties in urban areas to benefit his party. The word comes from the name "Gerry" and word "salamander" (referring to the shape of an electoral region that resembled a lizard) [6].

As pointed out by theory, gerrymandering is often implemented through cracking and packing. Cracking is the method of breaking up electoral districts to combine them with other targeted electoral districts in order to achieve a larger electoral support overall. McDonald explained that it divides the vote for the opposition into a minority spread out across multiple districts, so that the opposition cannot win seats [7]. Packing, on the other hand, concentrates opposition voters into one electoral district [8]. In a packing strategy, elites focus on one region with a large number of seats (voters), thus boosting their acquisition of party seats in parliament [9].

The most crucial explanation for the cause of gerrymandering is competition from those who create electoral districts. When one party fully controls the electoral regulation process, it usually has a motive and opportunity to help its own members at the expense of its opposition [10].

This research explores how the formation of electoral districts can be biased by political interests and the impacts of such a situation, as occurred in the case of the Central Java DPRD electoral district in the 2019 elections. It offers a description of various actors' roles in creating new electoral districts and points to a need for reviewing the process of redistricting to eliminate gerrymandering.

2 Research Method

This research utilized a qualitative approach. The data collection consisted of in-depth-interviews with several key informants. Researchers chose the informants as resource persons who were considered knowledgeable in the area of study. The key informants were politicians from different political parties who were involved in creating election laws, particularly those related to the formation of electoral districts. In addition, secondary data were obtained from books, papers, research journals, and other written materials.

3 Results and Discussion

3.1 Districting in DPRD Central Java

In the 2019 general election, the creation of electoral district Central Java 8 was an interesting phenomenon. The electoral district consists of Magelang City, Magelang, and Boyolali. This was a result of the proliferation of two electoral districts: Central Java DPRD electoral district 5 (Boyolali, Klaten, Sukoharjo, and Salatiga) and Central Java DPRD electoral district 6 (Purworejo, Wonosobo, Magelang, Temanggung, and Magelang district).

In the 2014 elections, districting in the region looked proportional and fair in terms of regional integrality, which considers geographical unity. Moreover, it was supported by several aspects of technicalities such as supporting transportation facilities in favor of communication between voters and prospective legislative members, and the ease of local electoral commission (KPU) to organize its logistics and voting activities. This condition became unfavorable after the changes made by the new districting for the general election of 2019. The amalgamation of Magelang City, Magelang, and Boyolali into one electoral district was not appropriate from the viewpoint of either electoral principles or technical support. It was not arranged in one geographical unit and did not take into consideration the effectiveness of electoral management. After the change, the local electoral commission faced difficulties arranging the distribution and recapitulation of provincial DPRD ballots. Moreover, legislative candidates faced difficulties conducting their campaigns.

There are three principles commonly used in electoral arrangements: sound equality, territorial integrity, and integrated population. However, the arrangement of the Central Java DPRD constituency does not reflect these principles. The three regions in the electoral area have different social characteristics. Boyolali has a population comprising mostly farmers, while Magelang and Magelang district have been better known as service cities since the Dutch era and are central to economic activities. This situation contradicts the ideal principle in governing electoral districts. Historical aspects, socio-cultural conditions, and customs are also one of the principles of electoral structuring contained in Election Law Number 7/2017. For example, factions need to be accepted and entered into a policy method [11].

Therefore, the decision for districting is a political decision to ensure that a party can obtain seats. For example, in Article 188 of Law Number 7/2017, a province with a population of more than 20 million people is allocated 120 seats. With a population of 35,712,824 people, Central Java Province has 20 seats. The addition of seats also allowed an electoral district that previously only had 21 seats to increase this number to 26 seats. The determination of seats in each electoral district can affect the chances of political parties entering parliament. Using the Effective Threshold theory, Lijphart explained this with Formula 1.

$$T = 75\%/(M + 1), T = \text{Threshold/Threshold}, M = \text{district magnitude [12]} \qquad (1)$$

If calculated by the DPRD's 3–12 seats set out in Law Number 7/2017, the opportunity for political parties to obtain minimum voter support is 5.76%. Meanwhile, the 3–10 seat allocations that apply to the 2014 election are opportunities for political parties to gain a voter support of 6.81%. Thus, political parties had a greater opportunity to obtain seats in the 2019 election than they did in the 2014 election.

