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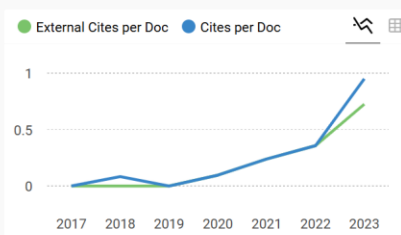
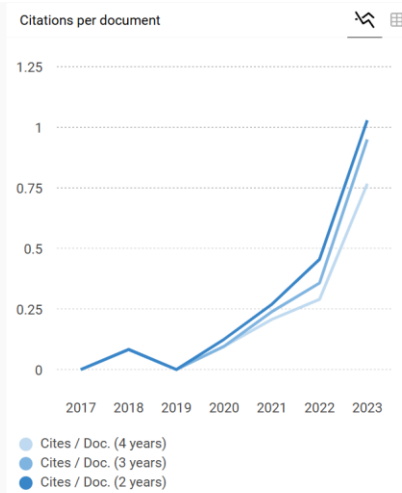
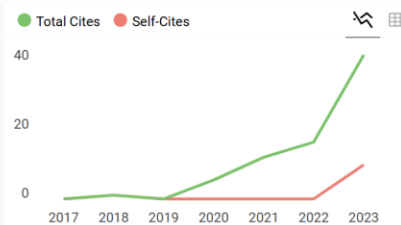
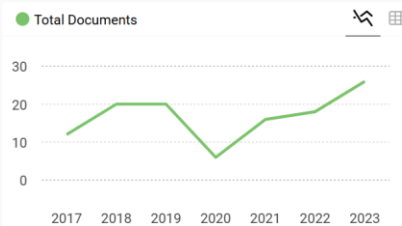
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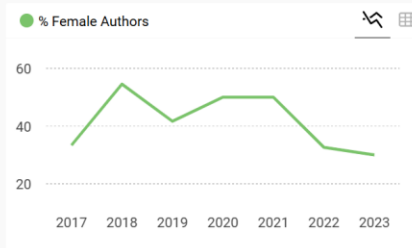
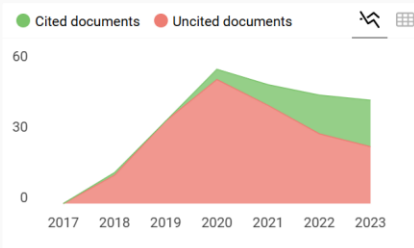
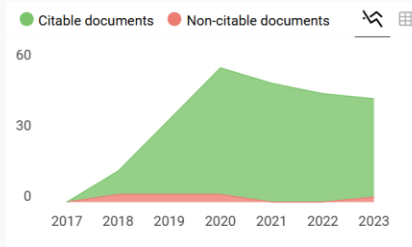
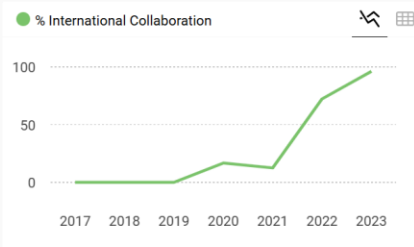
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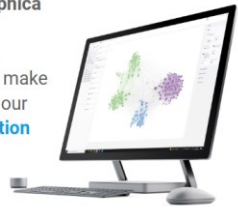
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Kepada: Muhammad Akbar <muhammadakbar@uindatokarama.ac.id>

Dear Muhammad Akbar,

Thank you for your submission to Lex Scientia Law Review. We have received your submission, The Constitutionality of the “Empty Box” Winning Over a Single Candidate in the Implementation of Regional Head Elections: A Case Study of the 2018 Makassar Mayoral Election, and a member of our editorial team will see it soon. You will be sent an email when an initial decision is made, and we may contact you for further information.

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The Constitutionality of the "Empty Box" Winning Over a Single Candidate in the Implementation of Regional Head Elections: A Case Study of the 2018 Makassar Mayoral Election

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ABSTRACT

Regional elections with a single candidate began to receive a lot of attention, because previously, laws and regulations did not accommodate candidate pairs with less than two candidate pairs. The problem in this article is how the constitutionality of the empty box wins over a single candidate. The ballot for the election of one candidate pair to be voted contains two columns consisting of one column containing a photo and name of the candidate pair and a blank column that does not have a picture. The implementation of the regional elections for single candidate pairs against empty boxes is a political lesson for the Indonesian nation. This is proof that the development of the constitutional system and the electoral system of the Indonesian nation increasingly shows that the constitutional rights of citizens, both the right to be elected and the right to be a voter, will be fulfilled even though there is only one pair of candidates for regional heads and candidates for deputy regional heads. For this reason, the implementation of the election of one candidate pair must be expressly regulated in laws and regulations and political education both to political parties and to the public is very necessary, in order to learn better politics.

Keywords: constitutional rights, empty boxes, single candidates, election of regional heads.

Introduction

The power of the people turns out to still have a big role in the general election. This can be seen from the Regional Elections that occurred in the city of Makassar. Political parties only put forward one candidate for a partner, facing an opponent in the form of an empty box. This is certainly believed by the party elite

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to produce a glorious victory without an opponent. But the reality says otherwise, it turns out that the result is the opposite. People prefer empty boxes rather than single candidates for political party support, so that automatically the winner is the empty box itself. This incident denies the habit that often occurs, as in the 2015 and 2017 simultaneous regional elections, a single candidate always wins in the election. Although there was a lawsuit to the Constitutional Court in the Regional Election for a single candidate in Tasikmalaya Regency, but in the end the winner was always a single candidate³. Political parties are actually claimed to have a strong dominance in the democratic party, so they sometimes assume the role and function of the sovereign owner himself, namely the people. Although it can be admitted that there is a single candidate in the Simultaneous Regional Elections that occurs is a form of empirical democracy⁴. The state of the emergence of a "single candidate" is a normatively unimaginable, unpredictable, and even minus engineering. This means that democracy empirically in its implementation continues to develop and is influenced by the political system that occurs in the area

The juridical basis for a single candidate is regulated in Law Number 10 of 2016 concerning Regional Elections regulating the mechanism of regional elections that are only followed by a single candidate. Article 54D stipulates that the winner of the regional election with a single candidate must obtain more than 50 percent of the valid votes. If the votes obtained do not reach more than 50%, then the losing candidate pair can nominate again in the next election. Meanwhile, in article 25 paragraph 1 of PKPU Number 13 of 2018, it is stated that if the votes obtained in the blank column are more than the votes obtained in the photo column of the candidate pair, the KPU stipulates the holding of a re-election in the next period of the regional elections. While in paragraph (2) it is stated "The next simultaneous election as referred to in paragraph (1) can be held in the following year or carried out as scheduled in accordance with the provisions of laws and regulations.

From the data of the General Election Commission (KPU) in the 2018 Regional Elections, there are 16 regions that are only followed by one pair of candidates. The sixteen areas are North Padang Lawas Regency, Deli Serdang Regency, Prabumulih Regency, Lebak Regency, Tangerang Regency, Tangerang City, Pasuruan Regency, Tapin Regency, Southeast Minahasa Regency, Enrekang Regency, Bone Regency, Makassar City, Mamasa Regency, Jayawijaya Regency, Puncak Regency, and Central Membrano Regency.⁵

³Tamrin, Abu, and Nur Rohim Yunus, "Referendum Patterns In General Regional Challenges of Regional Head In 2015 In Three Districts; Tasikmalaya, Blitar And North Timor," *Jurnal Cita Hukum*. Vol. 5 No. 2, December (2017).

⁴Dhesinta, Wafia Silvi, "Single Candidate in the General Election of Regional Heads and the Concept of Democracy (Analysis of the 2015 Blitar Regency Regional Head Election)," *Jurnal Cita Hukum*. Vol. 4, No. 1 June (2016).

⁵ <https://infopemilu.kpu.go.id/pilkada2018>.

Looking at the previous KPU data, the election of regional heads with only one pair of candidates had occurred in the first wave of simultaneous regional head elections in 2015 where there were 3 regions, namely Blitar Regency (East Java), Tasikmalaya Regency (West Java), and North Central Timor Regency (East Nusa Tenggara)⁶ and in the second wave of simultaneous regional head elections in 2017, namely Buton Regency (Southeast Sulawesi), Landak Regency (West Kalimantan), Central Maluku Regency (Maluku), Tambrauw Regency (West Papua), Sorong City (West Papua), Jayapura City (Papua), Tebing Tinggi City (North Sumatra), Tulang Bawang Barat Regency (Lampung), and Pati Regency (Central Java).⁷

From the data of the single candidate pair elections, it can be seen that there is an increase in the number of regions that hold regional elections that are only attended by one pair of candidates, namely in 2015 there were 3 (three) single candidates, in 2017 there were 9 (nine) single candidates, and in 2018 there were 16 (sixteen) single candidates in the simultaneous regional elections.

In the 2020 simultaneous regional elections, there were 270 regions participating. Of the 270 regions that held the 2020 Regional Elections, there were 25 single candidates spread across 12 provinces that held the Regional Elections, namely the regions that had a single candidate, namely Humbang Hasundutan Regency, Gunung Sitoli City, Pematang Siantar, Pasaman Regency, Ogan Komering, Ogan Komering Ulu Selatan, North Bengkulu, Boyolali, Grobogan, Kebumen, Semarang City, Sragen and Wonosobo, Ngawi, Kediri, Badung Regency, West Sumbawa, Balikpapan City, Kutai Kartanegara, Gowa, Soppeng, Central Mamuju, South Manokwari, Arfak Mountains and Raja Ampat.

There is an interesting phenomenon in the implementation of the regional head election which is only attended by one pair of candidates, namely the 2018 Makassar Mayor election, where the single mayoral candidate loses from an empty box. The pair of single candidates Munafri Arifuddin-Rachmatika Dewi (Appi-Cicu) only won 47 percent of the votes, while the empty box was 53 percent. The Appi-Cicu pair obtained 264,245 votes and the empty box was 300,795 votes.

Legal Basis for Single Candidate Against Empty Box

The phenomenon of regional elections with one pair of candidates began to be known in the 2015 regional elections. Regional elections with one pair of candidates, before 2015 were unknown, this was when a legal test was submitted by Effendi Ghazali, the Applicant in the Constitutional Court Decision Number 100/PUU-XIII/2015, dated September 29, 2015, decided that regions that only have one pair of regional head candidates can participate in the simultaneous regional

⁶ <http://pilkada2015.kpu.go.id/>.

⁷ <https://pilkada2017.kpu.go.id/>. Retrieved October 22, 2022.

elections. Then based on the provisions of Article 14 paragraph (1) of the General Election Commission Regulation Number 14 of 2015 concerning the Election of Governors and Deputy Governors, Regents and Deputy Regents, and/or Mayors and Deputy Mayors (State Gazette of the Republic of Indonesia Year 2015 Number 1567, hereinafter referred to as PKPU 14/2015), which states "The means used to vote in the Election of 1 (one) Candidate Pair use a ballot containing a photo of the Candidate Pair, the name of the Candidate Pair and the column to give the option of agreeing or disagreeing". Then it was revised again with the provisions of Article 14 paragraph (1) of the General Election Commission Regulation Number 13 of 2018 concerning Amendments to the General Election Commission Regulation Number 14 of 2015 concerning the Election of Governor and Deputy Governor, Regent and Deputy Regent, and/or Mayor and Deputy Mayor with One Pair of Candidates (State Gazette of the Republic of Indonesia Year 2018 Number 431, hereinafter referred to as PKPU 13/2018) which states, "The means used to vote in the Election of 1 (one) Candidate Pair use a ballot containing 2 (two) columns consisting of 1 (one) column containing a photo of the Candidate Couple and 1 (one) blank column that does not have a picture".

The implementation of regional elections with 1 (one) pair of candidates is carried out as stipulated in the provisions of Article 54C paragraph (1) of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law (Statute Book of the Republic of Indonesia Number 130 of 2016, Supplement to Statute Book of the Republic of Indonesia Number 5898, hereinafter referred to as Law 10/2016) states that, "The election of 1 (one) candidate pair is carried out in terms of meeting the following conditions: (a) after the postponement and until the expiration of the registration extension period, there is only 1 (one) candidate pair that registers and based on the results of the research the candidate pair is declared eligible; (b) there is more than 1 (one) candidate pair who registers and based on the results of the research there is only 1 (one) candidate pair that is declared eligible and after the postponement until the end of the reopening period of registration there is no candidate pair who registers or the candidate pair who registers based on the results of the research is declared ineligible which results in only 1 (one) candidate pair; (c) from the determination of the candidate pairs until the start of the Campaign period there are candidate pairs that are permanently disabled, the Political Party or the Political Party Coalition does not propose a candidate/replacement candidate pair that is proposed to be declared ineligible resulting in only 1 (one) candidate pair; (d) from the start of the Campaign period until the day of voting, there are candidate pairs that are permanently disabled, the Political Party or the Political Party Coalition does not propose a candidate/pair of substitute candidates or the

proposed candidate/pair of substitute candidates is declared ineligible resulting in only 1 (one) pair of candidates; or (e) there is a pair of candidates who are subject to cancellation sanctions as election participants resulting in only 1 (one) pair of candidates.

Meanwhile, the provisions of Article 54C paragraph (2) of Law 10/2016 states, "The election of 1 (one) candidate pair is carried out using a ballot containing 2 (two) columns consisting of 1 (one) column containing a photo of the candidate pair and 1 (one) blank column without a picture. In addition, the provisions of Article 54D of Law 10/2016 states:

1. The Provincial KPU or Regency/City KPU determines the selected candidate pairs in the Election of 1 (one) candidate pair as referred to in Article 54C, if it gets more than 50% (fifty percent) of the valid votes.
2. If the votes of the candidate pair are less than as intended in paragraph (1), the candidate pair who loses the election may nominate again in the next election.
3. The next election as referred to in paragraph (2) shall be repeated in the following year or carried out in accordance with the schedule contained in the laws and regulations.
4. In the event that there is no pair of elected candidates for the results of the Election as referred to in paragraphs (2) and (3), the Government assigns an acting Governor, Acting Regent, or Acting Mayor.
5. Further provisions regarding the procedure for the election of 1 (one) pair of candidates are regulated by the KPU Regulation."

Factors Causing the Occurrence of Single Candidates include⁸:

- a. Juridical factor of the existence of a single candidate for the Decision. The Constitutional Court Number 100/PUU-XIII/2015, which was followed by Law 10/2016 and PKPU 14/2015, which was later amended by PKPU 13/2018.
- b. Non-juridical factors in the candidacy process require high costs and money politics. The high price of dowry (money politics)⁹ from the supporting party, so rationally if there is a strong incumbent candidate, other candidates will definitely make rational calculations, rather than losing everything, it is better to abandon the intention to become a candidate because to become a candidate they have to pay a dowry. Not to mention the funds that will be used for campaigns, funds to win voters' votes, funds to secure votes starting

⁸Ayu Lestari Ridwan, Iza Rumesten RS, Factors Causing the Presence of a Single Candidate in the Election of Regional Heads, Simbur Cahaya, Faculty of Law, Sriwijaya University, p. 251.

⁹Political dowry seems to be commonplace because it is considered a boat fare under the pretext of being used as a financing fund to run the wheels of party vehicles

from the polling station level to securing votes at the KPU, Regency/City KPU, Provincial KPU, Central KPU, and even at the Constitutional Court level in the event of a dispute.¹⁰ The practice of political dowry is very difficult to prevent in practical politics in Indonesia. Political dowry seems to be mandatory to be given when the candidate couple wants to advance to become a bride in the process of nominating regional heads. If the political dowry is not paid, it is certain that the candidate pair will not be able to advance as candidates in the regional elections.

- c. Non-juridical factors are the weak competitiveness of prospective candidates in political competition.

This can be because the candidate who advances buys the support of all political parties so as to close the opportunity for other participants to be able to advance to become candidates for the regional elections, meaning that with large capital, the candidate for regional head locks the opportunity for other candidates to get support. So that it can be seen that there is a weakening of competitiveness and the lack of courage to compete in battle.¹¹ The opponent is defeated before advancing in battle, or what is also called the egoism of power¹².

- d. Non-juridical factors are the political interests of the political elite. The party has failed to regenerate cadres on the one hand and on the other hand there has been a leadership crisis in the regions. The party seems to be only used for the benefit of things that are pragmatic by its elites, which does not rule out the possibility of being inseparable from the existence of elite conflicts. For the sake of practical politics, sometimes in carrying a pair of candidates who will be advanced as contestants in the elections, political parties forget the party ideology. Such practical political practices are usually carried out for the sake of achieving the goals of short-term political parties.

The election of regional heads without contestation is not essentially the election of regional heads who are in line with the principles of *luber* and *jurdil*.

¹⁰Iza Rumesten, The Phenomenon of Single Candidates in the Democratic Party, *Journal of Constitution*, Vol. 13, No. 1, March 2016, Sriwijaya University Palembang, p. 80

¹¹Robert A. Dahl, *On Democracy*, (Jakarta: Yayasan Obor Indonesia, 2001), p. 21. Theoretically, the criteria for community democracy are competition and participation, but empirical circumstances cannot be limited by their change and development. Quality democracy must be accompanied by a process of check and balance, so that power can be distributed fairly to avoid the tyranny of power.

¹²Lili Romli, Single Candidate and Democracy Deficit, <http://mediaindonesia.com/read/detail/141847-calon-tunggal-dan-defisit-demokrasi>, downloaded October 29, 2020. The existence of a single candidate is the result of two parties that are mutually interested, namely the incumbent and the political party. The incumbent has an interest in maintaining the status quo, staying in power, by trapping rivals through "party buying". Meanwhile, parties are interested in winning and/or supporting the incumbent.

The right to vote and the right to vote will be reduced by the presence of a single candidate, because voters are faced with an artificial (pseudo) choice which is only against an empty box.

The Concept of Regional Head Election

a. Basic Concept of Regional Head Election

The Regional Head Election is a political moment at the local level, namely the process of replacing regional leaders which is carried out by direct election. This method of direct election is a new item in the current regional head election system, where in the era before the 1998 reform, regional heads were elected by members of the DPRD behind closed doors, and this was considered non-transparent, full of fabrication and far from democratic¹³.

The momentum of reform was marked by the collapse of the new order, and there were changes to the 1945 Constitution of the Republic of Indonesia, one of which was the provision on local government. The amendment of the provisions of Article 18 of the 1945 Constitution to 18, 18A and 18B is a new dimension for local government arrangements.

Article 18 paragraph (4) of the 1945 Constitution of the Republic states that the Governor, Regent, and Mayor respectively as heads of provincial, regency and city local governments are democratically elected. If you look closely, the provisions of Article 18 paragraph (4) of the 1945 Constitution do not affirm the necessity that the Governor, Regent and Mayor must be elected through an election that is carried out directly. However, according to Rozali Abdullah, because the regions are an inseparable part of the Republic of Indonesia, the election of regional heads and deputy regional heads should be synchronized with the election of the president and vice president, namely through direct elections¹⁴. As emphasized in Article 56 paragraph 1 of Law Number 12 of 2008 concerning local government, it states that "Regional heads and deputy regional heads are elected in one pair of candidates which are carried out directly, publicly, freely, secretly, honestly and fairly".

This provision has implications for a paradigm shift in local government from centralization to decentralization. According to Bhenyamin Hoessein, decentralization is the establishment of autonomous regions and/or the handing over of certain authority to them by the central government¹⁵. This understanding is based on the empirical case of Indonesia, where the birth of

¹³ Kacung Marijan, *Indonesia's Political System, Consolidation of Post-New Order Democracy*. Kencana, Jakarta. 2010. p. 23

¹⁴ Rozali Abdullah, *The Implementation of Broad Autonomy with Direct Election of Regional Heads*, Rajawali Pers, Jakarta, 2005, p. 53

¹⁵ Bhenyamin Hoessein, *Global Challenges and Local Responses: Decentralization and Efficiency*. Development Management, No. 19/V, 1997. Page 7

autonomous regions and regional autonomy in Indonesia is the result of the creation of the government through the process of decentralization.

B. C. Smith stated that decentralization requires the delegation of *power* to subordinate governments and the distribution of power to the regions. The central government is required to hand over power to local governments as a form of decentralization. Direct regional elections are a form of implementation of decentralization from a political perspective, where there is a process of transferring the locus of power from the center to the regions more freely regulating their own household affairs.

The fundamental problem regarding the election of regional heads in general is related to the understanding and meaning of the word "democratic" which is then debated into direct elections called democratic and other opinions that state that indirect elections can actually also be democratic¹⁶, as long as the election process is carried out democratically. The mechanism for the election of regional heads is called democratic if it meets several parameters. Robert Dahl, Samuel Huntington and Bingham Powell as quoted by Saukani, HR and friends said that the parameters to observe the realization of democracy include: general elections, power rotation, open recruitment, and public accountability¹⁷.

With such an understanding, the implementation of the Regional Elections is directly seen as having a positive impact on strengthening democracy in Indonesia. There are five important considerations for the implementation of direct regional elections for the development of democracy in Indonesia¹⁸, namely:

1. Political participation

Direct Regional Elections are an answer to the demands of the people's aspirations. In direct regional elections, the people are directly involved in determining who is worthy (has credibility and the ability to fight for aspirations and meet the interests of the people) to be their servants (public officials). Through such a process, awareness can grow that they are the true holders of political sovereignty. Included in this awareness is caution in making choices, because wrong choices can have bad consequences for their lives.

2. Local political competitions

¹⁶ Nopyandri, Democratic Regional Head Election in the Perspective of the 1945 Constitution, Journal of Law, Volume 2 Number 2 of 2013, p. 9

¹⁷ Saukani HR, Affan Gaffar, and Ryass Rasyid, Regional Autonomy in a Unitary State, Student Library, Yogyakarta, 2002, pp. 12-13

¹⁸ Mufti M Mubarok, *the succession of the regional elections won the direct elections*. Java Main Media Library. Surabaya. 2005. pp. 3-7

The regional elections immediately opened up space to compete fairly and fairly among the existing contestants. Thus, it is hoped that there will no longer be a contestant from a certain pair of candidates who dominate the ongoing process and close the space for other groups to compete fairly.

3. Political Legitimacy

In contrast to the indirect Regional Elections (through the DPRD) as previously held, direct Regional Elections will provide strong legitimacy for the leadership of the elected regional heads. In the direct election mechanism, the elected leadership will reflect the configuration of political power and the interests of the constituents of the electorate (the people), so that it can be ensured that the democratically elected candidate will have the support of the majority of the voting society.

4. Minimization, Manipulation and cheating

One of the elements that encourages the implementation of direct regional elections is the rampant various cases of transactional politics and various other forms of fraud in the implementation of the regional elections that have been happening. Government intervention in the election of regional heads has indeed decreased since the enactment of regional autonomy, but the problem has shifted to the representative institutions in the regions that carry out the regional elections in the form of transactional politics that occurs in almost all regions. The success of regional autonomy, one of which is also determined by local leaders produced in direct elections, is the commitment of local leaders in realizing the goals of regional autonomy, among others, to improve the welfare of the community by always paying attention to the interests and aspirations of the community so that it can be realized

5. Accountability.

The accountability of regional heads is very important. This is because if the people as voters consider that the elected regional head is unable to carry out his duties properly and is responsible to the people, then the people will sanction him in the next Regional Election by not re-electing him.

Furthermore, according to Juliansyah, the Regional Elections are

"As a medium to carry out the democratic election of regional heads in accordance with the mandate of the 1945 Constitution, and local governments are given the authority to regulate and manage their own government affairs according to the principle of autonomy and assistance duties. The granting of broad autonomy to the regions is directed to accelerate the realization of community welfare through improving services, empowerment and community participation. With broad autonomy, it is expected to be able to increase competitiveness by paying

attention to the principles of democracy, equity, justice, privilege and specificity as well as regional potential and diversity in the Unitary State system of the Republic of Indonesia. Political positions are filled through the Regional Elections in accordance with the context of Law Number 32 of 2004 with local governments which are expected to accelerate the welfare of the community, because the people in the area are more familiar with the character and ability of their leaders. The people of the electorate have a social responsibility from what they have chosen, according to the vision, mission, and program in realizing the regional progress that their leaders in their regions want to achieve through the social selection process. Therefore, the essence of the regional elections is through a competition and political process, and local people can accept the process that has been running in order to create common prosperity."¹⁹

Based on the above opinion about the purpose of the direct implementation of the Regional Elections, where it is said that the people can get to know their own regional leader candidates, this shows that in fact the direct Regional Elections are a very democratic mechanism different from the previous one. The election of regional heads at the time of the enactment of Law Number. 5 of 1974 and Law Number. 22 In 1999, the people were not directly involved in determining regional heads and deputy regional heads, so sometimes those who became regional heads were only representatives of political parties, local political elites and the central government.

The regional elections directly open up opportunities for the people to select for themselves the candidates for regional heads and deputy regional heads that the people want. Thus, because regional heads are elected directly by the people, the emotional relationship will be able to side with the people who have entrusted the mandate to the candidates they want together through the direct election of regional heads.

The election of regional heads directly gives optimism to the public that the quality of regional leadership will improve. Even though some issues invite public concern, the mechanism for electing leaders who are directly elected by the people is believed to be better than the indirect election mechanism that has been carried out before the reform era.

Direct regional elections will in turn provide political education to the people in the regions to choose and determine their own leaders without any intervention from anyone, including the central government and/or political elites at the central level. The direct elections will also provide leadership

¹⁹ Ahmad Nadir, *Direct Regional Elections and the Future of Democracy A Study on the Articulation of Nahdiyyin Politics and Dynamics*. AVERROES PRESS, Malang, 2005, pp. 14-16

training for local elites to develop their skills in formulating and making policies, overcoming problems in the community, political communication with the community, and articulating and aggregating community interests.

These experiences, in turn, are expected to produce reliable politicians or leaders who can compete at the national level. Direct regional elections also create a pattern of recruitment of local leaders with clear standards. With direct elections, there will be recruitment of political leaders from the regions (local), not dropped from the center. With direct regional elections, the people are directly involved in choosing their leaders. This direct involvement of the people will in turn increase democratization at the local level, where the people truly have sovereignty.

Advantages and Disadvantages of Direct Regional Head Election

Efforts to realize democratization in Indonesia are pursued through various ways, one of which is by carrying out decentralization, including direct regional elections. Decentralization is part of the democratization process. With decentralization, the regions, both their governments, their people, and people's representatives, are given the possibility and opportunity to formulate and implement public policies that are in accordance with the interests of the local community²⁰.

One form of implementation of decentralization is the direct election of regional heads. The election of regional heads directly has a very close correlation with the implementation of people's sovereignty. With the direct election of regional heads, the people can determine their own leaders in their regions, so that a close relationship is established between regional heads and the people that can encourage the realization of democratic and participatory regional government implementation. Direct elections in Indonesia are often said to be a leap of democracy that can have both positive and negative connotations. In a positive sense, the Regional Elections directly provide opportunities for the people in the regions as one of the political infrastructures to elect their regional heads directly through a voting mechanism. This will encourage the people in the region as one of the political infrastructures to elect their regional heads directly through a voting mechanism. Meanwhile, in a negative sense, the Regional Elections are directly a leap of democracy which is a party of the regional people, the people in the regions are free to do anything²¹.

Direct regional elections can be a pillar that strengthens the building of

²⁰ Nadapdap, Binoto. *'The Ebb and Flow of Regional Autonomy and Direct Regional Head Elections.'* Sociae Polites Scientific Journal of Social and Political Sciences, Vol. V, No. 22, 2005.p. 5

²¹ Fitriyah. *Direct Regional Election System and Process.* CSIS Analysis, Vol. 34, No. 3. 2005. p. 3

democracy nationally. The implementation of the Regional Elections directly shows an increase in democracy. The level of democracy of a country is determined, among other things, by how much the community plays in determining who among them is made state officials. The more state officials, both at the local and national levels, who are directly elected by the people, the higher the level of democracy in the country²². This is in accordance with Dahl's opinion that democratization at the national level is only possible if democracy also takes place at the local level²³.

Simultaneous Regional Head Election

The direct regional head general election (Pilkada) is a means as well as an effort to realize the democratic system as a whole and as a step to realize the sovereignty of the people. Hopes for the realization of good governance after the transition of the democratic system from the old pattern of applying indirect democracy to direct democracy did not immediately bring blessings in the form of fundamental changes. In fact, what happened was not in accordance with expectations, a lot of corruption was carried out by regional heads in various parts of the country so that what was aspired to for regional autonomy to spur the acceleration of people's welfare has not been seen.

One form of community participation in *Pemilukada* is to participate in using their voting rights to choose their leaders. The increasing involvement of the community in the implementation of elections shows the strengthening of the democratic order in a country. By participating in the general election process as a smart society, we must be able to assess the best candidates who are willing to listen to the aspirations of the community, not choose candidates who are only selfish or their groups so that they forget the promises that have been made during the campaign period so that the development that will be carried out is in accordance with the wishes of the community. The public should also not waste their voting rights "paid" or for temporary lures. The Simultaneous Regional Elections depart from the hope, among others, to reduce the cost of organizing or budget efficiency which has been felt to be very unreasonable. The implementation of the Simultaneous Regional Elections can save costs because the cost should be incurred twice to finance the Regent/Mayor and Governor's Regional Elections, so that the cost is enough to be borne jointly in the Provincial Budget and the Regency/City Budget. With cost efficiency, it is hoped that regional head candidates will not spend too much on their political costs so as to minimize the occurrence of acts of corruption. Because the cost of the Regional Elections is very expensive, it is estimated that it is a form of starting point for regional heads to commit various acts

²² *Ibid*

²³ *Ibid*

of corruption. An elected regional head seeks to recoup the political costs he has incurred during the campaign.

One of the important aspects is to knit awareness of community participation that quality elections are the extent to which the political attitudes and motivations of the community and the candidates can jointly build the essence of the goal of regional autonomy. Direct elections are not just a fight for regional head seats that have no implications for the welfare of the community. However, it must be a challenge in maintaining democracy for the welfare of the people. The simultaneous implementation of regional head elections (pilkada) must receive a portion of more attention from the government. The stages of the simultaneous regional elections require very careful preparation. We really hope that this simultaneous regional election can have a positive impact on improving the quality of government in the region and the government can run better to improve people's lives, the quality of candidates, the quality of organizers and the quality of results in accordance with the expectations of all of us.

All of this can be realized and run well with the support of political parties, election organizers, the community and other stakeholders. The first batch of simultaneous Regional Head Elections (pilkada) was held on December 9, 2015. This election is to elect regional heads whose term of office ends in 2015 until the January-July 2016 range.

Simultaneous regional elections are a new thing in Indonesia's constitutional system. In practice, the simultaneous regional elections do not have a reference. On the other hand, the 2015 simultaneous regional elections are expected to be a barometer for the implementation of the next simultaneous regional elections, namely the simultaneous regional elections in 2017, 2018, 2020, 2022, 2023. Only in 2027, the regional elections are planned to be held simultaneously nationally.

Overview of Single Candidate

One of the hot issues related to the democratic process through the regional elections is the re-emergence of the phenomenon of single candidate pairs in the implementation of the 2019 regional elections. Mohammad Alexander said that "As a product of local political dynamics, a single candidate in the regional elections provides an alternative to achieve participation in order to avoid the loss of constitutional rights from citizens and advanced candidates, but on the other hand, places the regional elections as uncontested elections where uncontested elections will degrade the elements of participation in democracy."²⁴

²⁴ Mohammad Alexander M, Thesis on Democracy Anomalies: A Study on the Process of the Emergence of Single Candidates in the Single Candidate Regional Elections of Blitar Regency, (Surabaya: Universitas Airlangga, 2015), p. 1.

According to the Great Dictionary of Indonesian, there is no detailed explanation regarding a single candidate, but if translated verbatim, a candidate is a person who will become or a person who is educated and prepared to occupy a certain position or profession²⁵. While the single is the only one²⁶. So that in general, the term single candidate in the regional elections can be interpreted as the only person who will compete in a fight or competition that is educated and prepared to occupy a certain position or profession. In the context of the election of regional heads, a single candidate is an unexpected phenomenon or condition caused by laws and regulations regarding regional elections that require a minimum of two pairs of regional head candidates.

Executive Director of the Association for Elections and Democracy (Perludem) Titi Anggraini said "there are two variants of single candidates in the regional head election or Pilkada. First, the sole candidate is a person who has previously been in power or an incumbent. Second, a single candidate is a relative or family of the person in power"²⁷. In terms of regulation, a single candidate is accommodated through Article 54C paragraph (1) of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law.

The constitutionality of a single candidate against an empty box in simultaneous regional head elections in Indonesia

1. Single Candidate Against Empty Box Requirements

The reality of the emergence of a single candidate in the simultaneous regional elections raises questions from various parties regarding whether the election of regional heads will be continued or not considering that there are no laws and regulations that discuss the issue. On this basis, through a request for a material test of Law Number 8 of 2015 concerning Amendments to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law against the Constitution of the Republic of Indonesia in 1945. The Constitutional Court (MK) then issued Decision Number 100/PUU-XIII/2015 which states that regions that only have one pair of regional head candidates can participate in the simultaneous *Pemilukada*.

²⁵ Great Dictionary Indonesian on-line, quoted from <https://kbbi.web.id/calon>, accessed October 22, 2022

²⁶ *Ibid*

²⁷ Quoted from Tempo.co, Perludem: There are Two Variants of Single Candidates in the Regional Elections, <https://nasional.tempo.co/read/1073276/probosutedjo-20-tahun-berwarfighting-cancer-thyroid>, accessed on October 22, 2022

Related to this, the General Election Commission (KPU) then issued the General Election Commission Regulation of the Republic of Indonesia Number 14 of 2015 concerning the Election of Governor and Deputy Governor, Regent and Deputy Regent, and/or Mayor and Deputy Mayor with One Pair of Candidates as mentioned in the provisions of Article 14 paragraph (1) which emphasizes that:

"The means used to vote in the Election of 1 (one) Candidate Pair use a ballot containing a photo of the Candidate Pair, the name of the Candidate Pair and a column to give a choice to agree or disagree."

Based on this, in 2016 the government then made amendments to Law Number 8 of 2015 concerning Amendments to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law into Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 2014 concerning the Election of Governors, Regents, and Mayors became a law where the provision for one pair of candidates is explicitly regulated in Article 54C which emphasizes that:

- (1) The election of 1 (one) candidate pair is carried out in the event of meeting the following conditions:
 - a. After the postponement and until the end of the registration extension period, there is only 1 (one) candidate pair who registers and based on the results of the research, the candidate pair is declared eligible;
 - b. There are more than 1 (one) candidate pairs who register and based on the results of the research there is only 1 (one) candidate pair that is declared eligible and after the postponement until the end of the reopening period of registration there are no candidate pairs who register or candidate pairs who register based on the results of the research are declared ineligible which results in only 1 (one) candidate pair
 - c. since the determination of the candidate pair until the start of the Campaign period there is a candidate pair who is permanently disabled, the Political Party or the Political Party Coalition does not propose a candidate/replacement candidate pair or the proposed candidate/replacement candidate pair is declared ineligible which results in only 1 (one) candidate pair
 - d. since the start of the Campaign period until the day of voting, there are candidate pairs that are permanently disabled, the Political Party

- or the Political Party Coalition does not propose a candidate/replacement candidate pair or the proposed candidate/replacement candidate pair is declared ineligible which results in only 1 (one) candidate pair; or
- e. there are candidate pairs who are subject to cancellation sanctions as election participants resulting in only 1 (one) candidate pair.
- (2) The election of 1 (one) candidate pair is carried out using a ballot containing 2 (two) columns consisting of 1 (one) column containing a photo of the candidate pair and 1 (one) blank column without a picture
 - (3) Voting is done by voting.

The above provisions are then emphasized in Article 14 paragraph (1) of General Election Commission Regulation Number 13 of 2018 concerning Amendments to General Election Commission Regulation Number 14 of 2015 concerning the Election of Governor and Deputy Governor, Regent and Deputy Regent, and/or Mayor and Deputy Mayor with One Pair of Candidates. The provisions of Article 14 in full confirm that:

"The means used to vote in the Election of 1 (one) Candidate Pair use a ballot paper containing 2 (two) columns consisting of 1 (one) column containing a photo of the Candidate Pair and 1 (one) blank column without a picture."

Furthermore, the provisions of Article 18 of the General Election Commission Regulation Number 13 of 2018 concerning Amendments to the General Election Commission Regulation Number 14 of 2015 concerning the Election of Governor and Deputy Governor, Regent and Deputy Regent, and/or Mayor and Deputy Mayor with One Candidate Pair, emphasizes that "Voting for the Election of 1 (one) Candidate Pair by voting 1 (one) time in the column containing a photo of the Candidate Pair or a blank column that does not have a picture." The provision states that the ballot paper for the single candidate to be voted contains, contains two columns consisting of one column containing a photo and name of the single candidate pair and a blank column that does not have a picture, voters are given the freedom to vote by voting for the column with a picture of the candidate pair or a blank column which in the author's language is mentioned as a blank box.

To determine whether or not a single candidate will be elected in the simultaneous elections, it refers to the provisions of Article 54D of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number

1 of 2014 concerning the Election of Governors, Regents, and Mayors into a Law that confirms that:

- (1) The Provincial KPU or Regency/City KPU determines the selected candidate pairs in the Election of 1 (one) candidate pair as referred to in Article 54C, if it gets more than 50% (fifty percent) of the valid votes.
- (2) If the votes of the candidate pair are less than as intended in paragraph (1), the candidate pair who loses the election may nominate again in the next election.
- (3) The next election as referred to in paragraph (2) shall be repeated in the following year or carried out in accordance with the schedule contained in the laws and regulations.
- (4) In the event that there is no pair of elected candidates for the results of the Election as referred to in paragraphs (2) and (3), the Government assigns an acting Governor, Acting Regent, or Acting Mayor.
- (5) Further provisions regarding the procedure for the election of 1 (one) candidate pair are regulated by KPU Regulations.

Based on the above provisions, a single candidate pair will only be determined as an elected pair if it obtains more than 50% of the valid votes. If the minimum number of votes is not met, the regional elections will be repeated the following year or held according to the schedule in the laws and regulations.

A single candidate who is declared "lost" can run again by following the initial mechanism, including the composition of supporting political parties that may be different. Politically, there is no guarantee that political parties or coalitions of old political parties will support the single candidate who loses. In the Makassar mayoral election (Pilwalkot) in South Sulawesi in 2018, Empty box declared a winner by obtaining 53 percent of the votes while the single candidate, the pair Munaffri Arifuddin-Rachmatika Dewi, only obtained 47 percent of the votes²⁸. Since there is no candidate pair elected, the government assigns an interim acting to lead until the next election.

Based on the description above, the requirements for a single candidate in the simultaneous regional elections that will be held in 2024, where regions that carry out simultaneous regional elections must meet the conditions as referred to in the provisions of Article 54C of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors Become Law, if they meet the

²⁸ Arizka Citizen. *Gibran against an empty box in Solo? This is the mechanism of a single candidate in the Regional Elections*. Accessed on <https://theconversation.com/gibran-lawan-kotak-kosong-di-solo-begini-mekanisme-calon-tunggal-dalam-pilkada-143607> on January 10, 2023

conditions referred to in these provisions, then it can be ensured that the regional elections in the area will only be followed by a single candidate against an empty box. Meanwhile, regarding the pair of candidates for regional heads, they can be considered as participants in the regional elections if they meet the provisions stipulated in the General Election Commission Regulation of the Republic of Indonesia Article 3 Number 3 of 2017 concerning the candidacy for the election of governors and deputy governors, regents and deputy regents, and/or mayors and deputy mayors which reads that the election participants are:

- a. Candidate pairs proposed by political parties or coalitions of political parties and have qualified to be designated as election participants, and/or
- b. Individual candidate pairs who have registered and have met the requirements to be designated as voter participants.

Furthermore, the provisions of Article 40 paragraph (1) of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors Become a Law that confirms that:

"Political parties and coalitions of Political Parties can register candidate pairs if they have met the requirements for obtaining at least 20% (twenty percent) of the number of seats in the Regional People's Representative Council or 25% (twenty-five percent) of the accumulated valid votes obtained in the general election of members of the Regional People's Representative Council in the region concerned".

Based on the above provisions, political parties can submit candidates for regional heads if they meet these provisions, in addition to political parties on the individual route or independent route, they are also allowed to register themselves as candidates for regional heads through the individual route which of course must meet the provisions of the applicable laws in this case is Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations Replacement of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law

2. Causes of the Emergence of Single Candidates Against Empty Boxes

If observed, broadly speaking, there are at least several factors that encourage the emergence of a single candidate, as the author below is as follows:

- a. Nomination process that requires high costs**

To run as a candidate for regional head is not easy, because it requires high costs in the nomination process. In addition to demanding the cost of making various candidate identification properties through banners, stickers, and so on, if you do not also prepare a political dowry to a political party, it is certain that someone who wants to become a regional head will not be able to achieve his dream.

Political dowry seems to be commonplace, because it is considered a boat fare whose pretext will later be used as a financing fund to run the party's vehicles. The phenomenon of one pair of candidates being born because of the high dowry from the supporting party, then rationally, if there is a strong incumbent candidate, other candidates will definitely calculate rationally. Instead of losing everything, it is better to undo the intention to become a candidate, because just to become a candidate they have to pay a dowry.

Not to mention the funds that will be used for campaigns, funds to win voters' votes, funds to secure votes starting from the polling station level to securing votes at the KPU, Regency/City KPU, Provincial KPU, Central KPU and even at the Constitutional Court level in the event of a dispute. The practice of political dowry is a very difficult thing to prevent in practical politics in Indonesia. Political dowry seems to be mandatory to be given when the candidate pair wants to advance to become a bride in the process of candidacy for regional heads. If the political dowry is not paid, it is certain that the candidate pair will not be able to advance as candidates in the regional elections.

b. Candidates who buy parties to be their supporters

The trigger for the existence of one pair of candidates in Pemilukada is because the candidates who advance buy the support of all political parties, thus closing the opportunity for other regional sons to be able to advance to become mayoral candidates. This means that with a large amount of capital, the candidate for regional head locks the opportunity for other candidates to get support. Although this cannot also be blamed, because in fact Pemilukada is a gamble to be able to win and occupy power. However, what is wrong is the weak competitiveness and the lack of courage to compete in battle.