Redistricting policy is a product of a special committee (Panitia Khusus, Pansus) in the national parliament (DPR). In the special committee, each member submits a proposal by the electoral district and is approved by members. Members agreed to the proposal because they assumed that members from electoral districts understood more about the regions they represented. According to Sartori's theory, a committee plays an important role in decision-making. In a decision-making process, a non-intense group concedes to an intense group, and the decision is then left to decision-making groups (committees). Most of the decisions in the committee are based on the agreement of its members, not voting. However, this does not mean that the committee is subject to the rules of unanimity. In other words, if a committee's decision often agrees, this is not due to the similarity of thoughts of each member, because each member expects that what he or she agrees on an issue will be given back on another issue.

The process of redistricting Central Java 8 was the result of the role of three faction members from Central Java. These three faction members succeeded in convincing the other committee members to establish Central Java 8 by combining Magelang City, Magelang, and Boyolali, thus violating the basic principle of geographic unity. As reported, after the number of seats increased to 120 in Central Java DPRD, the Golkar Party of Central Java targeted an increase of 20 seats or 18% at the provincial level [13]. The same thing was done by Gerindra, which targeted the addition of six seats compared to the 2014 elections [14]. PKS did the same thing, targeting 13 seats from each electoral district in Central Java DPRD. Making targets in winning the 2019 election is a natural thing done by all political parties. However, of all the political parties in the Pansus who make the law, only three political parties initiated redistricting policy in the electoral district in Central Java Province to obtain seats. During the last two DPRD elections, Central Java 5 (before merging) consisted of Boyolali, Klaten, Sukoharjo, and Surakarta, and Central Java 6 consisted of Purworejo, Wonosobo, Magelang, Temanggung, and Magelang. Each party had just one seat.

3.2 The mechanism for redistricting

Regulating electoral districts in Indonesia involves far from the normative principles regarding the electoral administration, namely, the equality of votes, territorial integrity, and cohesiveness of the population. Equality of votes means that the vote of every citizen is worth one person, one vote, one value. Violations of the inequality of vote will lead to malapportionment. Malapportionment arises because of the disproportionate number of seat allocations within the existing population. It can happen in the case of overrepresentation, as occurred in South Sulawesi and East Kalimantan in the 2014 election. Malapportionment is a long-standing problem that has been seen since the 2004 election, when the number of electoral districts increased. Through Law No. 12 of 2003, the provisions of electoral districts are no longer based on provinces such as in the 1995 and 1999 general elections but are also based on provincial sections (districts/cities or the combination of districts/cities). These changes have had an impact and doubled the number of electoral districts in the 2004 elections. Violations of the principle of equality still appear even though the number of electoral districts increased, as can be seen in the changing of seat prices. For densely populated regions, a seat's price is equivalent to 425,000 population, while for the less densely populated regions, it is comparable to 325,000 population [15].

The second principle is the integrality of the territory, meaning that the electoral area must be a unitary geographical area so that the population in it is not dispersed and separated. The need for territorial unity is related to the effectiveness of electoral management, including the ease of communication between prospective candidates and voters. Derivatives from the

principle of the integrality of territory are regional continuity and coterminous. Regional continuity means that one electoral district must be interconnected and cannot be separated by other electoral districts. The coterminous principle or coverage means that the electoral area of the lower representative institution must be under the scope of a higher representative institution [16]. Violation of the principle of the territorial integrality leads to gerrymandering.

The third principle is the cohesiveness of the population. This principle requires the establishment of electoral districts by taking into account the unity of the social and cultural elements of the population, such as history, customs, traditions, and religion. Socio-cultural equality aims to facilitate the struggle for the interests and aspirations of constituents.

The principle of the integrality of the region and the cohesiveness of the population in countries that apply the majoritarian electoral system is a sensitive issue because the number of electoral districts is equal to the number of parliamentary seats. On the one hand, the number of electoral districts is enormous, so determining the boundaries of electoral districts is not an easy task. On the other hand, the principle of the integrality of the region and the principle of population cohesiveness can be contradictory; political parties and candidates could arrange various efforts in elevating their electability [16]. Nevertheless, such efforts do not occur exclusively in the majoritarian system, but also in proportional systems such as in Indonesia.

For example, during the 2014 redistricting, gerrymandering occurred in West Java 3 (a combination of Bogor City and Cianjur) in that this electoral district "jumped over" the region of Bogor. Bogor was not included despite being located between other areas of the district [17]

Owen and Grofman (1988) analyzed the optimization of problems in determining electoral districts and found that both parties expected to obtain seats and parties that maximized the possibility of winning a legislative majority. Partisan gerrymandering obtained more optimal results than bipartisan gerrymandering.[18]

In Canada, redistricting must pay attention to communities of interest, communities of identity, and historical patterns. Paying attention to communities of interest includes paying heed to communities not hindered by natural obstacles such as hills, or rivers, moving communication routes and traffic and not making significant changes to the limits of the previous electoral area. In contrast, in the U.S., the Supreme Court's guidance states that regional formation must pay attention to contiguity criteria, which means that the electoral district must be sustainable [17]. Redistricting of the Central Java DPRD electoral district 8 encountered geographical barriers between the Magelang and Boyolali regions that were limited by Mount Merbabu.

Besides not paying attention to the redistricting principle, the regulation of the Central Java DPRD electoral district also violated the principle of electoral regulation in Law Number 7 of 2017, which included coterminous and continuity. Coterminous is the electoral districts of the provincial formed from one or several district /city territories must be in one unit of the national (DPR) district election, while continuity is the preparation of electoral districts must pay attention to the previous elections. The two principles also violated in the process of structuring Central Java 8.

Table 1. Map of Central Java DPRD Election Chair

No	Party	2009		2014		2019			Jumlah		
		District 5	District 6	District 5	District 6	District 7	District 8	District 9	2009	2014	2019
1.	Demokrat	2	2	-	1	-	-	1	4	1	1
2.	PKS	1	1	1	1	1	1	-	2	2	2

3.	PAN	1	1	1	1	1	-	-	2	2	1
4.	Gerindra	1	1	1	1	1	1	1	2	2	3
5.	Golkar	1	1	1	1	1	1	1	2	2	3
6.	Nasdem	-	-	-	-	-	-	-	-	-	-
7.	PDIP	3	2	5	3	5	4	2	5	8	11
8.	PKB	-	1	1	2	1	1	2	1	3	4
9.	PPP	-	1	-	1	-	-	1	1	1	1
10.	Hanura	1	-	-	1	-	-	-	1	1	-
11.	PKNU	-	1	-	-	-	-	-	1	-	-

The merger of Magelang City, Magelang, and Boyolali into a single electoral district resulting in reducing the votes for one party. The vote for the Indonesian Democratic Party of Struggle (PDIP) increased significantly from 2009 to 2014::Provincial DPRD members in Purworejo, Wonosobo, Magelang district, Temanggung, and Magelang received 202,356 votes, equivalent to four seats, while in Boyolali, Klaten, Sukoharjo, and Surakarta, they had 353,337 votes, equivalent to five seats.

The data show that changes in the electoral districts to combine Magelang City, Magelang District, and Boyolali are accompanied by a significant shift in the composition of seats in the provincial parliament. In 2019, an increase in the number of seats was achieved by PKB, Gerindra, Golkar, and PDIP. Gerindra, Golkar and PKB each of which gained one seat, while PDIP increased its number of seats quite significantly, from eight in 2014 to eleven in 2019.

Addition of seats in the Provincial Parlement Central Java should open opportunities for parties to gain votes. But changes in the electoral district, the increase in votes was only experienced by certain parties. Demokrat, PKS and PPP only obtain able to maintain their seats in 2014 wich is two seats while PAN lost one seats in Provincial Parlement.

The explanation above shows that several parties benefited from the redistricting change at the expense of others as a result of cracking and packing. This points to the need to review the process that legislative institutions use in structuring electoral districts in order to prevent gerrymandering.

4 Conclusion

Gerrymandering has a negative effect on democracy, including giving undue benefit to incumbent parties or candidates who have the power to manipulate electoral district boundaries. As described here, redistricting practices in Indonesia have violated the principle of integrality of the region and led to gerrymandering. In 2019, Central Java DPRD increased its number of seats from 100 to 120. This change is regulated by Law Number 7 of 2017 concerning the number of seats at the provincial DPRD level following the total population, and the consequence of the increase is the rearrangement of existing electoral districts. To prevent further gerrymandering, the redistricting process should be reviewed.

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