Opponents are defeated before advancing in battle. In fact, the appropriate word for this condition is the existence of power egoism. In fact, the true fight is when there is an opponent in front of you, so that if the victory achieved, or the defeat obtained, it is all a form of true toughness and courage. This happens because not every pair of candidates who advance as contestants in the election have good financial capabilities. Candidate pairs who have financial limitations will usually be eliminated by themselves.

c. Cadre regeneration that is not optimal in political parties

So far, the recruitment process tends to be *injury time* or not prepared based on mature regeneration. Where so far political parties have tended to rely on members of the DPR, DPD, or DPRD to become candidates in the Regional Elections. However, since there is a provision after the Constitutional Court's decision that members of the DPR, DPD, or DPRD who are advancing to the Regional Elections must resign, it is increasingly difficult for the party to find cadres to carry, because many legislators do not want to resign, especially if their chances of election are low.

Political parties have an important position in the constitution. One of the functions of political parties is to conduct political education. However, currently, political parties are considered to have not carried out political education optimally both to the public and within the party. Political parties have three functions, namely preparing cadres for national leadership both in the legislature and the executive, channeling people's aspirations, and conducting political education. Political education to internal political parties can be seen in the regeneration. However, this regeneration is not running optimally. As long as the regeneration of political parties is not optimal and the role of preparing the candidate for leader is not carried out optimally, political parties will still have difficulty proposing their candidates in the election contest.

Based on the above, the phenomenon of one pair of candidates in the regional elections cannot be considered something ordinary, because the implementation of the regional elections requires considerable financing from the Regional Expenditure Budget (APBD) of each region. Although, currently the Government has initiated the simultaneous election of regional heads to reduce the budget. However, the Ministry of Home Affairs actually stated that the simultaneous implementation of regional head elections is more wasteful than the election of regional heads whose time is adjusted by each region.

3. Constitutional Single Candidate Against Empty Box

Modern countries in carrying out their government are based on law (*Rechtsstaat*) and not based on mere power (*Machtsstaat*).²⁹ This is based on the development of the concept of legal protection that has gone global, and the concept of absolutism of power that is fading. One of the essential elements of the state of law is upholding the supermation of the constitution.

This is logical, because in the constitution, there are generally provisions related to the elements that must exist in the state of law. In addition to upholding

²⁹ Xavier Nugraha et al., *The Use of the Noken System in Papua as a Form of Democratic Regional Head Election in the Perspective of the 1945 Constitution*, Yogyakarta: Harfeey Publishers, Cet. 1, 2019, p. 93

the supremacy of the constitution in addition to being a consequence of the concept of the state of law, the democratic system of government is generally used because it is the highest form of social agreement. One of the juridical consequences of the democratic legal system in Indonesia is the election of leaders in a democratic way. The election of these leaders includes the election of leaders in the regions or commonly known as regional heads.

The democratic election of regional heads is regulated in Article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia which emphasizes that "Governors, Regents and Mayors as Heads of Provincial Governments, Regencies and Cities are democratically elected". The emergence of a single candidate against an empty box in the simultaneous regional head elections that occurred in several regions in Indonesia is certainly an ironic thing, where Indonesia is the third largest democracy in the world that has a relatively large number of parties.

The mechanism for selecting a single candidate must be faced with an empty box as an "opponent", meaning that the candidate pair contests with an empty box. When a single candidate gets the most votes, basically the pair of single candidates does not win the contest but just wins because they are dealing with non-election participants who are not legal subjects and do not receive facilities from the state³⁰.

The facilities provided only for socialization are regulated in the KPU Regulation, not the Law. Important facilities such as campaigns, witnesses at the time of recapitulation and filing lawsuits to the Constitutional Court are not given in empty boxes. The blank box is presented as an alternative option for voters who are not willing to choose a candidate pair. The existence of an empty box is considered an attempt to keep the contestation dimension alive. However, the contestation is actually not really fair.

On the other hand, that one of the principles of a democratic Regional Election is based on justice. Regarding the principle of fairness, in the implementation of the Regional Elections, it is not only interpreted narrowly to present justice for local residents as sovereign holders in providing voting rights to choose candidate pairs in the voting booth. More broadly, the principle of justice must also be implemented in every stage of the implementation of the Regional Elections for participants

In the context of the Regional Elections with a single candidate who is faced with a blank column, the question that must be answered is how the principle of justice is implemented at the campaign stage, especially the campaign facilitated

³⁰ Yashinta Sastaviana Hikmania. *The Struggle of the Concept of Contested Election and Uncontested Election (Case Study of the Pati Regency Election in 2017)*. Compilation of Summary of Election Governance Thesis Edition I of 2019. p. 168

by the KPU. For example, the dissemination of campaign materials to the public, the installation of props (APK), to the advertising of print mass media and electronic mass media, of course the campaign facilitated by the KPU is somewhat difficult in providing equal rights for single candidates and blank columns fairly. So that it is not an easy job for Bawaslu to supervise this matter, especially so that justice can be reflected both for the single candidate and for the empty column itself.

Even the most crucial thing is the lack of candidate debates. The campaign method through candidate debates is the most important part in providing political education to local residents and is a place for the exchange of ideas, ideas and dialogues between candidate pairs to convince voters. Therefore, the Regional Elections with this single candidate certainly do not detract from the essence of modern democracy. Moreover, if you use international aspects to measure the level of democratic elections, where one (1) of the fifteen (15) aspects is a democratic campaign.

According to the author, contestation and competition are absolute requirements of democracy, if these two elements are not met, the democracy that is being built is not consolidated, not substantive, and only a mere procedure. The more regions that hold regional elections with a single candidate who fights against empty boxes, it is important that the regions can reflect. Maybe there is something wrong in the democratic competition process that is built in his area. When, for example, there are 10 (ten) political parties that have seats in the regional legislature, but there is no political competition, it further shows the defects of a region's democracy. In a situation like this, it is the people who are sacrificed, and it hurts the purpose of democracy itself to prosper the community.

In addition, the blank box is not a citizen like the candidate for the regional head and his deputy, therefore, the blank box is not a legal subject because it does not have the right to vote and be elected in the election contest in Indonesia. Because the empty box is not a legal subject, the election of the regional head that is only followed by a single candidate against the empty box cannot be said to be constitutional.

Legal Implications of the Presence of a Single Candidate Against an Empty Box in the Simultaneous Regional Head Election in Indonesia

The election of regional heads is very closely related to the implementation of people's sovereignty in a country. People's sovereignty means that the people are the ones who determine the style and way of government, and the people are the ones who determine what goals to be achieved. Harold J. Laski said that sovereignty is a legitimate power according to the highest law, the power includes all people and groups in the society it controls. while C.F. Strong in his book *Political Modern*

Constitution states that sovereignty is the power to form laws and the power to impose its implementation.

In reality, theoretically, the election of regional heads is one of the types of general elections, according to the U.S.S., general elections are a means of implementing the principle of people's sovereignty, in essence, it is a recognition of the embodiment of the people's political rights and at the same time is the delegation of these rights by the people to their representatives to run the government.

In line with the above opinion, according to Moh Kusnardi and Harmaily, Ibrahim also said that elections are not everything about democracy³¹. Elections are a basic means of implementing the principles of democracy and the joints of democracy do not only lie in elections, but nevertheless elections have a very important meaning in the process of national dynamics. In fact, whatever the reason, only a restrictive government is considered to have the legitimacy of the people to lead and regulate the government to become the manager of the rulers, so that through the election the claim of the government elite working for and on behalf of the interests of the people can be recognized, thus it can be said that the implementation of regional head elections which is one type of election related to the implementation of sovereign relations.

The purpose of the election should be measured by the goal of the independence of a country on the one hand, and the other by the functions of holding general elections. Under the control of democracy, elections become a vehicle for the use and struggle of political rights so that the people's sovereignty is realized as a counterweight and controller of state sovereignty derived from it. The mechanism for implementing elections and also regional elections as a vehicle for optimizing the people's political rights, requires support starting from implementation, process and supervision.

According to Austin Ranney, there are three main criteria for a democratic election, including:

1. The existence of general voting rights (active and passive), which means that in executive and legislative elections, every citizen has the same opportunity in the public sphere to vote and be elected. Active voting rights are the rights of citizens who are eligible to elect their representatives in the House of Representatives, DPD, DPRD, President-Vice President, and Regional Heads-Deputy Regional Heads, namely 17 years old or have been/have been married, have not been impaired in memory, have not been deprived of their voting rights, are not serving prison sentences, are registered in the Permanent

³¹ David Held. *Models of Democracy*. Jakarta. Akbar Tandjung Institute. 2007. p. 34

Voter List (DPT). The passive voting right is the right of citizens who are eligible to be elected as members of the House of Representatives and the House of Representatives.

2. Equality of vote weight, which means that there must be a guarantee that the votes of each voter are given the same weight in the election. All voters have the same percentage weight per person regardless of position and position.
3. The availability of candidates from different ideological backgrounds³².

The meaning of this criterion is the availability of a real election and a visible difference from other options where the essence does require more than one choice, then the choice can be very simple such as the difference between two or more candidates or a more complicated difference between two or more different political lines/work programs to the difference between two or more ideologies.

The existence of a single candidate is certainly not in line with the concept conveyed by Austin Ramsey, because this phenomenon makes people have no alternative in determining their voting rights. On the other hand, people are also forced to vote for a candidate who (maybe) not in line with their ideology and desires. The empty box is the peak of the iceberg phenomenon that has been happening in political party institutions, political pragmatism, the failure of cadre regeneration and the poverty of ideology make political parties nothing more than vehicles. Political parties do not have the identity, ideology and quality to carry out their functions as political parties. Based on the above, the existence of a single candidate against an empty box in the simultaneous regional head election has implications for several things, including:

1. Potential return to a centralized system of government

One of the effects caused by the presence of a single candidate against an empty box is that if the empty box wins the Regional Election, it is certain that there is a potential absence of a definitive Regional Head in the area. When referring to KPU Regulation Number 13 of 2018 which is a technical reference of the Law on the Election of Regional Heads, the position will later be filled by a temporary official whose authority to fill it is given to the Minister of Home Affairs, who is a Central Government Official directly elected by the President.

In fact, as an excess of the constitutional amendment to Article 18 of the 1945 Constitution of the Republic of Indonesia, Regional Governments

³² Ahmad Gelora Mahardika. *The phenomenon of empty boxes in Pemilukada and its implications in the Indonesian constitutional system*. Election Journal. Vol. 1 No. 2 2018. Page 69

are given the authority to manage their own regions. Since then, the authority of the Central Government has only been limited to the authority of Foreign Policy, Defense and Security, Monetary, Fiscal, Justice and Religion. Beyond this authority, everything is the authority of the Regional Government.

Article 18

- (2) Provincial, Regency, and City governments regulate and manage their own government affairs according to the principle of autonomy and assistance duties
- (5) Local governments exercise the widest possible autonomy, except for government affairs that are determined by law to be the affairs of the Central Government.

Based on Article 18 paragraphs (2) and (5) of the 1945 Constitution of the Republic of Indonesia, it is very clear that the Regional Government has the authority to regulate and manage its own government affairs according to the principle of autonomy and assistance duties. In addition, this provision is also affirmed in the provisions of paragraph (5) which states that local governments exercise the widest possible autonomy except for government affairs that are determined by law as affairs of the Central Government.

If we assume that if the Regional Election contest presents a single candidate facing an empty box, and the empty box wins the contest, then there will be a power vacuum for a long period of time even up to almost two years. However, the extension is threatened with the potential to be much longer if we have officially held simultaneous regional elections in 2027, which if this rule is still in effect, the Acting Regional Government can rule a region for 5 (five) years.

The legal basis is the provision in the Regional Election Law where the Acting Regional Head is elected by the Minister of Home Affairs until the next Regional Election. This article in terms of the constitutional system has violated the constitution in Article 18, where the Governor, Regent, and Mayor respectively as the heads of provincial, regency and city local governments are democratically elected, not by the Central Government.

The election of Acting Officers who have authority equivalent to the Minister of Home Affairs will slowly create centralization in a new face. Because Acting Heads at both the Provincial and Regency/City levels are Officials of the Ministry of Home Affairs who are appointed directly by the Minister of Home Affairs, and before taking strategic policies, the officials must first consult with the Minister of Home Affairs.

Indirectly, regional autonomy has moved backwards to the form of centralization as in the new order era. Currently, only the city of Makassar is a witness to the history of the victory of the empty box in the election contest, but in the future this could happen in all regions, and it implies that all Regional Heads will be led by Acting Regional Heads elected by the Central Government. And if that condition is really going to happen, then it is a setback for our democracy

2. The loss of the right of the community to be led by its chosen leader.

When there is no alternative candidate or there is only a single candidate, indeed the people are given a choice, namely between choosing a single candidate or an empty box. However, when the empty box wins the contest, the authority to appoint the Acting Acting Officers is absolutely the authority of the Central Government. Reflecting on the basic theory of democracy, according to Dolephet who said that there are five indicators of democracy, Renske sees that democracy can be seen starting from the highest score to the lowest score According to Renske, a region has the lowest democracy score if its leader is determined based on descent, fraudulent elections or elections that have no opponents. In this context, a single candidate facing an empty box is the lowest point of democracy, because in addition to the single candidate there is no opponent, the defeat of a single candidate also opens up the potential for the election of leaders who are not directly wanted by the people, this condition is like buying a cat in a sack, even though basically the people know that there is a cat in it but the people do not know how to behave, their gender to their skin color, even though the condition is the people's choice and the people already know and understand the consequences

Conclusion

The election of regional heads that only present a single candidate against an empty box, can be said to be unconstitutional because the empty box cannot be equated as a legal subject who has the right to vote and be elected, besides that a single candidate against a blank box does not reflect democratic values, where one of the conditions for democracy is the existence of a fair and just contestation. The existence of a single candidate against an empty box in the simultaneous election of regional heads has implications for several things, including, *first*, the potential for the return of a centralized government system, *second*, the loss of the right of the people to be led by their chosen leader. Constitutionally, Indonesian democracy

is one step back with the permission of a single candidate to contest against an empty box in the simultaneous regional head elections in Indonesia.

BIBLIOGRAPHY

- Aminuddin Ilmar, *Hukum Tata Pemerintahan*, Jakarta, Prenada Media Group, 2014
- _____. *Konstruksi Teori dan Metode Kajian Ilmu Hukum*. Hasanuddin University Press: Makassar., 2009
- Ahmad Nadir, *Pilkada Langsung Dan Masa Depan Demokrasi Studi atas artikulasi Politik Nahdiyyin dan dinamika*. Averroes Press, Malang, 2005
- Amirudin dan A. Zaini Bisri, *Pilkada Langsung: Problem dan Prospek*, Pustaka Pelajar, Yogyakarta, 2006
- Damang Averroes Al-Khawarizmi dan Muh. Nursal NS, *Carut Marut Pilkada Serentak 2015*, Jakarta: Philosophia Press, 2016
- Frans Magnis-suseno, *Etika Politik: Prinsip-prinsip Moral Kenegaraan Modern*. PT Gramedia Pustaka Utama, Jakarta, 1999
- Georg Sorensen, *Demokrasi Dan Demokratisasi (Proses dan Prospek dalam Sebuah Dunia yang berubah)*, Yogyakarta, Pustakapelajar, 2014
- Jimly Asshiddiqie, *Hukum tata negara dan pilar-pilar demokrasi*, Jakarta, Sinar Grafika, 2012
- Kacung Marijan, *Sistem Politik Indonesia, Konsolidasi Demokrasi Pasca-Orde Baru*. Kencana, Jakarta. 2010
- Nimmo. *Komunikasi Politik: Komunikator, Pesan, dan Media*. PT Remaja Rosdakarya, Bandung, 2005
- Mufti M Mubarak, *Suksesi Pilkada Jurus Memenangkan Pilkada Langsung*. Java Pustaka Media Utama. Surabaya. 2005
- Mukti Fajar ND dan Yulianto Achmad. *Dualisme penelitian Hukum, Normatif dan Empiris*. Yogyakarta: Pustaka Pelajar. 2013
- Rozali Abdullah, *Pelaksanaan Otonomi Luas dengan Pemilihan Kepala Daerah Secara Langsung*, Rajawali Pers, Jakarta, 2005
- Septi Nur Wijayanti dan Nanik Prasetyoningsih, *Politik Ketatanegaraan*, Yogyakarta, LabHukum Fakultas Hukum UMY, 2009
- Siswanto Sunarno, *Hukum Pemerintahan Daerah Di Indonesia*. Sinar Grafik, Jakarta, 2009
- Saukani HR, Affan Gaffar, dan Ryass Rasyid, *Otonomi Daerah dalam Negara Kesatuan*, Pustaka Pelajar, Yogyakarta, 2002
- Titik Triwulan Tutik, *Konstruksi Hukum Tata Negara Indonesia Pasca Amandemen UUD 1945*, Jakarta, Prenada Media Group, 2010
- Achmad Arifulloh, *Pelaksanaan Pilkada Serentak Yang Demokratis, Damai Dan Bermartabat*, Volume II No. 2 Mei - Agustus 2015
- Bhenyamin Hoessein, *Tantangan Global dan Tanggapan Lokal: Desentralisasi dan Efisiensi*. Manajemen Pembangunan, No. 19/V, 1997

- I Gede Pantja Astawa, *Hak Angket Dalam Sistem Ketatanegaraan Indonesia Menurut Undang-Undang Dasar 1945*, Disertasi Universitas Padjadjaran, Bandung, 2000
- Nopyandri, Pemilihan Kepala Daerah Yang Demokratis Dalam Perspektif Uud 1945, *Jurnal Ilmu Hukum*, Volume 2 Nomor 2 tahun 2013
- Nadapdap, Binoto. 'Pasang Surut Otonomi Daerah dan Pemilihan Kepala Daerah Secara Langsung.' *Sociae Polites Jurnal Ilmiah Ilmu Sosial dan Ilmu Politik*, Vol. V, No. 22, 2005
- Fitriyah. *Sistem dan Proses Pilkada Langsung*. Analisis CSIS, Vol. 34, No. 3. 2005
- Sri Budi Eko Wardani. *Calon Tunggal Gerak Mundur Partai Politik*. Majalah Komisi Pemilihan Umum Menjaga Hak Rakyat Bersuara Dalam Pemilu Edisi IV Juli-Agustus: Jakarta. 2015

A. Online Source

- Media Indonesia, *Biaya Pilkada Capai 4 Triliun*, diakses di <http://www.mediaindonesia.com/read/2010/07/07/152998/31/BI-Biayapemilikada-2010-Capai-4,2-Triliun>
- Hamid, *Menolak Pemilihan Gubernur Oleh DPRD*, di akses di <http://abahamid.wordpress.com/2010/09/04/menolakpemilihangubernuoleh-dprd/diunduh>
- Transkrip Diskusi Publik Terbatas, ijrsh.files.wordpress.com/2008/06/politik-uang-dalampilkada.pdf,
- Kamus Besar Bahasa Indonesia on-line, dikutip dari <https://kbbi.web.id/calon>,
- Perludem: Ada Dua Varian Calon Tunggal dalam Pilkada, <https://nasional.tempo.co/read/1073276/probosutedjo-20-tahun-berperangmelawan-kanker-thyroid>,
- <https://infopemilu.kpu.go.id/pilkada2018>.
- <http://pilkada2015.kpu.go.id/>.
- <https://pilkada2017.kpu.go.id/>.
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Muhammad Akbar <muhammadakbar@uindatokarama.ac.id>

Your submission has been sent for review

2 pesan

Ridwan Arifin <ridwan.arifin@mail.unnes.ac.id>

21 Maret 2024 pukul 03.44

Kepada: Muhammad Akbar <muhammadakbar@uindatokarama.ac.id>

Dear Muhammad Akbar,

I am pleased to inform you that an editor has reviewed your submission, The Constitutionality of the "Empty Box" Winning Over a Single Candidate in the Implementation of Regional Head Elections: A Case Study of the 2018 Makassar Mayoral Election, and has decided to send it for peer review. An editor will identify qualified reviewers who will provide feedback on your submission.

This journal conducts double-anonymous peer review. The reviewers will not see any identifying information about you or your co-authors. Similarly, you will not know who reviewed your submission, and you will not hear from the reviewers directly. You will hear from us with feedback from the reviewers and information about the next steps.

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Thank you, the article I sent to the editor of the Journal "Lex Scientia Law Review" has reached the review stage.

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- All necessary sections (introduction, literature review, methodology, results, discussion, conclusion) are present.
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Best regards,

Ridwan Arifin

Editor Lex Scientia Law Review

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The Constitutionality of the "Empty Box" Winning Over a Single Candidate in the Implementation of Regional Head Elections

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The Constitutionality of the "Empty Box" Winning Over a Single Candidate in the Implementation of Regional Head Elections: A Case Study of the 2018 Makassar Mayoral Election

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ABSTRACT

Regional elections with a single candidate began to receive a lot of attention, because previously, laws and regulations did not accommodate candidate pairs with less than two candidate pairs. The problem in this article is how the constitutionality of the empty box wins over a single candidate. The ballot for the election of one candidate pair to be voted contains two columns consisting of one column containing a photo and name of the candidate pair and a blank column that does not have a picture. The implementation of the regional elections for single candidate pairs against empty boxes is a political lesson for the Indonesian nation. This is proof that the development of the constitutional system and the electoral system of the Indonesian nation increasingly shows that the constitutional rights of citizens, both the right to be elected and the right to be a voter, will be fulfilled even though there is only one pair of candidates for regional heads and candidates for deputy regional heads. For this reason, the implementation of the election of one candidate pair must be expressly regulated in laws and regulations and political education both to political parties and to the public is very necessary, in order to learn better politics.

Keywords: constitutional rights, empty boxes, single candidates, election of regional heads.

Introduction

The power of the people turns out to still have a big role in the general election. This can be seen from the Regional Elections that occurred in the city of Makassar. Political parties only put forward one candidate for a partner, facing an opponent in the form of an empty box. This is certainly believed by the party elite

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to produce a glorious ¹ victory without an opponent. But the reality says otherwise, it turns out that the result is the opposite. People prefer empty boxes rather than single candidates for political party support, so that automatically the winner is the empty box itself. This incident denies the habit that often occurs, as in the 2015 and 2017 simultaneous regional elections, a single candidate always wins in the election. Although there was a lawsuit to the Constitutional Court in the Regional Election for a single candidate in Tasikmalaya Regency, but in the end the winner was always a single candidate³. Political parties are actually claimed to have a strong dominance in the democratic party, so they sometimes assume the role and function of the sovereign owner himself, namely the people. Although it can be admitted that there is a single candidate in the Simultaneous Regional Elections that occurs is a form of empirical democracy⁴. The state of the emergence of a "single candidate" is a normatively unimaginable, unpredictable, and even minus engineering. This means that democracy empirically in its implementation continues to develop and is influenced by the political system that occurs in the area

The juridical basis for a single candidate is regulated in Law Number 10 of 2016 concerning Regional Elections regulating the mechanism of regional elections that are only followed by a single candidate. Article 54D stipulates that the winner of the regional election with a single candidate must obtain more than 50 percent of the valid votes. If the votes obtained do not reach more than 50%, then the losing candidate pair can nominate again in the next election. Meanwhile, in article 25 paragraph 1 of PKPU Number 13 of 2018, it is stated that if the votes obtained in the blank column are more than the votes obtained in the photo column of the candidate pair, the KPU stipulates the holding of a re-election in the next period of the regional elections. While in paragraph (2) it is stated "The next simultaneous election as referred to in paragraph (1) can be held in the following year or carried out as scheduled in accordance with the provisions of laws and regulations.

From ¹¹⁶ data of the General Election Commission (KPU) in the 2018 Regional Elections, there are 16 regions that are only followed by one pair of candidates. The sixteen areas are North Padang Lawas Regency, Deli Serdang Regency, Prabumulih Regency, Lebak Regency, Tangerang Regency, Tangerang City, Pasuruan Regency, Tapin Regency, Southeast Minahasa Regency, Enrekang Regency, Bone Regency, Makassar City, Mamasa Regency, Jayawijaya Regency, Puncak Regency, and Central Membrano Regency.⁵

³Tamrin, Abu, and Nur Rohim Yunus, "Referendum Patterns In General Regional Challenges of Regional Head In 2015 In Three Districts; Tasikmalaya, Blitar And North Timor," *Jurnal Cita Hukum*. Vol. 5 No. 2, September (2017).

⁴Dhesinta, Wafia Silvi, "Single Candidate in the General Election of Regional Head and the Concept of Democracy (Analysis of the 2015 Blitar Regency Regional Head Election)," *Jurnal Cita Hukum*. Vol. 4, No. 1 June (2016).

⁵ <https://infopemilu.kpu.go.id/pilkada2018>.

Looking at the previous KPU data, the election² of regional heads with only one pair of candidates had occurred in the first wave of⁵ simultaneous regional head elections in 2015 where there were 3 regions, namely Blitar Regency (East Java), Tasikmalaya Regency (West Java), and North Central Timor Regency (East Nusa Tenggara)⁶ and in the second wave of simultaneous regional head elections in 2017, namely Buton Regency (Southeast Sulawesi), Landak Regency (West Kalimantan), Central Maluku Regency (Maluku), Tambrau Regency (West Papua), Sorong City (West Papua), Jayapura City (Papua), Tebing Tinggi City (North Sumatra), Tulang Bawang Barat Regency (Lampung), and Pati Regency (Central Java).⁷

From the data of the single candidate pair elections, it¹³ can be seen that there is an increase in the number of regions that held regional elections that are only attended by one pair of candidates, namely in 2015 there were 3 (three) single candidates, in 2017 there were 9 (nine) single candidates, and in 2018 there were 16 (sixteen) single candidates in the simultaneous regional elections.

In the 2020 simultaneous regional⁹ elections, there were 270 regions participating. Of the 270 regions that held the 2020 Regional Elections, there were 25 single candidates spread across 12 provinces that held the Regional Elections, namely the regions that had a single candidate, namely Humbang Hasundutan Regency, Gunung Sitoli City, Pematang Siantar, Pasaman Regency, Ogan Komering, Ogan Komering Ulu Selatan, North Bengkulu, Boyolali, Grobogan, Kebumen, Semarang City, Sragen and Wonosobo, Ngawi, Kediri, Badung Regency, West Sumbawa, Balikpapan City, Kutai Kartanegara, Gowa, Soppeng, Central Mamuju, South Manokwari, Arfak Mountains and Raja Ampat.²¹

There is an interesting phenomenon in the implementation of the regional head election which is only attended by one pair of candidates, namely the 2018 Makassar Mayor election, where the single mayoral candidate loses from an empty box. The pair of single candidates⁷⁸ Anafri Arifuddin-Rachmatika Dewi (Appi-Cicu) only won 47 percent of the votes, while²⁴ the empty box was 53 percent. The Appi-Cicu pair obtained 264,245 votes and the empty box was 300,795 votes.

Legal Basis for Single Candidate Against Empty Box¹⁴

The phenomenon of regional election¹²⁵ with one pair of candidates began to be known in the 2015 regional elections. Regional elections with one pair of candidates, before 2015 were unknown⁸⁹ this was when a legal test was submitted by Effendi Ghazali, the Applicant in the Constitutional¹⁹ Court Decision Number 100/PUU-XIII/2015, dated September 29, 2015, decided that regions that only have one pair of regional head candidates can participate in the simultaneous regional

⁶ <http://pilkada2015.kpu.go.id/>.

⁷ <https://pilkada2017.kpu.go.id/>. Retrieved October 22, 2022.

elections. Then based on the provisions of Article 14 paragraph (1) of the General Election Commission Regulation Number 14 of 2015 concerning the Election of Governors and Deputy Governors, Regents and Deputy Regents, and/or Mayors and Deputy Mayors (State Gazette of the Republic of Indonesia Year 2015 Number 1567, hereinafter referred to as PKPU 14/2015), which states "The means used to vote in the Election of 1 (one) Candidate Pair use a ballot containing a photo of the Candidate Pair, the name of the Candidate Pair and 1 column to give the option of agreeing or disagreeing". Then it was revised again with the provisions of Article 14 paragraph (1) of the General Election Commission Regulation Number 13 of 2018 concerning Amendments to the General Election Commission Regulation Number 14 of 2015 concerning the Election of Governor and Deputy Governor, Regent and Deputy Regent, and/or Mayor and Deputy Mayor with One Pair of Candidates (State Gazette of the Republic of Indonesia Year 2018 Number 431, hereinafter referred to as PKPU 13/2018) which states, "The means used to vote in the Election of 1 (one) Candidate Pair use a ballot containing 2 (two) columns consisting of 1 (one) column containing a photo of the Candidate Couple and 1 (one) blank column that does not have a picture".

The implementation of regional elections with 1 (one) pair of candidate is carried out as stipulated in the provisions of Article 54C paragraph (1) of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law (Statute Book of the Republic of Indonesia Number 130 of 2016, Supplement to Statute Book of the Republic of Indonesia Number 5898, hereinafter referred to as Law 10/2016) states that, "The election of 1 (one) candidate pair is carried out in terms of meeting the following conditions: (a) after the postponement and until the expiration of the registration extension period, there is only 1 (one) candidate pair that registers and based on the results of the research the candidate pair is declared eligible; (b) there is more than 1 (one) candidate pair who registers and based on the results of the research there is only 1 (one) candidate pair that is declared eligible and after the postponement until the end of the reopening period of registration there is no candidate pair who registers or the candidate pair who registers based on the results of the research is declared ineligible which results in only 1 (one) candidate pair; (c) from the determination of the candidate pairs until the start of the Campaign period there are candidate pairs that are permanently disabled, the Political Party or the Political Party Coalition does not propose candidate/replacement candidate pair that is proposed to be declared ineligible resulting in only 1 (one) candidate pair; (d) from the start of the Campaign period until the day of voting, there are candidate pairs that are permanently disabled, the Political Party or the Political Party Coalition does not propose a candidate/pair of substitute candidates or the

proposed candidate/pair of substitute candidates is declared ineligible resulting in only 1 (one) pair of candidates; or (e) there is a pair of candidates who are subject to cancellation sanctions as election participants resulting in only 1 (one) pair of candidates.

Meanwhile, provisions of Article 54C paragraph (2) of Law 10/2016 states, "The election of 1 (one) candidate pair is carried out using a ballot containing 2 (two) columns consisting of 1 (one) column containing a photo of the candidate pair and 1 (one) blank column without a picture. In addition, the provisions of Article 54D of Law 10/2016 states:

1. The Provincial KPU or Regency/City KPU determines the selected candidate pairs in the Election of 1 (one) candidate pair as referred to in Article 54C, if it gets more than 50% (fifty percent) of the valid votes.
2. If the votes of the candidate pair are less than as intended in paragraph (1), the candidate pair who loses the election may nominate again in the next election.
3. The next election as referred to in paragraph (2) shall be repeated in the following year or carried out in accordance with the schedule contained in the laws and regulations.
4. In the event that there is no pair of elected candidates for the results of the Election as referred to in paragraphs (2) and (3), the Government assigns an acting Governor, Acting Regent, or Acting Mayor.
5. Further provisions regarding the procedure for the election of 1 (one) pair of candidates are regulated by the KPU Regulation."

Factors Causing the Occurrence of Single Candidates include⁸:

- a. Juridical factor of the existence of a single candidate for the Decision. The Constitutional Court Number 100/PUU-XIII/2015, which was followed by Law 10/2016 and PKPU 14/2015, which was later amended by PKPU 13/2018.
- b. Non-juridical factors in the candidacy process require high costs and money politics. The high price of dowry (money politics)⁹ from the supporting party, so rationally if there is a strong incumbent candidate, other candidates will definitely make rational calculations, rather than losing everything, it is better to abandon the intention to become a candidate because to become a candidate they have to pay a dowry. Not to mention the funds that will be used for campaigns, funds to win voters' votes, funds to secure votes starting

⁸Ayu Lestari Ridwan, Iza Rumesten RS, Factors Causing the Presence of a Single Candidate in the Election of Regional Heads, Simbur Cahaya, Faculty of Law, Sriwijaya University, p. 251.

⁹Political dowry seems to be commonplace because it is considered a boat fare under the pretext of being used as a financing fund to run the wheels of party vehicles

from the polling station level to securing votes at the KPU, Regency/City KPU, Provincial KPU, Central KPU, and even at the Constitutional Court level in the event of a dispute.¹⁰ The practice of political dowry is very difficult to prevent in practical politics in Indonesia. Political dowry seems to be mandatory to be given when the candidate couple wants to advance to become a bride in the process of nominating regional heads. If the political dowry is not paid, it is certain that the candidate pair will not be able to advance as candidates in the regional elections.

- c. Non-juridical factors are the weak competitiveness of prospective candidates in political competition.

This can be because the candidate who advances buys the support of all political parties so as to close the opportunity for other participants to be able to advance to become candidates for the regional elections, meaning that with large capital, the candidate for regional head locks the opportunity for other candidates to get support. So that it can be seen that there is a weakening of competitiveness and the lack of courage to compete in battle.¹¹ The opponent is defeated before advancing in battle, or what is also called the egoism of power.¹²

- d. Non-juridical factors are the political interests of the political elite. The party has failed to regenerate cadres on the one hand and on the other hand there has been a leadership crisis in the regions. The party seems to be only used for the benefit of things that are pragmatic by its elites, which does not rule out the possibility of being inseparable from the existence of elite conflicts. For the sake of practical politics, sometimes in carrying a pair of candidates who will be advanced as contestants in the elections, political parties forget the party ideology. Such practical political practices are usually carried out for the sake of achieving the goals of short-term political parties.

The election of regional heads without contestation is not essentially the election of regional heads who are in line with the principles of *luber and jurdil*.

¹⁰Iza Rosten, The Phenomenon of Single Candidates in the Democratic Party, *Journal of Constitution*, Vol. 3, No. 1, March 2016, Sriwijaya University Palembang, p. 80

¹¹Robert A. Dahl, *On Democracy*, (Jakarta: Yayasan Obor Indonesia, 2001), p. 21. Theoretically, the criteria for community democracy are competition and participation, but empirical circumstances cannot be limited by their change and development. Quality democracy must be accompanied by a process of check and balance, so that power can be distributed fairly to avoid the tyranny of power.

¹²Lili Romli, Single Candidate and Democracy Deficit, <http://mediaindonesia.com/read/detail/141847-calon-tunggal-dan-defisit-demokrasi>, downloaded October 29, 2020. The existence of a single candidate is the result of two parties that are mutually interested, namely the incumbent and the political party. The incumbent has an interest in maintaining the status quo, staying in power, by trapping rivals through "party buying". Meanwhile, parties are interested in winning and/or supporting the incumbent.

⁸⁷ The right to vote and the right to vote will be reduced by the presence of a single ³ candidate, because voters are faced with an artificial (pseudo) choice which is only against an empty box.

The Concept of Regional Head Election ⁵⁶

a. Basic Concept of Regional Head Election

The Regional Head Election is a political moment at the local level, namely the process of replacing regional leaders which ¹⁰⁹ carried out by direct election. This method of direct election is a new item in the current regional head election system, where in the era before the 1998 reform, regional heads were elected by members of the DPRD behind closed doors, and this was considered non-transparent, full of fabrication and ²³ far from democratic¹³.

The momentum of reform was marked by the collapse of the new order, ²³ and there were changes to the 1945 Constitution of the Republic of Indonesia, one of which was the provision on local government. The amendment of the provisions of Article 18 of the 1945 Constitution to 18, 18A and 18B is a new dimension for local government ⁵⁸ arrangements.

Article 18 paragraph (4) of the 1945 Constitution of the Republic states that the Governor, Regent, and Mayor respectively as heads of provincial, regency ⁴⁴ and city local governments are democratically elected. If you look closely, the provisions of Article 18 paragraph (4) of the 1945 Constitution do not affirm the necessity that the Governor, Regent and Mayor must be elected through an election that is carried out directly. However, ⁶⁷ according to Rozali Abdullah, because the regions are an inseparable part of the Republic of Indonesia, the election of regional heads and deputy regional heads should be synchronized with the election of the president ²⁷ and vice president, namely through direct elections¹⁴. As emphasized in Article 56 paragraph 1 of Law Number 12 of 2008 concerning local government, it states that "Regional heads and deputy ¹²⁷ regional heads are elected in one pair of candidates which are carried out directly, publicly, freely, secretly, ²³ honestly and fairly".

This provision has implications for ²² paradigm shift in local government from centralization to decentralization. According to Bhenyamin Hoessein, decentralization is the establishment of autonomous regions and/or the handing over of certain authority to them by the central government¹⁵. This understanding is based on the empirical case of Indonesia, where the birth of

¹³ Kacung Marijan, *Indonesia's Political System, Consolidation of Post-New Order Democracy*. Kencana, Jakarta. 2010 ³⁷ 23

¹⁴ Rozali Abdullah, *The Implementation of Broad Autonomy with Direct Election of Regional Heads*, Rajawali Pers, Jakarta, 2005, p. 53

¹⁵ Bhenyamin Hoessein, *Global Challenges and Local Responses: Decentralization and Efficiency*. Development Management, No. 19/V, 1997. Page 7

autonomous regions and regional autonomy in Indonesia is the result of the creation of the government through the process of decentralization.

B. C. Smith stated that decentralization requires the delegation of power to subordinate governments and the distribution of power to the regions. The central government is required to hand over power to local governments as a form of decentralization. Direct regional elections are a form of implementation of decentralization from a political perspective, where there is a process of transferring the locus of power from the center to the regions more freely regulating their own household affairs.

The fundamental problem regarding the election of regional heads in general is related to the understanding and meaning of the word "democratic" which is then debated into direct elections called democratic and other opinions that state that indirect elections can actually also be democratic¹⁶, as long as the election process is carried out democratically. The mechanism for the election of regional heads is called democratic if it meets several parameters. Robert Dahl, Samuel Huntington and Bingham Powell as quoted by Saukani, HR and friends said that the parameters to observe the realization of democracy include: general elections, power rotation, open recruitment, and public accountability¹⁷.

With such an understanding, the implementation of the Regional Elections is directly seen as having a positive impact on strengthening democracy in Indonesia. There are five important considerations for the implementation of direct regional elections for the development of democracy in Indonesia¹⁸, namely:

1. Political participation

Direct Regional Elections are an answer to the demands of the people's aspirations. In direct regional elections, the people are directly involved in determining who is worthy (has credibility and the ability to fight for aspirations and meet the interests of the people) to be their servants (public officials). Through such a process, awareness can grow that they are the true holders of political sovereignty. Included in this awareness is caution in making choices, because wrong choices can have bad consequences for their lives.

2. Local political competitions

¹⁶ Nopyandri, Democratic Regional Head Election in the Perspective of the 1945 Constitution, *Journal of Law*, Volume 2 Number 2 of 2013, p. 9

¹⁷ Saukani HR, Affan Gaffar, and Ryass Rasyid, *Regional Autonomy in a Unitary State*, Student Library, Yogyakarta, 2002, pp. 12-13

¹⁸ Mufti M Mubarak, *the succession of the regional elections won the direct elections*. Java Main Media Library. Surabaya. 2005. pp. 3-7

The regional elections immediately opened up space to compete fairly and fairly among the existing contestants. Thus, it is hoped that there will no longer be a contestant from a certain pair of candidates who dominate the ongoing process and close the space for other groups to compete fairly.

3. Political Legitimacy

In contrast to the indirect Regional Elections (through the DPRD) as previously held, direct Regional Elections will provide strong legitimacy for the leadership of the elected regional heads. In the direct election mechanism, the elected leadership will reflect the configuration of political power and the interests of the constituents of the electorate (the people), so that it can be ensured that the democratically elected candidate will have the support of the majority of the voting society.

4. Minimization, Manipulation and cheating

One of the elements that encourages the implementation of direct regional elections is the rampant various cases of transactional politics and various other forms of fraud in the implementation of the regional elections that have been happening. Government intervention in the election of regional heads has indeed decreased since the enactment of regional autonomy, but the problem has shifted to the representative institutions in the regions that carry out the regional elections in the form of transactional politics that occurs in almost all regions. The success of regional autonomy, one of which is also determined by local leaders produced in direct elections, is the commitment of local leaders in realizing the goals of regional autonomy, among others, to improve the welfare of the community by always paying attention to the interests and aspirations of the community so that it can be realized

5. Accountability.

The accountability of regional heads is very important. This is because if the people as voters consider that the elected regional head is unable to carry out his duties properly and is responsible to the people, then the people will sanction him in the next Regional Election by not re-electing him.

Furthermore, according to Juliansyah, the Regional Elections are "As a medium to carry out the democratic election of regional heads in accordance with the mandate of the 1945 Constitution, and local governments are given the authority to regulate and manage their own government affairs according to the principle of autonomy and assistance duties. The granting of broad autonomy to the regions is directed to accelerate the realization of community welfare through improving services, empowerment and community participation. With broad autonomy, it is expected to be able to increase competitiveness by paying

attention to the principles of democracy, equity, justice, privilege and specificity as well as regional potential and diversity in the Unitary State system of the Republic of Indonesia. Political positions are filled through the Regional Elections in accordance with the context of Law Number 32 of 2004 with local governments which are expected to accelerate the welfare of the community, because the people in the area are more familiar with the character and ability of their leaders. The people of the electorate have a social responsibility from what they have chosen, according to the vision, mission, and program in realizing the regional progress that their leaders in their regions want to achieve through the social selection process. Therefore, the essence of the regional elections is through a competition and political process, and local people can accept the process that has been running in order to create common prosperity."¹⁹

Based on the above opinion about the purpose of the direct implementation of the Regional Elections, where it is said that the people can get to know their own regional leader candidates, this shows that in fact the direct Regional Elections are a very democratic mechanism different from the previous one. The election of regional heads at the time of the enactment of Law Number 5 of 1974 and Law Number 22 In 1999, the people were not directly involved in determining regional heads and deputy regional heads, so sometimes those who became regional heads were only representatives of political parties, local political elites and the central government.

The regional election directly open up opportunities for the people to select for themselves the candidates for regional heads and deputy regional heads that the people want. Thus, because regional heads are elected directly by the people, the emotional relationship will be able to side with the people who have entrusted the mandate to the candidates they want together through the direct election of regional heads.

The election of regional heads directly gives optimism to the public that the quality of regional leadership will improve. Even though some issues invite public concern, the mechanism for electing leaders who are directly elected by the people is believed to be better than the indirect election mechanism that has been carried out before the reform era.

Direct regional elections will in turn provide political education to the people in the regions to choose and determine their own leaders without any intervention from anyone, including the central government and/or political elites at the central level. The direct elections will also provide leadership

¹⁹ Ahmad Nadir, *Direct Regional Elections and the Future of Democracy A Study on the Articulation of Nahdiyyin Politics and Dynamics*. AVERROES PRESS, Malang, 2005, pp. 14-16

training for local elites to develop their skills in formulating and making policies, overcoming problems in the community, political communication with the community, and articulating and aggregating community interests.

These experiences, in turn, are expected to produce reliable politicians or leaders who can compete at the national level. Direct regional elections also create a pattern of recruitment of local leaders with clear standards. With direct elections, there will be recruitment of political leaders from the regions (local), not dropped from the center. With direct regional elections, the people are directly involved in choosing their leaders. This direct involvement of the people will in turn increase democratization at the local level, where the people truly have sovereignty.

Advantages and Disadvantages of Direct Regional Head Election

Efforts to realize democratization in Indonesia are pursued through various ways, one of which is by carrying out decentralization, including direct regional elections. Decentralization is part of the democratization process. With decentralization, the regions, both their governments, their people, and people's representatives, are given the possibility and opportunity to formulate and implement public policies that are in accordance with the interests of the local community²⁰.

One form of implementation of decentralization is the direct election of regional heads. The election of regional heads directly has a very close correlation with the implementation of people's sovereignty. With the direct election of regional heads, the people can determine their own leaders in their regions, so that a close relationship is established between regional heads and the people that can encourage the realization of democratic and participatory regional government implementation. Direct elections in Indonesia are often said to be a leap of democracy that can have both positive and negative connotations. In a positive sense, the Regional Elections directly provide opportunities for the people in the regions as one of the political infrastructures to elect their regional heads directly through a voting mechanism. This will encourage the people in the region as one of the political infrastructures to elect their regional heads directly through a voting mechanism. Meanwhile, in a negative sense, the Regional Elections are directly a leap of democracy which is a party of the regional people, the people in the regions are free to do anything²¹.

Direct regional elections can be a pillar that strengthens the building of

²⁰ Nadapdap, Binoto. *The Ebb and Flow of Regional Autonomy and Direct Regional Head Elections*. Sociae Polites Scientific Journal of Social and Political Sciences, Vol. V, No. 22, 2005. p. 5

²¹ Fitriyah. *Direct Regional Election System and Process*. CSIS Analysis, Vol. 34, No. 3. 2005. p. 3

democracy nationally. The implementation of the Regional Elections directly shows an increase in democracy. The level of democracy of a country is determined, among other things, by how much the community plays in determining who among them is made state officials. The more state officials, both at the local and national levels, who are directly elected by the people, the higher the level of democracy in the country²². This is in accordance with Dahl's opinion that democratization at the national level is only possible if democracy also takes place at the local level²³.

⁵⁶ Simultaneous Regional Head Election

The direct regional head general election (Pilkada) is a means as well as an effort to realize the democratic system as a whole and as a step to realize the sovereignty of the people. Hopes for the realization of good governance after the transition of the democratic system from the old pattern of applying indirect democracy to direct democracy did not immediately bring blessings in the form of fundamental changes. In fact, what happened was not in accordance with expectations, a lot of corruption was carried out by regional heads in various parts of the country so that what was aspired to for regional autonomy to spur the acceleration of people's welfare has not been seen.

One form of community participation in Pemilukada is to participate in using their voting rights to choose their leaders. The increasing involvement of the community in the implementation of elections shows the strengthening of the democratic order in a country. By participating in the general election process as a smart society, we must be able to assess the best candidates who are willing to listen to the aspirations of the community, not choose candidates who are only selfish or their groups so that they forget the promises that have been made during the campaign period so that the development that will be carried out is in accordance with the wishes of the community. The public should also not waste their voting rights "paid" or for temporary lures. The Simultaneous Regional Elections depart from the hope, among others, to reduce the cost of organizing or budget efficiency which has been felt to be very unreasonable. The implementation of the Simultaneous Regional Elections can save costs because the cost should be incurred twice to finance the Regent/Mayor and Governor's Regional Elections, so that the cost is enough to be borne jointly in the Provincial Budget and the Regency/City Budget. With cost efficiency, it is hoped that regional head candidates will not spend too much on their political costs so as to minimize the occurrence of acts of corruption. Because the cost of the Regional Elections is very expensive, it is estimated that it is a form of starting point for regional heads to commit various acts

²² *Ibid*

²³ *Ibid*

of corruption. An elected regional head seeks to recoup the political costs he has incurred during the campaign.

One of the important aspects is to knit awareness of community participation that quality elections are the extent to which the political attitudes and motivations of the community and the candidates can jointly build the essence of the goal of regional autonomy. Direct elections are not just a fight for regional head seats that have no implications for the welfare of the community. However, it must be a challenge in maintaining democracy for the welfare of the people. The simultaneous implementation of regional head elections (pilkada) must receive a portion of more attention from the government. The stages of the simultaneous regional elections require careful preparation. We really hope that this simultaneous regional election can have a positive impact on improving the quality of government in the region and the government can run better to improve people's lives, the quality of candidates, the quality of organizers and the quality of results in accordance with the expectations of all of us.

All of this can be realized and run well with the support of political parties, election organizers, the community and other stakeholders. The first batch of simultaneous Regional Head Elections (pilkada) was held on December 9, 2015. This election is to elect regional heads whose term of office ends in 2015 until the January-July 2016 range.

Simultaneous regional elections are a new thing in Indonesia's constitutional system. In practice, the simultaneous regional elections do not have a reference. On the other hand, the 2015 simultaneous regional elections are expected to be a barometer for the implementation of the next simultaneous regional elections, namely the simultaneous regional elections in 2017, 2018, 2020, 2022, 2023. Only in 2027, the regional elections are planned to be held simultaneously nationally.

Overview of Single Candidate

One of the hot issues related to the democratic process through the regional elections is the re-emergence of the phenomenon of single candidate pairs in the implementation of the 2019 regional elections. Mohammad Alexander said that "As a product of local political dynamics, a single candidate in the regional elections provides an alternative to achieve participation in order to avoid the loss of constitutional rights from citizens and advanced candidates, but on the other hand, places the regional elections as uncontested elections where uncontested elections will degrade the elements of participation in democracy."²⁴

²⁴ Mohammad Alexander M, Thesis on Democracy Anomalies: A Study on the Process of the Emergence of Single Candidates in the Single Candidate Regional Elections of Blitar Regency, (Surabaya: Universitas Airlangga, 2015), p. 1.

According to the Great Dictionary of Indonesian, there is no detailed explanation regarding a single candidate, but if translated verbatim, a candidate is a person who will become or a person who is educated and prepared to occupy a certain position or profession²⁵. While the single is the only one²⁶. So that in general, the term single candidate in the regional elections can be interpreted as the only person who will compete in a fight or competition that is educated and prepared to occupy a certain position or profession. In the context of the election of regional heads, a single candidate is an unexpected phenomenon or condition caused by laws and regulations regarding regional elections that require a minimum of two pairs of regional head candidates.

Executive Director of the Association for Elections and Democracy (Perludem) Titi Anggraini said "there are two variants of single candidates in the regional head election or Pilkada. First, the sole candidate is a person who has previously been in power or an incumbent. Second, a single candidate is a relative or family of the person in power"²⁷. In terms of regulation, a single candidate is accommodated through Article 54C paragraph (1) of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law.

The constitutionality of a single candidate against an empty box in simultaneous regional head elections in Indonesia

1. Single Candidate Against Empty Box Requirements

The reality of the emergence of a single candidate in the simultaneous regional elections raises questions from various parties regarding whether the continuation of regional heads will be continued or not considering that there are no laws and regulations that discuss the issue. On this basis, through a request for a material test of Law Number 8 of 2015 concerning Amendments to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law against the Constitution of the Republic of Indonesia in 2015. The Constitutional Court (MK) then issued Decision Number 100/PUU-XIII/2015 which states that regions that only have one pair of regional head candidates can participate in the simultaneous Pemilu.

²⁵ Great Dictionary Indonesian on-line, quoted from <https://kbbi.web.id/calon>, accessed October 22, 2022

²⁶ *Ibid*

²⁷ Quoted from Tempo, Perludem: There are Two Variants of Single Candidates in the Regional Elections, <https://nasional.tempo.co/read/1073276/probosutedjo-20-tahun-berwarfighting-cancer-thyroid>, accessed on October 22, 2022

Related to this, ⁴ the General Election Commission (KPU) then issued the General Election Commission Regulation of the Republic of Indonesia Number 14 of 2015 concerning the Election of Governor and Deputy Governor, Regent and Deputy Regent, and ⁴ Mayor and Deputy Mayor with One Pair of Candidates as mentioned in the provisions of Article 14 paragraph (1) which emphasizes that:

"The means used to vote in the Election of 1 (one) Candidate Pair use a ballot containing a photo of the Candidate Pair, the name of the Candidate Pair and a column to give a choice to agree or disagree."

Based on this, in 2016 the government then made amendments to Law Number 8 of 2015 concerning Amendments to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law into Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 2014 concerning the Election of Governors, Regents, and Mayors became a law where the provision for one pair of candidates is explicitly regulated in Article 54C which emphasizes that:

- (1) The election of 1 (one) candidate pair is carried out in the event of meeting the following conditions:
 - a. After the postponement and until the end of the registration extension period, there is only 1 (one) candidate pair who registers and based on the results of the research, the candidate pair is declared eligible;
 - b. There are more than 1 (one) candidate pairs who register and based on the results of the research there is only 1 (one) candidate pair that is declared eligible and after the postponement until the end of the reopening period of registration there are no candidate pairs who register or candidate pairs who register based on the results of the research are declared ineligible which results in only 1 (one) candidate pair
 - c. since the determination of the candidate pair until the start of the Campaign period there is a candidate pair who is permanently disabled, the Political Party or the Political Party Coalition does not propose a candidate/replacement candidate pair or the proposed candidate/replacement candidate pair is declared ineligible which results in only 1 (one) candidate pair
 - d. since the start of the Campaign period until the day of voting, there are candidate pairs that are permanently disabled, the Political Party

- or the Political Party Coalition does not propose a candidate/replacement candidate pair or the proposed candidate/replacement candidate pair is declared ineligible which results in only 1 (one) candidate pair; or
- e. there are candidate pairs who are subject to cancellation sanctions as election participants resulting in only 1 (one) candidate pair.
- (2) The election of 1 (one) candidate pair is carried out using a ballot containing 2 (two) columns consisting of 1 (one) column containing a photo of the candidate pair and 1 (one) blank column without a picture
- (3) Voting is done by voting.

The above provisions are then emphasized in Article 14 paragraph (1) of General Election Commission Regulation Number 13 of 2018 concerning Amendments to General Election Commission Regulation Number 14 of 2015 concerning the Election of Governor and Deputy Governor, Regent and Deputy Regent, and/or Mayor and Deputy Mayor with One Pair of Candidates. The provisions of Article 14 in full confirm that:

"The means used to vote in the Election of 1 (one) Candidate Pair use a ballot paper containing 2 (two) columns consisting of 1 (one) column containing a photo of the Candidate Pair and 1 (one) blank column without a picture."

Furthermore, the provisions of Article 18 of the General Election Commission Regulation Number 13 of 2018 concerning Amendments to the General Election Commission Regulation Number 14 of 2015 concerning the Election of Governor and Deputy Governor, Regent and Deputy Regent, and/or Mayor and Deputy Mayor with One Candidate Pair, emphasizes that "Voting for the Election of 1 (one) Candidate Pair by voting 1 (one) time in the column containing a photo of the Candidate Pair or a blank column that does not have a picture." The provision states that the ballot paper for the single candidate to be voted contains, contains two columns consisting of one column containing a photo and name of the single candidate pair and a blank column that does not have a picture, voters are given the freedom to vote by voting for the column with a picture of the candidate pair or a blank column which in the author's language is mentioned as a blank box.

To determine whether or not a single candidate will be elected in the simultaneous elections, it refers to the provisions of Article 54D of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number

1 of 2014 concerning the Election of Governors, Regents, and Mayors into a Law that confirms that:

- (1) The Provincial KPU or Regency/City KPU determines the selected candidate pairs in the Election of 1 (one) candidate pair as referred to in Article 54C, if it gets more than 50% (fifty percent) of the valid votes.
- (2) If the votes of the candidate pair are less than as intended in paragraph (1), the candidate pair who loses the election may nominate again in the next election.
- (3) The next election as referred to in paragraph (2) shall be repeated in the following year or carried out in accordance with the schedule contained in the laws and regulations.
- (4) In the event that there is no pair of elected candidates for the results of the Election as referred to in paragraphs (2) and (3), the Government assigns an acting Governor, Acting Regent, or Acting Mayor.
- (5) Further provisions regarding the procedure for the election of 1 (one) candidate pair are regulated by KPU Regulations.

Based on the above provisions, a single candidate pair will only be determined as an elected pair if it obtains more than 50% of the valid votes. If minimum number of votes is not met, the regional elections will be repeated the following year or held according to the schedule in the laws and regulations.

A single candidate who is declared "lost" can run again by following the initial mechanism, including the composition of supporting political parties that may be different. Politically, there is no guarantee that political parties or coalitions of old political parties will support the single candidate who loses. In the Makassar mayoral election (Pilwalkot) in South Sulawesi in 2018, Empty box declared a winner by obtaining 53 percent of the votes while the single candidate, the pair Munaffri Arifuddin-Rachmatika Dewi, only obtained 47 percent of the votes²⁸. Since there is no candidate pair elected, the government assigns an interim acting to lead until the next election.

Based on the description above, the requirements for a single candidate in the simultaneous regional elections that will be held in 2024, where regions that carry out simultaneous regional elections must meet the conditions as referred to in the provisions of Article 54C of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors Become Law, if they meet the

²⁸ Arizka Citizen. *Gibran against an empty box in Solo? This is the mechanism of a single candidate in the Regional Elections*. Accessed on <https://theconversation.com/gibran-lawan-kotak-kosong-di-solo-begini-mekanisme-calon-tunggal-dalam-pilkada-143607> on January 10, 2023

conditions referred to in these provisions, then it can be ensured that the regional elections in the area will only be followed by a single candidate against an empty box. Meanwhile, regarding the pair of candidates for regional heads, they can be considered as participants in the regional elections if they meet the provisions stipulated in the General Election Commission Regulation of the Republic of Indonesia Article 3 Number 3 of 2017 concerning the candidacy for the election of governors and deputy governors, regents and deputy regents, and/or mayors and deputy mayors which reads that the election participants are:

- a. Candidate pairs proposed by political parties or coalitions of political parties and have qualified to be designated as election participants, and/or
- b. Individual candidate pairs who have registered and have met the requirements to be designated as voter participants.

Furthermore, the provisions of Article 40 paragraph (1) of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors Become a Law that confirms that:

"Political parties and coalitions of Political Parties can register candidate pairs if they have met the requirements for obtaining at least 20% (twenty percent) of the number of seats in the Regional People's Representative Council or 25% (twenty-five percent) of the accumulated valid votes obtained in the general election of members of the Regional People's Representative Council in the region concerned".

Based on the above provisions, political parties can submit candidates for regional heads if they meet these provisions, in addition to political parties on the individual route or independent route, they are also allowed to register themselves as candidates for regional heads through the individual route which of course must meet the provisions of the applicable laws in this case is Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations Replacement of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law

2. Causes of the Emergence of Single Candidates Against Empty Boxes

If observed, broadly speaking, there are at least several factors that encourage the emergence of a single candidate, as the author below is as follows:

- a. Nomination process that requires high costs

⁶⁴ To run as a candidate for regional head is not easy, because it requires high costs in the nomination process. In addition to demanding the cost of making various candidate identification properties through banners, stickers, and so on, ¹⁰ if you do not also prepare a political dowry to a political party, it is certain that someone who wants to become a regional head will not be able to achieve his dream⁴.

Political dowry ⁴ seems to be commonplace, because it is considered a boat fare whose pretext will later be used as a financing fund⁵ to run the party's vehicles. The phenomenon of one pair of candidates being born because of the high dowry from the supporting party, then rationally, if there is a strong incumbent candidate, other candidates will definitely calculate rationally⁵. Instead of losing everything, it is better to undo the intention to become a candidate, because just to become a candidate they have to pay a dowry.

Not to mention the funds that will be used for campaigns, funds to win voters' votes, funds to secure votes starting from the polling station level to securing votes at the KPU, Regency/City KPU, Provincial KPU, Central KPU and even at the Constitutional Court level in the event of a dispute. The practice of political dowry is a very difficult thing to prevent in practical politics in Indonesia. Political dowry seems to be mandatory to be given when the candidate pair wants to advance to become a bride in the process of candidacy for regional ⁶⁹ heads. If the political dowry is not paid, it is certain that the candidate pair will not be able to advance as candidates in the regional elections.

b. Candidates who buy parties to be their supporters

The trigger for the existence of one pair of candidates in Pemilukada is because the candidates who advance buy the support of all political parties, thus closing the opportunity for other regional sons to be able to advance to become mayoral candidates. This means that with a large amount of capital, the candidate for regional head locks the opportunity for other candidates to get support. Although this cannot also be blamed, because in fact Pemilukada is a gamble to be able to win and occupy power. However, what is wrong is the weak competitiveness and the lack of courage to compete in battle.

Opponents are defeated before advancing in battle. In fact, the appropriate word for this condition is the existence of power egoism. In fact, the true fight is when there is an opponent¹³ in front of you, so that if the victory achieved, or the defeat obtained, it is all a form of true toughness and courage. This happens because not every pair of candidates who advance as contestants in the election have good financial capabilities. Candidate pairs who have financial limitations will usually be eliminated by themselves.

c. Cadre regeneration that is not optimal in political parties

So far, the recruitment process tends to be *injury time* or not prepared based on nature regeneration. Where so far political parties have tended to rely on members of the DPR, DPD, or DPRD to become candidates in the Regional Elections. However, since there is a provision after the Constitutional Court's decision that members of the DPR, DPD, or DPRD who are advancing to the Regional Elections must resign, it is increasingly difficult for the party to find cadres to carry, because many legislators do not want to resign, especially if their chances of election are low.

Political parties have an important position in the constitution. One of the functions of political parties is to conduct political education. However, currently, political parties are considered to have not carried out political education optimally both to the public and within the party. Political parties have three functions, namely preparing cadres for national leadership both in the legislature and the executive, channeling people's aspirations, and conducting political education. Political education to internal political parties can be seen in the regeneration. However, this regeneration is not running optimally. As long as the regeneration of political parties is not optimal and the role of preparing the candidate for leader is not carried out optimally, political parties will still have difficulty proposing their candidates in the election contest.

Based on the above, the phenomenon of one pair of candidates in the regional elections cannot be considered something ordinary, because the implementation of the regional elections requires considerable financing from the Regional Expenditure Budget (APBD) of each region. Although, currently the Government has initiated the simultaneous election of regional heads to reduce the budget. However, the Ministry of Home Affairs actually stated that the simultaneous implementation of regional head elections is more wasteful than the election of regional heads whose time is adjusted by each region.

3. Constitutional Single Candidate Against Empty Box

Modern countries in carrying out their government are based on law (*Rechtsstaat*) and not based on mere power (*Machtsstaat*).²⁹ This is based on the development of the concept of legal protection that has gone global, and the concept of absolutism of power that is fading. One of the essential elements of the state of law is upholding the supermation of the constitution.

This is logical, because in the constitution, there are generally provisions related to the elements that must exist in the state of law. In addition to upholding

⁶⁶ ²⁹ Xavier Nugraha et al., *The Use of the Noken System in Papua as a Form of Democratic Regional Head Election in the Perspective of the 1945 Constitution*, Yogyakarta: Harfeey Publishers, Cet. 1, 2019, p. 93

the supremacy of the constitution³⁰ in addition to being a consequence of the concept of the state of law, the democratic system of government is generally used because it is⁷ the highest form of social agreement. One of the juridical consequences of the democratic legal system in Indonesia is the election of leaders in a democratic way. The election of the²⁷ leaders includes the election of leaders in the regions or commonly known as regional⁴⁰ heads.

The democratic election of regional heads is regulated in Article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia which emphasizes that "Governors, Regents and Mayors as Heads of Provincial³ Governments, Regencies and Cities are democratically elected". The emergence of a single candidate against an empty box in the simultaneous regional head elections that³⁰ occurred in several regions in Indonesia is certainly an ironi⁴ thing, where Indonesia is the third largest democracy in the world that has a relatively large number of parties.

The mechanism for selecting a single¹²⁹ didate must be faced with an empty box⁴¹ in "opponent", meaning that the candidate pair contests with an empty box. When⁴¹ single candidate gets the most votes, basically the pair of single candidates does not win the contest but just wins because they are dealing with non-election participants who are not legal subjects and do not receive facilities from the state³⁰.

The facilities provided only for socialization are regulated in the KP¹¹⁹ Regulation, not the Law. Important facilities such as campaigns, witnesses at the time of recapitulation and filing lawsuits to the Constitutional Court are not given in empty boxes. The blank box is presented as an alternative option for voters who are not willing to choose a candidate pair. The existence of an empty box is considered an attempt to keep the contestation dimension alive. However, the contestation is actually not really fair.

On the other hand,¹¹³ one of the principles of a democratic Regional⁷ Election is based on justice. Regarding the principle of fairness, in the implementation of the Regional Elections, it is not only interpreted narrowly to present justice for local residents as sovereign holders in providing voting rights to choose candidate pairs in the voting booth. M¹⁰⁰ broadly, the principle of justice must also be implemented in every stage of the implementation of the Regional Elections for participants

In the context of the Regional Elections⁹ with a single candidate who is faced with a blank column, the question that must be answered is how the principle of justice is implemented at the campaign stage, especially the campaign facilitated

³⁰ Yashinta Sastaviana Hikmania. *The Struggle of the Concept of Contested Election and Uncontested Election (Case Study of the Pati Regency Election in 2017)*. Compilation of Summary of Election Governance Thesis Edition 1 of 2019. p. 168

by the KPU. For example, the dissemination of campaign materials to the public, the installation of props (APK), to the advertising of print mass media and electronic mass media, of course the campaign facilitated by the KPU is somewhat difficult in providing equal rights for single candidates and blank columns fairly. So that it is not an easy job for Bawaslu to supervise this matter, especially so that justice can be reflected both for the single candidate and for the empty column itself.

Even the most crucial thing is the lack of candidate debates. The campaign method through candidate debates is the most important part in providing political education to local residents and is a place for the exchange of ideas, ideas and dialogues between candidate pairs to convince voters. Therefore, the Regional Elections with this single candidate certainly do not detract from the essence of modern democracy. Moreover, if you use international aspects to measure the level of democratic elections, where one (1) of the fifteen (15) aspects is a democratic campaign.

According to the author, contestation and competition are absolute requirements of democracy, if these two elements are not met, the democracy that is being built is not consolidated, not substantive, and only a mere procedure. The more regions that hold regional elections with a single candidate who fights against empty boxes, it is important that the regions can reflect. Maybe there is something wrong in the democratic competition process that is built in his area. When, for example, there are 10 (ten) political parties that have seats in the regional legislature, but there is no political competition, it further shows the defects of a region's democracy. In a situation like this, it is the people who are sacrificed, and it hurts the purpose of democracy itself to prosper the community.

In addition, the blank box is not a citizen like the candidate for the regional head and his deputy, therefore, the blank box is not a legal subject because it does not have the right to vote and be elected in the election contest in Indonesia. Because the empty box is not a legal subject, the election of the regional head that is only followed by a single candidate against the empty box cannot be said to be constitutional.

Legal Implications of the Presence of a Single Candidate Against an Empty Box in the Simultaneous Regional Head Election in Indonesia

The election of regional heads is very closely related to the implementation of people's sovereignty in a country. People's sovereignty means that the people are the ones who determine the style and way of government, and the people are the ones who determine what goals to be achieved. Harold J. Laski said that sovereignty is a legitimate power according to the highest law, the power includes all people and groups in the society it controls. while C.F. Strong in his book *Political Modern*

Constitution states that sovereignty is the power to form laws and the power to impose its implementation.

In reality, theoretically, the election of regional heads is one of the types of general elections, according to the U.S.S., general elections are a means of implementing the principle of people's sovereignty, in essence, it is a recognition of the embodiment of the people's political rights and at the same time is the delegation of these rights by the people to their representatives to run the government.

In line with the above opinion, according to Moh Kusnardi and Ibrahim, Ibrahim also said that elections are not everything about democracy³¹. Elections are a basic means of implementing the principles of democracy and the joints of democracy do not only lie in elections, but nevertheless elections have a very important meaning in the process of national dynamics. In fact, whatever the reason, only a restrictive government is considered to have the legitimacy of the people to lead and regulate the government to become the manager of the rulers, so that through the election the claim of the government elite working for and on behalf of the interests of the people can be recognized, thus it can be said that the implementation of regional head elections which is one type of election related to the implementation of sovereign relations.

The purpose of the election should be measured by the goal of the independence of a country on the one hand, and the other by the functions of holding general elections. Under the control of democracy, elections become a vehicle for the use and struggle of political rights so that the people's sovereignty is realized as a counterweight and controller of state sovereignty derived from it. The mechanism for implementing elections and also regional elections as a vehicle for optimizing the people's political rights, requires support starting from implementation, process and supervision.

According to Austin Ranney, there are three main criteria for a democratic election, including:

1. The existence of general voting rights (active and passive), which means that in executive and legislative elections, every citizen has the same opportunity in the public sphere to vote and be elected. Active voting rights are the rights of citizens who are eligible to elect their representatives in the House of Representatives, DPD, DPRD, President-Vice President, and Regional Heads-Deputy Regional Heads, namely 17 years old or have been/have been married, have not been impaired in memory, have not been deprived of their voting rights, are not serving prison sentences, are registered in the Permanent

³¹ David Held. *Models of Democracy*. Jakarta. Akbar Tandjung Institute. 2007. p. 34

Voter List (PT). The passive voting right is the right of citizens who are eligible to be elected as members of the House of Representatives and the House of Representatives.

2. Equality of vote weight, which means that there must be a guarantee that the votes of each voter are given the same weight in the election. All voters have the same percentage weight per person regardless of position and position.
3. The availability of candidates from different ideological backgrounds³².

The meaning of this criterion is the availability of a real election and a visible difference from other options where the essence does require more than one choice, then the choice can be very simple such as the difference between two or more candidates or a more complicated difference between two or more different political lines/work programs to the difference between two or more ideologies.

The existence of a single candidate is certainly not in line with the concept conveyed by Austin Ramsey, because this phenomenon makes people have no alternative in determining their voting rights. On the other hand, people are also forced to vote for a candidate who (maybe) not in line with their ideology and desires. The empty box is the peak of the iceberg phenomenon that has been happening in political party institutions, political pragmatism, the failure of cadre regeneration and the poverty of ideology make political parties nothing more than vehicles. Political parties do not have the identity, ideology and quality to carry out their functions as political parties. Based on the above, the existence of a single candidate against an empty box in the simultaneous regional head election has implications for several things, including:

1. Potential return to a centralized system of government

One of the effects caused by the presence of a single candidate against an empty box is that if the empty box wins the Regional Election, it is certain that there is a potential absence of a definitive Regional Head in the area. When referring to KPU Regulation Number 13 of 2018 which is a technical reference of the Law on the Election of Regional Heads, the position will later be filled by a temporary official whose authority to fill it is given the Minister of Home Affairs, who is a Central Government Official directly elected by the President.

In fact, as an excess of the constitutional amendment to Article 18 of the 1945 Constitution of the Republic of Indonesia, Regional Governments

³² Ahmad Gelora Mahardika. *The phenomenon of empty boxes in Pemilukada and its implications in the Indonesian constitutional system*. Election Journal. Vol. 1 No. 2 2018. Page 69

⁷¹ are given the authority to manage their own regions. Since then, ¹⁰⁴ the ⁸¹ authority of the Central Government has only been limited to the authority of Foreign Policy, Defense and Security, ⁶⁵ Ministry, Fiscal, Justice and Religion. Beyond this authority, everything is the authority of the Regional Government.

Article 18

- ¹⁷
- (2) Provincial, Regency, and City governments regulate and manage their own government affairs according to the principle of autonomy and assistance duties
 - (5) Local governments exercise the widest possible autonomy, except for ⁵⁰ government affairs that are determined by law to be the affairs of the Central Government.

Based on Article 18 paragraphs (2) and ²¹ (5) of the 1945 Constitution of the Republic of Indonesia, it is very clear that the Regional Government has the authority to regulate and manage its own government affairs according to the principle of autonomy and assistance ⁵⁷ duties. In addition, this provision is also affirmed in the provisions of paragraph (5) which states that local governments exercise the widest possible autonomy except for government affairs that are determined by law as affairs of the Central Government.

⁴⁵ If we assume that if the Regional Election contest presents a single candidate facing an empty box, and the empty box wins the contest, then there will be a power vacuum for a long period of time even up to almost two years. However, the extension is threatened with the potential to be much longer if we have officially held simultaneous regional elections in 2027, which if this rule is still in effect, the Acting Regional Government can rule a region for 5 (five) years. ⁸²

The legal basis is the provision in the Regional Election Law where the Acting Regional Head is elected by the Minister of Home Affairs until the next Regional Election. This article in terms of the ¹⁹ constitutional system has violated the constitution in Article 18, where the Governor, Regent, and Mayor respectively as the heads of provincial, regency and city local governments are democratically elected, not by the Central Government ³⁷.

The election of Acting Officers who have authority equivalent to the Minister of Home ³⁵ Affairs will slowly create centralization in a new face. Because Acting Heads at both the Provincial and ¹¹⁵ Regency/City levels are Officials of the Ministry of Home Affairs who are appointed directly by the Minister of Home Affairs ⁵⁵, and before taking strategic policies, the officials must first consult with the Minister of Home Affairs.

Indirectly, regional autonomy has moved backwards to the form of centralization as in the new order era. Currently, only the city of Makassar is a witness to the history of the victory of the empty box in the election contest, but in the future this could happen in all regions, and it implies that all Regional Heads will be led by Acting Regional Heads elected by the Central Government. And if that condition is really going to happen, then it is a setback for our democracy

2. The loss of the right of the community to be led by its chosen leader.

When there is no alternative candidate or there is only a single candidate, indeed the people are given a choice, namely between choosing a single candidate or an empty box. However, when the empty box wins the contest, the authority to appoint the Acting Officers is absolutely the authority of the Central Government. Reflecting on the basic theory of democracy, according to Dolephet who said that there are five indicators of democracy, Renske sees that democracy can be seen starting from the highest score to the lowest score. According to Renske, a region has the lowest democracy score if its leader is determined based on descent, fraudulent elections or elections that have no opponents. In this context, a single candidate facing an empty box is the lowest point of democracy, because in addition to the single candidate there is no opponent, the defeat of a single candidate also opens up the potential for the election of leaders who are not directly wanted by the people, this condition is like buying a cat in a sack, even though basically the people know that there is a cat in it but the people do not know how to behave, their gender to their skin color, even though the condition is the people's choice and the people already know and understand the consequences

Conclusion

The election of regional heads that only present a single candidate against an empty box, can be said to be unconstitutional because the empty box cannot be equated as a legal subject who has the right to vote and be elected, besides that a single candidate against a blank box does not reflect democratic values, where one of the conditions for democracy is the existence of a fair and just contestation. The existence of a single candidate against an empty box in the simultaneous election of regional heads has implications for several things, including, first, the potential for the return of a centralized government system, second, the loss of the right of the people to be led by their chosen leader. Constitutionally, Indonesian democracy

is one step back with the permission of a single candidate to contest against an empty box in the simultaneous regional head elections in Indonesia.

BIBLIOGRAPHY

- 75 Aminuddin Ilmar, *Hukum Tata Pemerintahan*, Jakarta, Prenada Media Group, 2014
- _____. *Konstruksi Teori dan Metode Kajian Ilmu Hukum*. Hasanuddin University Press: Makassar., 2009
- 72 Ahmad Nadir, *Pilkada Langsung Dan Masa Depan Demokrasi Studi atas artikulasi Politik Nahdiyyin dan dinamika*. Averroes Press, Malang, 2005
- Amirudin dan A. Zaini Bisri, *Pilkada Langsung: Problem dan Prospek*, Pustaka Pelajar, Yogyakarta, 2006
- 28 Damang Averroes Al-Khawarizmi dan Muh. Nursal NS, *Carut Marut Pilkada Serentak 2015*, Jakarta: Philosophia Press, 2016
- 48 Frans Magnis-suseno, *Etika Politik: Prinsip-prinsip Moral Kenegaraan Modern*. PT Gramedia Pustaka Utama, Jakarta, 1999
- 29 Georg Sorensen, *Demokrasi Dan Demokratisasi (Proses dan Prospek dalam Sebuah Dunia yang berubah)*, Yogyakarta, Pustakapelajar, 2014
- 86 Jimly Asshiddiqie, *Hukum tata negara dan pilar-pilar demokrasi*, Jakarta, Sinar Grafika, 2012
- Kacung Marijan, *Sistem Politik Indonesia, Konsolidasi Demokrasi Pasca-Orde Baru*. Kencana, Jakarta. 2010
- 91 Nimmo. *Komunikasi Politik: Komunikator, Pesan, dan Media*. PT Remaja Rosdakarya, Bandung, 2005
- 85 Mufti M Mubarak, *Suksesi Pilkada Jurus Memenangkan Pilkada Langsung*. Java Pustaka Media Utama. Surabaya. 2005
- 70 Mukti Fajar ND dan Yulianto Achmad. *Dualisme penelitian Hukum, Normatif dan Empiris*. Yogyakarta: Pustaka Pelajar. 2013
- 68 Rozali Abdullah, *Pelaksanaan Otonomi Luas dengan Pemilihan Kepala Daerah Secara Langsung*, Rajawali Pers, Jakarta, 2005
- 101 Septi Nur Wijayanti dan Nanik Prasetyoningsih, *Politik Ketatanegaraan*, Yogyakarta, LabHukum Fakultas Hukum UMY, 2009
- Siswanto Sunarno, *Hukum Pemerintahan Daerah Di Indonesia*. Sinar Grafik, Jakarta, 2009
- 46 Saukani HR, Affan Gaffar, dan Ryass Rasyid, *Otonomi Daerah dalam Negara Kesatuan*, Pustaka Pelajar, Yogyakarta, 2002
- 29 Titik Triwulan Tutik, *Konstruksi Hukum Tata Negara Indonesia Pasca Amandemen UUD 1945*, Jakarta, Prenada Media Group, 2010
- Achmad Arifulloh, *Pelaksanaan Pilkada Serentak Yang Demokratis, Damai Dan Bermartabat*, Volume II No. 2 Mei - Agustus 2015
- 22 Bhenyamin Hoessein, *Tantangan Global dan Tanggap Lokal: Desentralisasi dan Efisiensi*. Manajemen Pembangunan, No. 19/V, 1997

- ⁶⁰ I Gede Pantja Astawa, *Hak Angket Dalam Sistem Ketatanegaraan Indonesia Menurut Undang-Undang Dasar 1945*, Disertasi Universitas Padjadjaran, Bandung, 2000
- ⁶³ Nopyandri, Pemilihan Kepala Daerah Yang Demokratis Dalam Perspektif Uud ²² 1945, *Jurnal Ilmu Hukum*, Volume 2 Nomor 2 tahun 2013
- Nadapdap, Binoto. *Pasang Surut Otonomi Daerah dan Pemilihan Kepala Daerah Secara Langsung*, ⁸³ *Sociae Polites Jurnal Ilmiah Ilmu Sosial dan Ilmu Politik*, Vol. V, No. 22, 2005
- ²⁸ Riyah. *Sistem dan Proses Pilkada Langsung*. Analisis CSIS, Vol. 34, No. 3. 2005
- Sri Budi Eko Wardani. *Calon Tunggal Gerak Mundur Partai Politik*. Majalah Komisi Pemilihan Umum Menjaga Hak Rakyat Bersuara Dalam Pemilu Edisi IV Juli-Agustus: Jakarta. 2015

A. Online Source

- Medi ⁵² Indonesia, *Biaya Pilkada Capai 4 Triliun*, diakses di <http://www.medeiaindonesia.com/read/2010/07/07/152998/31/BI-Biayapemilikada-2010-Capai-4,2-Triliun>
- Hami ⁵² *Menolak Pemilihan Gubernur Oleh DPRD*, di akses di <http://abahamid.wordpress.com/2010/09/04/menolakpemilihgubernuroleh-dprd/diunduh>
- ⁷⁷ Transkrip Diskusi Publik Terbatas, ijrsh.files.wordpress.com/2008/06/politik-uang-dalampilkada.pdf,
- ³⁶ [mus Besar Bahasa Indonesia on-line,dikutipdari https:// kbbi.web.id/calon,](https://www.kbbi.web.id/calon-mus-Besar-Bahasa-Indonesia-on-line,dikutipdari)
- ³⁶ [Perludem: Ada Dua Varian Calon Tunggal dalam Pilkada, https://nasional.tempo.co/read/1073421/probosutedjo-20-tahun-berperangmelawan-kanker-thyroid,](https://nasional.tempo.co/read/1073421/probosutedjo-20-tahun-berperangmelawan-kanker-thyroid)
- [https://infopemilu.kpu.go.id/pilkada2018.](https://infopemilu.kpu.go.id/pilkada2018)
- [http://pilkada2015.kpu.go.id/.](http://pilkada2015.kpu.go.id/)
- [https://pilkada2017.kpu.go.id/.](https://pilkada2017.kpu.go.id/)
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Challenging Electoral Integrity: The Constitutionality of the 'Empty Box' Victory in the 2018 Makassar Mayoral Election

The Constitutionality of the "Empty Box" Winning Over a Single Candidate in the Implementation of Regional Head Elections: A Case Study of the 2018 Makassar Mayoral Election

ABSTRACT

Single-candidate regional elections have recently attracted significant attention, as previous regulations did not adequately address scenarios where fewer than two candidate pairs were running. The 2018 Makassar mayoral election, where the "Empty Box" (Kotak Kosong) emerged victorious against a single candidate, highlights a critical constitutional issue: whether such an outcome is consistent with the principles of democratic electoral integrity. In elections featuring only one candidate pair, the ballot contains two columns—one with the candidate's photo and name, and the other left blank. The constitutionality of allowing the "Empty Box" to win in such circumstances poses significant

questions about the fairness of the electoral process and the safeguarding of citizens' constitutional rights. This research critically examines the legal implications of this electoral anomaly and explores the necessity for clear legislative frameworks governing single-candidate elections. The case offers important lessons for Indonesia's political and electoral systems, emphasizing the need for constitutional and electoral reforms to protect citizens' rights—both the right to vote and the right to be elected—even when only one candidate is on the ballot. Furthermore, it underscores the urgency of political education for both political parties and the electorate to foster a more informed political culture. By analyzing the legal precedents, constitutional principles, and broader implications, this study contributes to the discourse on electoral reform, ensuring that Indonesia's electoral system remains robust, fair, and reflective of democratic values.

~~Regional elections with a single candidate began to receive a lot of attention, because previously, laws and regulations did not accommodate candidate pairs with less than two candidate pairs. The problem in this article is how the constitutionality of the empty box wins over a single candidate. The ballot for the election of one candidate pair to be voted contains two columns consisting of one column containing a photo and name of the candidate pair and a blank column that does not have a picture. The implementation of the regional elections for single candidate pairs against empty boxes is a political lesson for the Indonesian nation. This is proof that the development of the constitutional system and the electoral system of the Indonesian nation increasingly shows that the constitutional rights of citizens, both the right to be elected and the right to be a voter, will be fulfilled even though there is only one pair of candidates for regional heads and candidates for deputy regional heads. For this reason, the implementation of the election of one candidate pair must be expressly regulated in laws and regulations and political education both to political parties and to the public is very necessary, in order to learn better politics.~~

Keywords: Constitutional Rights, Empty Box, Single Candidate, Regional Head Election~~constitutional rights, empty boxes, single candidates, election of regional heads.~~

Introduction

Electoral integrity is a cornerstone of democracy¹, ensuring that public officeholders derive their legitimacy from the will of the people. However, this principle is increasingly tested by complex political and legal phenomena, particularly in the context of contested elections.² The Makassar mayoral election in Indonesia presents a unique case where the "empty box" option, symbolizing a vote against the sole candidate, won the majority of the votes.³ This unprecedented outcome raises pressing questions about electoral integrity⁴, voter autonomy, and the constitutional framework governing elections in Indonesia.

The power of the people continues to play a pivotal role in general elections, as demonstrated by the Regional Elections in the city of Makassar. In this election, political parties presented only a single candidate to face an unconventional opponent—the "empty box" option. Party elites, confident in their control, anticipated an easy victory for the

¹ Norris, Pippa, Richard W. Frank, and Ferran Martínez i Coma, eds. *Advancing Electoral Integrity*. (Oxford: Oxford University Press, 2014); Noor, Firman, and Lina Marlina. "Establishing Elections with Integrity in Indonesia: Purposes, Problems, and Solutions." *International Conference for Democracy and National Resilience (ICDNR 2023)*. Atlantis Press, 2023.

² Aspinall, Edward. "Elections and the Normalization of Politics in Indonesia." *South East Asia Research* 13, no. 2 (2005): 117-156.

³ Harianto, Harianto, Wawan Budi Darmawan, and Muradi Muradi. "Kemenangan Kotak Kosong pada Pilkada Kota Makassar Tahun 2018." *Society* 8, no. 2 (2020): 546-556. See also some related cases Yantomi, Ahmad. "Kajian Yuridis Kemenangan Kotak Kosong Pada Pemilihan Umum Kepala Daerah di Indonesia." *Jurnal Kepastian Hukum dan Keadilan* 3, no. 1 (2022): 14-26; Syahril, Indra, and Dadan Herdiana. "Calon Tunggal dan Kemenangan Kotak Kosong sebagai Sebuah Realita Demokrasi di Tingkat Lokal." *Nagari Law Review* 3, no. 1 (2020): 13-26.

⁴ RS, Iza Rumesten, and Lusi Apriyani. "An analysis of defeated single candidate of Indonesia's simultaneous regional elections 2018." *2nd International Conference on Indonesian Legal Studies (ICILS 2019)*. Atlantis Press, 2019; Jaya, Apriliani Kusuma, and Ilyas Ilyas. "Legal Re-Construction; The Impact of Empty Column Victory Over Single Candidates in Simultaneous Direct Elections of Regional Heads as A New Phenomenon of Legal Politics in Indonesia:(Case Study: Makassar City)." *International Journal of Business, Law, and Education* 5, no. 1 (2024): 367-385.

sole candidate. However, the reality proved otherwise. Voters overwhelmingly chose the "empty box" over the single candidate, making it the de facto winner. This outcome defied the norm observed in previous simultaneous regional elections, such as those in 2015 and 2017, where single candidates consistently emerged victorious.⁵

~~The power of the people turns out to still have a big role in the general election. This can be seen from the Regional Elections that occurred in the city of Makassar. Political parties only put forward one candidate for a partner, facing an opponent in the form of an empty box. This is certainly believed by the party elite to produce a glorious victory without an opponent. But the reality says otherwise, it turns out that the result is the opposite. People prefer empty boxes rather than single candidates for political party support, so that automatically the winner is the empty box itself. This incident denies the habit that often occurs, as in the 2015 and 2017 simultaneous regional elections, a single candidate always wins in the election. Although there was a lawsuit to the Constitutional Court in the Regional Election for a single candidate in Tasikmalaya Regency, but in the end the winner was always a single candidate⁶. Political parties are actually claimed to have a strong dominance in the democratic party, so they sometimes assume the role and function of the sovereign owner himself, namely the people. Although it can be admitted that there is a single candidate in the Simultaneous~~

⁵ Purwaningsih, Titin, and Bambang Eka Cahya Widodo. "Democracy without contestation: the victory of the empty box in the local election of Makassar city, South Sulawesi Indonesia in 2018." *Sociología y tecnociencia* 11, no. 2 (2021): 48-71; Sahide, Ahmad, Adi Suryadi, and Ahdiana Yuni Lestari. "“Empty Box” Democracy: The Phenomenon of Democracy in Indonesia (Case Study of Makassar City, 2018)." *International Journal of Multicultural and Multireligious Understanding* 9, no. 8 (2022): 285-296.

⁶ ~~Tamrin, Abu, and Nur Rohim Yunus, "Referendum Patterns In General Regional Challenges of Regional Head In 2015 In Three Districts; Tasikmalaya, Blitar And North Timor," *Jurnal Cita Hukum*. Vol. 5 No. 2, December (2017).~~

~~Regional Elections that occurs is a form of empirical democracy⁷. The state of the emergence of a "single candidate" is a normatively unimaginable, unpredictable, and even minus engineering. This means that democracy empirically in its implementation continues to develop and is influenced by the political system that occurs in the area~~

~~elections, as demonstrated by the Regional Elections in the city of Makassar. In this election, political parties presented only a single candidate to face an unconventional opponent—the "empty box" option. Party elites, confident in their control, anticipated an easy victory for the sole candidate. However, the reality proved otherwise. Voters overwhelmingly chose the "empty box" over the single candidate, making it the de facto winner. This outcome defied the norm observed in previous simultaneous regional elections, such as those in 2015 and 2017, where single candidates consistently emerged victorious.⁸~~

~~Despite a Constitutional Court challenge involving the single-candidate Regional Election in Tasikmalaya Regency, the outcomes in those cases upheld the victories of the sole candidates.⁹ The Makassar election, however, underscores a significant shift in voter behavior, reflecting dissatisfaction with the candidates put forward by political parties. This phenomenon reveals the growing disconnection between party elites and the electorate, challenging the assumption that political parties wield unchecked dominance in democratic processes.~~

⁷ ~~Dhesinta, Wafia Silvi, "Single Candidate in the General Election of Regional Heads and the Concept of Democracy (Analysis of the 2015 Blitar Regency Regional Head Election)," *Jurnal Cita Hukum*. Vol. 4, No. 1 June (2016).~~

⁸ ~~Purwaningsih, Titin, and Bambang Eka Cahya Widodo. "Democracy without contestation: the victory of the empty box in the local election of Makassar city, South Sulawesi Indonesia in 2018." *Sociología y tecnociencia* 11, no. 2 (2021): 48-71; Sahide, Ahmad, Adi Suryadi, and Ahdiana Yuni Lestari. "'Empty Box' Democracy: The Phenomenon of Democracy in Indonesia (Case Study of Makassar City, 2018)." *International Journal of Multicultural and Multireligious Understanding* 9, no. 8 (2022): 285-296.~~

⁹ ~~Engkus, Engkus, et al. "Policy Implication of Single Candidates in Regional Head Election on Voter Participation in Tasikmalaya District." *Politicon* 1, no. 1 (2019): 1-23.~~

While the presence of a single candidate in simultaneous regional elections can be seen as an empirical manifestation of democracy, it also highlights systemic vulnerabilities. The emergence of "single candidates" is normatively unanticipated, unpredictable, and seemingly devoid of strategic manipulation. This suggests that democracy, in practice, continues to evolve, shaped by the political systems and dynamics unique to each region. The Makassar election exemplifies the need to reexamine these dynamics to ensure that democratic practices align more closely with the aspirations and sovereignty of the people.¹⁰

The juridical basis for single-candidate elections is regulated in Law Number 10 of 2016 concerning Regional Elections, which outlines the mechanism for regional elections with only one candidate. Article 54D stipulates that a single-candidate election winner must obtain more than 50 percent of the valid votes. If this threshold is not met, the losing candidate pair may nominate again in the next election.¹¹

Additionally, Article 25 paragraph (1) of PKPU Number 13 of 2018 states that if the "empty box" receives more votes than the single candidate, the General Election Commission (KPU) must schedule a re-election for the next regional election period. Paragraph (2) further specifies that the subsequent election may occur the following year or as scheduled under prevailing laws and regulations.

According to data from the General Election Commission (KPU) for the 2018 Regional Elections, there were 16 regions with only one candidate pair. These regions included North Padang Lawas Regency, Deli Serdang Regency, Prabumulih Regency, Lebak Regency, Tangerang Regency, Tangerang City, Pasuruan Regency, Tapin Regency, Southeast Minahasa Regency, Enrekang Regency, Bone Regency, Makassar City,

¹⁰ Najamuddin, Najamuddin, et al. "The Birth of a Single Candidate at The Election Makassar City in 2018." *SHS Web of Conferences*. Vol. 149. EDP Sciences, 2022.

¹¹ See also Nugroho, Rahmat Muhajir, and Anom Wahyu Asmorojati. "Simultaneous local election in Indonesia: Is It really more effective and efficient?." *Jurnal Media Hukum* 26, no. 2 (2019): 213-222; Wuragil, Sarno, and Widayati Widayati. "Development of Democracy & Phenomenon of Single Candidate in Regional Election (Pilkada)." *Law Development Journal* 3, no. 1 (2021): 120-129.

Mamasa Regency, Jayawijaya Regency, Puncak Regency, and Central Membrano Regency.

Looking at the previous KPU data, the election of regional heads with only one pair of candidates occurred in the first wave of simultaneous regional head elections in 2015, where there were three regions: Blitar Regency (East Java), Tasikmalaya Regency (West Java), and North Central Timor Regency (East Nusa Tenggara). In the second wave of simultaneous regional head elections in 2017, the phenomenon expanded to include nine regions: Buton Regency (Southeast Sulawesi), Landak Regency (West Kalimantan), Central Maluku Regency (Maluku), Tambrauw Regency (West Papua), Sorong City (West Papua), Jayapura City (Papua), Tebing Tinggi City (North Sumatra), Tulang Bawang Barat Regency (Lampung), and Pati Regency (Central Java).

From the data of single-candidate elections, it is evident that the number of regions holding elections with only one pair of candidates has increased over time. In 2015, there were three single-candidate elections, rising to nine in 2017, and then to sixteen in 2018 during the simultaneous regional elections. In the 2020 simultaneous regional elections, 270 regions participated. Of these, 25 regions across 12 provinces had only one pair of candidates contesting the elections. These regions included Humbang Hasundutan Regency, Gunung Sitoli City, Pematang Siantar, Pasaman Regency, Ogan Komering, Ogan Komering Ulu Selatan, North Bengkulu, Boyolali, Grobogan, Kebumen, Semarang City, Sragen, Wonosobo, Ngawi, Kediri, Badung Regency, West Sumbawa, Balikpapan City, Kutai Kartanegara, Gowa, Soppeng, Central Mamuju, South Manokwari, Arfak Mountains, and Raja Ampat.¹²

¹² Furthermore, the risks associated with having only one candidate running for office, primarily focusing on the lack of genuine electoral contestation. In a functioning democracy, elections serve as a platform for the public to choose leaders through competitive processes. However, when there is only a single candidate running, the competitive aspect is lost, undermining the democratic process and potentially leading to voter disengagement. Moreover, the lack of political competition not only weakens democratic institutions but may also lead to a decline in leadership quality. The absence of alternatives or competition leaves voters with fewer choices and fails to challenge the incumbent candidate's governance, thus limiting the accountability of elected officials. See Rahman, Rofi

An intriguing phenomenon emerged during the 2018 Makassar mayoral election, where the single-candidate pair lost to the "empty box." The candidate pair Munafri Arifuddin-Rachmatika Dewi (Appi-Cicu) garnered only 47 percent of the votes, while the "empty box" received 53 percent. Specifically, the Appi-Cicu pair secured 264,245 votes, while the "empty box" garnered 300,795 votes. This exceptional outcome highlights a critical turning point in Indonesia's electoral landscape, where voter dissatisfaction can decisively overturn expectations, emphasizing the need for further examination of electoral mechanisms and voter sovereignty to ensure democratic inclusivity and representation.¹³

The unique case of Makassar City, where voters opted for the "empty box," underscores the need for a comprehensive review of the legal and institutional frameworks governing single-candidate elections. Such cases highlight the tension between electoral mechanisms and voter sovereignty, emphasizing the necessity of reforms that ensure electoral processes remain democratic and inclusive.

In addition, the Makassar case is not an isolated incident but part of a broader trend of electoral controversies in Indonesia. As the world's third-largest democracy, Indonesia has made significant strides in organizing free and fair elections. However, challenges such as political dynasties, weak opposition, and voter disenfranchisement continue to undermine the electoral process. The victory of the "empty box" in Makassar illustrates a social gap where voters' dissatisfaction with the

Aulia, Iwan Satriawan, and Marchethy Riwani Diaz. "Calon Tunggal Pilkada: Krisis Kepemimpinan dan Ancaman Bagi Demokrasi." *Jurnal Konstitusi* 19, no. 1 (2022): 47-72; Ekowati, Endah Yuli. "Pragmatisme Politik: Antara Koalisi, Pencalonan, dan Calon Tunggal Dalam Pilkada." *Jurnal Transformatif* 5, no. 1 (2019): 16-37; Rosanti, Ratna. "Political Pragmatics in Indonesia: Candidates, the Coalition of Political Parties and Single Candidate for Local Elections." *Jurnal Bina Praja* 12, no. 2 (2020): 153-165; Romli, Lili, and Efriza Efriza. "Single candidate and the dynamics of 2020 Indonesian Simultaneous Election: A perspective on internal contestation." *Politik Indonesia: Indonesian Political Science Review* 6, no. 3 (2021): 265-288.

¹³ Lestari, Ayu. "Kotak Kosong Memenangkan Pemilihan Umum Kepala Daerah." *Lex LATA* 1, no. 2 (2019); Kambo, Gustiana. "Mobilisasi Massa Kemenangan Kolom Kosong pada Pemilihan Walikota Makassar Tahun 2018." *Jurnal Politik Profetik* 9, no. 2 (2021): 278-297.

available political choices manifests through an unconventional mechanism. It also exposes a legal gap in addressing the implications of such outcomes within Indonesia's constitutional and electoral frameworks.¹⁴

From a legal perspective, the "empty box" victory presents a conundrum. The Indonesian Constitution guarantees the right to participate in elections and emphasizes that public officials must be elected through democratic means. Yet, the election of a leader by default—without an opposing candidate—challenges traditional interpretations of democratic representation. The Constitutional Court has provided some clarity on the issue, but the absence of comprehensive regulations leaves significant ambiguities.¹⁵

Socially, the Makassar election reflects growing voter frustration with entrenched political practices. The "empty box" victory can be seen as a protest against the perceived inadequacy of the sole candidate—a phenomenon that risks eroding public trust in the electoral system. Such outcomes necessitate a re-evaluation of the electoral process to ensure that it better reflects the aspirations and interests of the electorate.

This paper seeks to explore the constitutionality of the "empty box" victory in the Makassar mayoral election by examining the intersection of legal principles and social dynamics. It aims to address the legal gaps in Indonesia's electoral system and propose reforms that uphold electoral integrity while accommodating voter sentiment. By situating the Makassar case within the broader context of democratic theory and practice, this study contributes to ongoing discussions about the role of elections in promoting legitimate governance.

¹⁴ Safa'at, Muchamad Ali. "Single candidates: Ensuring a path to victory in local elections." *Asian Journal of Comparative Politics* 7, no. 4 (2022): 1163-1176; Romli, Lili. "Pilkada Langsung, Calon Tunggal, dan Masa Depan Demokrasi Lokal." *Jurnal Penelitian Politik* 15, no. 2 (2018): 143-160.

¹⁵ See also Rahmawati, Liavita. "Formulasi Comprehensive Ballot Box Counting System Sebagai Upaya Mewujudkan Kepada Daerah Yang Berintegritas Dan Bermartabat." *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 1, no. 1 (2021): 56-64; Butt, Simon, and Fritz Siregar. "Multilayered oversight: Electoral administration in Indonesia." *Asian Journal of Comparative Law* 16, no. S1 (2021): S121-S135.

~~The juridical basis for a single candidate is regulated in Law Number 10 of 2016 concerning Regional Elections regulating the mechanism of regional elections that are only followed by a single candidate. Article 54D stipulates that the winner of the regional election with a single candidate must obtain more than 50 percent of the valid votes. If the votes obtained do not reach more than 50%, then the losing candidate pair can nominate again in the next election. Meanwhile, in article 25 paragraph 1 of PKPU Number 13 of 2018, it is stated that if the votes obtained in the blank column are more than the votes obtained in the photo column of the candidate pair, the KPU stipulates the holding of a re-election in the next period of the regional elections. While in paragraph (2) it is stated "The next simultaneous election as referred to in paragraph (1) can be held in the following year or carried out as scheduled in accordance with the provisions of laws and regulations.~~

~~From the data of the General Election Commission (KPU) in the 2018 Regional Elections, there are 16 regions that are only followed by one pair of candidates. The sixteen areas are North Padang Lawas Regency, Deli Serdang Regency, Prabumulih Regency, Lebak Regency, Tangerang Regency, Tangerang City, Pasuruan Regency, Tapin Regency, Southeast Minahasa Regency, Enrekang Regency, Bone Regency, Makassar City, Mamasa Regency, Jayawijaya Regency, Puncak Regency, and Central Membrano Regency.¹⁶~~

~~Looking at the previous KPU data, the election of regional heads with only one pair of candidates had occurred in the first wave of simultaneous regional head elections in 2015 where there were 3 regions, namely Blitar Regency (East Java), Tasikmalaya Regency (West Java), and North Central Timor Regency (East Nusa Tenggara)¹⁷ and in the second wave of simultaneous regional head elections in 2017, namely Buton~~

¹⁶ ~~<https://infopemilu.kpu.go.id/pilkada2018>.~~

¹⁷ ~~<http://pilkada2015.kpu.go.id/>.~~

~~Regency (Southeast Sulawesi), Landak Regency (West Kalimantan), Central Maluku Regency (Maluku), Tambrauw Regency (West Papua), Sorong City (West Papua), Jayapura City (Papua), Tebing Tinggi City (North Sumatra), Tulang Bawang Barat Regency (Lampung), and Pati Regency (Central Java).¹⁸~~

~~From the data of the single candidate pair elections, it can be seen that there is an increase in the number of regions that hold regional elections that are only attended by one pair of candidates, namely in 2015 there were 3 (three) single candidates, in 2017 there were 9 (nine) single candidates, and in 2018 there were 16 (sixteen) single candidates in the simultaneous regional elections.~~

~~In the 2020 simultaneous regional elections, there were 270 regions participating. Of the 270 regions that held the 2020 Regional Elections, there were 25 single candidates spread across 12 provinces that held the Regional Elections, namely the regions that had a single candidate, namely Humbang Hasundutan Regency, Gunung Sitoli City, Pematang Siantar, Pasaman Regency, Ogan Komering, Ogan Komering Ulu Selatan, North Bengkulu, Boyolali, Grobogan, Kebumen, Semarang City, Sragen and Wonosobo, Ngawi, Kediri, Badung Regency, West Sumbawa, Balikpapan City, Kutai Kartanegara, Gowa, Soppeng, Central Mamuju, South Manokwari, Arfak Mountains and Raja Ampat.~~

~~There is an interesting phenomenon in the implementation of the regional head election which is only attended by one pair of candidates, namely the 2018 Makassar Mayor election, where the single mayoral candidate loses from an empty box. The pair of single candidates Munafri Arifuddin Rachmatika Dewi (Appi Cicu) only won 47 percent of the votes, while the empty box was 53 percent. The Appi Cicu pair obtained 264,245 votes and the empty box was 300,795 votes.~~

Legal Basis for Single Candidate Against Empty Box

¹⁸ ~~<https://pillkada2017.kpu.go.id/>. Retrieved October 22, 2022.~~

The phenomenon of regional elections with one pair of candidates began to be known in the 2015 regional elections. Regional elections with one pair of candidates, before 2015 were unknown, this was when a legal test was submitted by Effendi Ghazali, the Applicant in the Constitutional Court Decision Number 100/PUU-XIII/2015, dated September 29, 2015, decided that regions that only have one pair of regional head candidates can participate in the simultaneous regional elections. Then based on the provisions of Article 14 paragraph (1) of the General Election Commission Regulation Number 14 of 2015 concerning the Election of Governors and Deputy Governors, Regents and Deputy Regents, and/or Mayors and Deputy Mayors (State Gazette of the Republic of Indonesia Year 2015 Number 1567, hereinafter referred to as PKPU 14/2015), which states "The means used to vote in the Election of 1 (one) Candidate Pair use a ballot containing a photo of the Candidate Pair, the name of the Candidate Pair and the column to give the option of agreeing or disagreeing". Then it was revised again with the provisions of Article 14 paragraph (1) of the General Election Commission Regulation Number 13 of 2018 concerning Amendments to the General Election Commission Regulation Number 14 of 2015 concerning the Election of Governor and Deputy Governor, Regent and Deputy Regent, and/or Mayor and Deputy Mayor with One Pair of Candidates (State Gazette of the Republic of Indonesia Year 2018 Number 431, hereinafter referred to as PKPU 13/2018) which states, "The means used to vote in the Election of 1 (one) Candidate Pair use a ballot containing 2 (two) columns consisting of 1 (one) column containing a photo of the Candidate Couple and 1 (one) blank column that does not have a picture".

The implementation of regional elections with 1 (one) pair of candidates is carried out as stipulated in the provisions of Article 54C paragraph (1) of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning

the Election of Governors, Regents, and Mayors into Law (Statute Book of the Republic of Indonesia Number 130 of 2016, Supplement to Statute Book of the Republic of Indonesia Number 5898, hereinafter referred to as Law 10/2016) states that, "The election of 1 (one) candidate pair is carried out in terms of meeting the following conditions: (a) after the postponement and until the expiration of the registration extension period, there is only 1 (one) candidate pair that registers and based on the results of the research the candidate pair is declared eligible; (b) there is more than 1 (one) candidate pair who registers and based on the results of the research there is only 1 (one) candidate pair that is declared eligible and after the postponement until the end of the reopening period of registration there is no candidate pair who registers or the candidate pair who registers based on the results of the research is declared ineligible which results in only 1 (one) candidate pair; (c) from the determination of the candidate pairs until the start of the Campaign period there are candidate pairs that are permanently disabled, the Political Party or the Political Party Coalition does not propose a candidate/replacement candidate pair that is proposed to be declared ineligible resulting in only 1 (one) candidate pair; (d) from the start of the Campaign period until the day of voting, there are candidate pairs that are permanently disabled, the Political Party or the Political Party Coalition does not propose a candidate/pair of substitute candidates or the proposed candidate/pair of substitute candidates is declared ineligible resulting in only 1 (one) pair of candidates; or (e) there is a pair of candidates who are subject to cancellation sanctions as election participants resulting in only 1 (one) pair of candidates.

Meanwhile, the provisions of Article 54C paragraph (2) of Law 10/2016 states, "The election of 1 (one) candidate pair is carried out using a ballot containing 2 (two) columns consisting of 1 (one) column containing a photo of the candidate pair and 1 (one) blank column

without a picture. In addition, the provisions of Article 54D of Law 10/2016 states:

1. The Provincial KPU or Regency/City KPU determines the selected candidate pairs in the Election of 1 (one) candidate pair as referred to in Article 54C, if it gets more than 50% (fifty percent) of the valid votes.
2. If the votes of the candidate pair are less than as intended in paragraph (1), the candidate pair who loses the election may nominate again in the next election.
3. The next election as referred to in paragraph (2) shall be repeated in the following year or carried out in accordance with the schedule contained in the laws and regulations.
4. In the event that there is no pair of elected candidates for the results of the Election as referred to in paragraphs (2) and (3), the Government assigns an acting Governor, Acting Regent, or Acting Mayor.
5. Further provisions regarding the procedure for the election of 1 (one) pair of candidates are regulated by the KPU Regulation."

Factors Behind the Emergence of Single Candidates vs. Empty Boxes in Regional Elections

A closer examination reveals several key factors that contribute to the emergence of a single candidate, which are outlined by the author as follows:

a. Nomination process that requires high costs

To run as a candidate for regional head is not easy, because it requires high costs in the nomination process. In addition to demanding the cost of making various candidate identification properties through banners, stickers, and so on, if you do not also prepare a political dowry

to a political party, it is certain that someone who wants to become a regional head will not be able to achieve his dream.

Political dowry seems to be commonplace, because it is considered a boat fare whose pretext will later be used as a financing fund to run the party's vehicles. The phenomenon of one pair of candidates being born because of the high dowry from the supporting party, then rationally, if there is a strong incumbent candidate, other candidates will definitely calculate rationally. Instead of losing everything, it is better to undo the intention to become a candidate, because just to become a candidate they have to pay a dowry.

Not to mention the funds that will be used for campaigns, funds to win voters' votes, funds to secure votes starting from the polling station level to securing votes at the KPU, Regency/City KPU, Provincial KPU, Central KPU and even at the Constitutional Court level in the event of a dispute. The practice of political dowry is a very difficult thing to prevent in practical politics in Indonesia. Political dowry seems to be mandatory to be given when the candidate pair wants to advance to become a bride in the process of candidacy for regional heads. If the political dowry is not paid, it is certain that the candidate pair will not be able to advance as candidates in the regional elections.

b. Candidates who buy parties to be their supporters

The trigger for the existence of one pair of candidates in Pemilukada is because the candidates who advance buy the support of all political parties, thus closing the opportunity for other regional sons to be able to advance to become mayoral candidates. This means that with a large amount of capital, the candidate for regional head locks the opportunity for other candidates to get support. Although this cannot also be blamed, because in fact Pemilukada is a gamble to be able to win and occupy power. However, what is wrong is the weak competitiveness and the lack of courage to compete in battle.

Opponents are defeated before advancing in battle. In fact, the appropriate word for this condition is the existence of power egoism. In fact, the true fight is when there is an opponent in front of you, so that if the victory achieved, or the defeat obtained, it is all a form of true

toughness and courage. This happens because not every pair of candidates who advance as contestants in the election have good financial capabilities. Candidate pairs who have financial limitations will usually be eliminated by themselves.

c. Cadre regeneration that is not optimal in political parties

So far, the recruitment process tends to be *injury time* or not prepared based on mature regeneration. Where so far political parties have tended to rely on members of the DPR, DPD, or DPRD to become candidates in the Regional Elections. However, since there is a provision after the Constitutional Court's decision that members of the DPR, DPD, or DPRD who are advancing to the Regional Elections must resign, it is increasingly difficult for the party to find cadres to carry, because many legislators do not want to resign, especially if their chances of election are low.

Political parties have an important position in the constitution. One of the functions of political parties is to conduct political education. However, currently, political parties are considered to have not carried out political education optimally both to the public and within the party. Political parties have three functions, namely preparing cadres for national leadership both in the legislature and the executive, channeling people's aspirations, and conducting political education. Political education to internal political parties can be seen in the regeneration. However, this regeneration is not running optimally. As long as the regeneration of political parties is not optimal and the role of preparing the candidate for leader is not carried out optimally, political parties will still have difficulty proposing their candidates in the election contest.

Based on the above, the phenomenon of one pair of candidates in the regional elections cannot be considered something ordinary, because the implementation of the regional elections requires considerable financing from the Regional Expenditure Budget (APBD) of each region. Although, currently the Government has initiated the simultaneous election of regional heads to reduce the budget. However, the Ministry of Home Affairs actually stated that the

simultaneous implementation of regional head elections is more wasteful than the election of regional heads whose time is adjusted by each region.

~~Factors Causing the Occurrence of Single Candidates include¹⁹:~~

- ~~a. Juridical factor of the existence of a single candidate for the Decision. The Constitutional Court Number 100/PUU-XIII/2015, which was followed by Law 10/2016 and PKPU 14/2015, which was later amended by PKPU 13/2018.~~
- ~~b. Non-juridical factors in the candidacy process require high costs and money politics. The high price of dowry (money politics)²⁰ from the supporting party, so rationally if there is a strong incumbent candidate, other candidates will definitely make rational calculations, rather than losing everything, it is better to abandon the intention to become a candidate because to become a candidate they have to pay a dowry. Not to mention the funds that will be used for campaigns, funds to win voters' votes, funds to secure votes starting from the polling station level to securing votes at the KPU, Regency/City KPU, Provincial KPU, Central KPU, and even at the Constitutional Court level in the event of a dispute.²¹ The practice of political dowry is very difficult to prevent in practical politics in Indonesia. Political dowry seems to be mandatory to be given when the candidate couple wants to advance to become a bride in the process of nominating regional heads. If the political dowry is not paid, it is certain that the candidate pair will not be able to advance as candidates in the regional elections.~~

¹⁹ Ayu Lestari Ridwan, Iza Rumesten RS, Factors Causing the Presence of a Single Candidate in the Election of Regional Heads, Simbur Cahaya, Faculty of Law, Sriwijaya University, p. 251.

²⁰ Political dowry seems to be commonplace because it is considered a boat fare under the pretext of being used as a financing fund to run the wheels of party vehicles

²¹ Iza Rumesten, The Phenomenon of Single Candidates in the Democratic Party, Journal of Constitution, Vol. 13, No. 1, March 2016, Sriwijaya University Palembang, p. 80

c. ~~Non-judicial factors are the weak competitiveness of prospective candidates in political competition.~~

~~This can be because the candidate who advances buys the support of all political parties so as to close the opportunity for other participants to be able to advance to become candidates for the regional elections, meaning that with large capital, the candidate for regional head locks the opportunity for other candidates to get support. So that it can be seen that there is a weakening of competitiveness and the lack of courage to compete in battle.²² The opponent is defeated before advancing in battle, or what is also called the egoism of power²³.~~

d. ~~Non-judicial factors are the political interests of the political elite.~~

~~The party has failed to regenerate cadres on the one hand and on the other hand there has been a leadership crisis in the regions. The party seems to be only used for the benefit of things that are pragmatic by its elites, which does not rule out the possibility of being inseparable from the existence of elite conflicts. For the sake of practical politics, sometimes in carrying a pair of candidates who will be advanced as contestants in the elections, political parties forget the party ideology. Such practical political practices are~~

²² Robert A. Dahl, *On Democracy*, (Jakarta: Yayasan Obor Indonesia, 2001), p. 21. Theoretically, the criteria for community democracy are competition and participation, but empirical circumstances cannot be limited by their change and development. Quality democracy must be accompanied by a process of check and balance, so that power can be distributed fairly to avoid the tyranny of power.

²³ Lili Romli, *Single Candidate and Democracy Deficit*, <http://mediaindonesia.com/read/detail/141847-calon-tunggal-dan-defisit-demokrasi>, downloaded October 29, 2020. The existence of a single candidate is the result of two parties that are mutually interested, namely the incumbent and the political party. The incumbent has an interest in maintaining the status quo, staying in power, by trapping rivals through "party buying". Meanwhile, parties are interested in winning and/or supporting the incumbent.

~~usually carried out for the sake of achieving the goals of short term political parties.~~

~~The election of regional heads without contestation is not essentially the election of regional heads who are in line with the principles of *luber and jurdil*. The right to vote and the right to vote will be reduced by the presence of a single candidate, because voters are faced with an artificial (pseudo) choice which is only against an empty box.~~

Constitutionality of Single Candidate Against Empty Box

The Concept of Regional Head Election

a. Basic Concept of Regional Head Election

The Regional Head Election is a political moment at the local level, namely the process of replacing regional leaders which is carried out by direct election. This method of direct election is a new item in the current regional head election system, where in the era before the 1998 reform, regional heads were elected by members of the DPRD behind closed doors, and this was considered non-transparent, full of fabrication and far from democratic²⁴.

The momentum of reform was marked by the collapse of the new order, and there were changes to the 1945 Constitution of the Republic of Indonesia, one of which was the provision on local government. The amendment of the provisions of Article 18 of the 1945 Constitution to 18, 18A and 18B is a new dimension for local government arrangements.

Article 18 paragraph (4) of the 1945 Constitution of the Republic states that the Governor, Regent, and Mayor respectively as heads of

²⁴ Kacung Marijan, *Indonesia's Political System, Consolidation of Post-New Order Democracy*. Kencana, Jakarta. 2010. p. 23

provincial, regency and city local governments are democratically elected. If you look closely, the provisions of Article 18 paragraph (4) of the 1945 Constitution do not affirm the necessity that the Governor, Regent and Mayor must be elected through an election that is carried out directly. However, according to Rozali Abdullah, because the regions are an inseparable part of the Republic of Indonesia, the election of regional heads and deputy regional heads should be synchronized with the election of the president and vice president, namely through direct elections²⁵. As emphasized in Article 56 paragraph 1 of Law Number 12 of 2008 concerning local government, it states that "Regional heads and deputy regional heads are elected in one pair of candidates which are carried out directly, publicly, freely, secretly, honestly and fairly".

This provision has implications for a paradigm shift in local government from centralization to decentralization. According to Bhenyamin Hoessein, decentralization is the establishment of autonomous regions and/or the handing over of certain authority to them by the central government²⁶. This understanding is based on the empirical case of Indonesia, where the birth of autonomous regions and regional autonomy in Indonesia is the result of the creation of the government through the process of decentralization.

B. C. Smith stated that decentralization requires the delegation of *power* to subordinate governments and the distribution of power to the regions. The central government is required to hand over power to local governments as a form of decentralization. Direct regional elections are a form of implementation of decentralization from a political perspective, where there is a process of transferring the locus

²⁵ Rozali Abdullah, *The Implementation of Broad Autonomy with Direct Election of Regional Heads*, Rajawali Pers, Jakarta, 2005, p. 53

²⁶ Bhenyamin Hoessein, *Global Challenges and Local Responses: Decentralization and Efficiency*. Development Management, No. 19/V, 1997. Page 7

of power from the center to the regions more freely regulating their own household affairs.

The fundamental problem regarding the election of regional heads in general is related to the understanding and meaning of the word "democratic" which is then debated into direct elections called democratic and other opinions that state that indirect elections can actually also be democratic²⁷, as long as the election process is carried out democratically. The mechanism for the election of regional heads is called democratic if it meets several parameters. Robert Dahl, Samuel Huntington and Bingham Powell as quoted by Saukani, HR and friends said that the parameters to observe the realization of democracy include: general elections, power rotation, open recruitment, and public accountability²⁸.

With such an understanding, the implementation of the Regional Elections is directly seen as having a positive impact on strengthening democracy in Indonesia. There are five important considerations for the implementation of direct regional elections for the development of democracy in Indonesia²⁹, namely:

1. Political participation

Direct Regional Elections are an answer to the demands of the people's aspirations. In direct regional elections, the people are directly involved in determining who is worthy (has credibility and the ability to fight for aspirations and meet the interests of the people) to be their servants (public officials). Through such a process, awareness can grow that they are the true holders of political sovereignty. Included in this awareness is caution in

²⁷ Nopyandri, Democratic Regional Head Election in the Perspective of the 1945 Constitution, Journal of Law, Volume 2 Number 2 of 2013, p. 9

²⁸ Saukani HR, Affan Gaffar, and Ryass Rasyid, Regional Autonomy in a Unitary State, Student Library, Yogyakarta, 2002, pp. 12-13

²⁹ Mufti M Mubarak, *the succession of the regional elections won the direct elections*. Java Main Media Library. Surabaya. 2005. pp. 3-7

making choices, because wrong choices can have bad consequences for their lives.

2. Local political competitions

The regional elections immediately opened up space to compete fairly and fairly among the existing contestants. Thus, it is hoped that there will no longer be a contestant from a certain pair of candidates who dominate the ongoing process and close the space for other groups to compete fairly.

3. Political Legitimacy

In contrast to the indirect Regional Elections (through the DPRD) as previously held, direct Regional Elections will provide strong legitimacy for the leadership of the elected regional heads. In the direct election mechanism, the elected leadership will reflect the configuration of political power and the interests of the constituents of the electorate (the people), so that it can be ensured that the democratically elected candidate will have the support of the majority of the voting society.

4. Minimization, Manipulation and cheating

One of the elements that encourages the implementation of direct regional elections is the rampant various cases of transactional politics and various other forms of fraud in the implementation of the regional elections that have been happening. Government intervention in the election of regional heads has indeed decreased since the enactment of regional autonomy, but the problem has shifted to the representative institutions in the regions that carry out the regional elections in the form of transactional politics that occurs in almost all regions. The success of regional autonomy, one of which is also determined by local leaders produced in direct elections, is the commitment of local leaders in realizing the goals of regional autonomy, among others, to improve the welfare of the

community by always paying attention to the interests and aspirations of the community so that it can be realized

5. Accountability.

The accountability of regional heads is very important. This is because if the people as voters consider that the elected regional head is unable to carry out his duties properly and is responsible to the people, then the people will sanction him in the next Regional Election by not re-electing him.

Furthermore, according to Juliansyah, the Regional Elections are "As a medium to carry out the democratic election of regional heads in accordance with the mandate of the 1945 Constitution, and local governments are given the authority to regulate and manage their own government affairs according to the principle of autonomy and assistance duties. The granting of broad autonomy to the regions is directed to accelerate the realization of community welfare through improving services, empowerment and community participation. With broad autonomy, it is expected to be able to increase competitiveness by paying attention to the principles of democracy, equity, justice, privilege and specificity as well as regional potential and diversity in the Unitary State system of the Republic of Indonesia. Political positions are filled through the Regional Elections in accordance with the context of Law Number 32 of 2004 with local governments which are expected to accelerate the welfare of the community, because the people in the area are more familiar with the character and ability of their leaders. The people of the electorate have a social responsibility from what they have chosen, according to the vision, mission, and program in realizing the regional progress that their leaders in their regions want to achieve through the social selection process. Therefore, the essence of the regional elections is through a competition and political process, and local people can accept

the process that has been running in order to create common prosperity."³⁰

Based on the above opinion about the purpose of the direct implementation of the Regional Elections, where it is said that the people can get to know their own regional leader candidates, this shows that in fact the direct Regional Elections are a very democratic mechanism different from the previous one. The election of regional heads at the time of the enactment of Law Number. 5 of 1974 and Law Number. 22 In 1999, the people were not directly involved in determining regional heads and deputy regional heads, so sometimes those who became regional heads were only representatives of political parties, local political elites and the central government.

The regional elections directly open up opportunities for the people to select for themselves the candidates for regional heads and deputy regional heads that the people want. Thus, because regional heads are elected directly by the people, the emotional relationship will be able to side with the people who have entrusted the mandate to the candidates they want together through the direct election of regional heads.

The election of regional heads directly gives optimism to the public that the quality of regional leadership will improve. Even though some issues invite public concern, the mechanism for electing leaders who are directly elected by the people is believed to be better than the indirect election mechanism that has been carried out before the reform era.

Direct regional elections will in turn provide political education to the people in the regions to choose and determine their own leaders

³⁰ Ahmad Nadir, *Direct Regional Elections and the Future of Democracy A Study on the Articulation of Nahdiyyin Politics and Dynamics*. AVERROES PRESS, Malang, 2005, pp. 14-16

without any intervention from anyone, including the central government and/or political elites at the central level. The direct elections will also provide leadership training for local elites to develop their skills in formulating and making policies, overcoming problems in the community, political communication with the community, and articulating and aggregating community interests.

These experiences, in turn, are expected to produce reliable politicians or leaders who can compete at the national level. Direct regional elections also create a pattern of recruitment of local leaders with clear standards. With direct elections, there will be recruitment of political leaders from the regions (local), not dropped from the center. With direct regional elections, the people are directly involved in choosing their leaders. This direct involvement of the people will in turn increase democratization at the local level, where the people truly have sovereignty.

Advantages and Disadvantages of Direct Regional Head Election

Efforts to realize democratization in Indonesia are pursued through various ways, one of which is by carrying out decentralization, including direct regional elections. Decentralization is part of the democratization process. With decentralization, the regions, both their governments, their people, and people's representatives, are given the possibility and opportunity to formulate and implement public policies that are in accordance with the interests of the local community³¹.

One form of implementation of decentralization is the direct election of regional heads. The election of regional heads directly has a very close correlation with the implementation of people's sovereignty. With the direct election of regional heads, the people can determine their own leaders in their regions, so that a close relationship is established

³¹ Nadapdap, Binoto. *'The Ebb and Flow of Regional Autonomy and Direct Regional Head Elections.'* Sociae Polites Scientific Journal of Social and Political Sciences, Vol. V, No. 22, 2005.p. 5

between regional heads and the people that can encourage the realization of democratic and participatory regional government implementation. Direct elections in Indonesia are often said to be a leap of democracy that can have both positive and negative connotations. In a positive sense, the Regional Elections directly provide opportunities for the people in the regions as one of the political infrastructures to elect their regional heads directly through a voting mechanism. This will encourage the people in the region as one of the political infrastructures to elect their regional heads directly through a voting mechanism. Meanwhile, in a negative sense, the Regional Elections are directly a leap of democracy which is a party of the regional people, the people in the regions are free to do anything³².

Direct regional elections can be a pillar that strengthens the building of democracy nationally. The implementation of the Regional Elections directly shows an increase in democracy. The level of democracy of a country is determined, among other things, by how much the community plays in determining who among them is made state officials. The more state officials, both at the local and national levels, who are directly elected by the people, the higher the level of democracy in the country³³. This is in accordance with Dahl's opinion that democratization at the national level is only possible if democracy also takes place at the local level³⁴.

Simultaneous Regional Head Election

The direct regional head general election (Pilkada) is a means as well as an effort to realize the democratic system as a whole and as a step to realize the sovereignty of the people. Hopes for the realization of good governance after the transition of the democratic system from the old pattern of applying indirect democracy to direct democracy did not

³² Fitriyah. *Direct Regional Election System and Process*. CSIS Analysis, Vol. 34, No. 3. 2005. p. 3

³³ *Ibid*

³⁴ *Ibid*

immediately bring blessings in the form of fundamental changes. In fact, what happened was not in accordance with expectations, a lot of corruption was carried out by regional heads in various parts of the country so that what was aspired to for regional autonomy to spur the acceleration of people's welfare has not been seen.

One form of community participation in *Pemilukada* is to participate in using their voting rights to choose their leaders. The increasing involvement of the community in the implementation of elections shows the strengthening of the democratic order in a country. By participating in the general election process as a smart society, we must be able to assess the best candidates who are willing to listen to the aspirations of the community, not choose candidates who are only selfish or their groups so that they forget the promises that have been made during the campaign period so that the development that will be carried out is in accordance with the wishes of the community. The public should also not waste their voting rights "paid" or for temporary lures. The Simultaneous Regional Elections depart from the hope, among others, to reduce the cost of organizing or budget efficiency which has been felt to be very unreasonable. The implementation of the Simultaneous Regional Elections can save costs because the cost should be incurred twice to finance the Regent/Mayor and Governor's Regional Elections, so that the cost is enough to be borne jointly in the Provincial Budget and the Regency/City Budget. With cost efficiency, it is hoped that regional head candidates will not spend too much on their political costs so as to minimize the occurrence of acts of corruption. Because the cost of the Regional Elections is very expensive, it is estimated that it is a form of starting point for regional heads to commit various acts of corruption. An elected regional head seeks to recoup the political costs he has incurred during the campaign.

One of the important aspects is to knit awareness of community participation that quality elections are the extent to which the political

attitudes and motivations of the community and the candidates can jointly build the essence of the goal of regional autonomy. Direct elections are not just a fight for regional head seats that have no implications for the welfare of the community. However, it must be a challenge in maintaining democracy for the welfare of the people. The simultaneous implementation of regional head elections (pilkada) must receive a portion of more attention from the government. The stages of the simultaneous regional elections require very careful preparation. We really hope that this simultaneous regional election can have a positive impact on improving the quality of government in the region and the government can run better to improve people's lives, the quality of candidates, the quality of organizers and the quality of results in accordance with the expectations of all of us.

All of this can be realized and run well with the support of political parties, election organizers, the community and other stakeholders. The first batch of simultaneous Regional Head Elections (pilkada) was held on December 9, 2015. This election is to elect regional heads whose term of office ends in 2015 until the January-July 2016 range.

Simultaneous regional elections are a new thing in Indonesia's constitutional system. In practice, the simultaneous regional elections do not have a reference. On the other hand, the 2015 simultaneous regional elections are expected to be a barometer for the implementation of the next simultaneous regional elections, namely the simultaneous regional elections in 2017, 2018, 2020, 2022, 2023. Only in 2027, the regional elections are planned to be held simultaneously nationally.

Overview of Single Candidate

One of the hot issues related to the democratic process through the regional elections is the re-emergence of the phenomenon of single candidate pairs in the implementation of the 2019 regional elections. Mohammad Alexander said that "As a product of local political dynamics,

a single candidate in the regional elections provides an alternative to achieve participation in order to avoid the loss of constitutional rights from citizens and advanced candidates, but on the other hand, places the regional elections as uncontested elections where uncontested elections will degrade the elements of participation in democracy."³⁵

According to the Great Dictionary of Indonesian, there is no detailed explanation regarding a single candidate, but if translated verbatim, a candidate is a person who will become or a person who is educated and prepared to occupy a certain position or profession³⁶. While the single is the only one³⁷. So that in general, the term single candidate in the regional elections can be interpreted as the only person who will compete in a fight or competition that is educated and prepared to occupy a certain position or profession. In the context of the election of regional heads, a single candidate is an unexpected phenomenon or condition caused by laws and regulations regarding regional elections that require a minimum of two pairs of regional head candidates.

Executive Director of the Association for Elections and Democracy (Perludem) Titi Anggraini said "there are two variants of single candidates in the regional head election or Pilkada. First, the sole candidate is a person who has previously been in power or an incumbent. Second, a single candidate is a relative or family of the person in power"³⁸. In terms of regulation, a single candidate is accommodated through Article 54C paragraph (1) of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of

³⁵ Mohammad Alexander M, Thesis on Democracy Anomalies: A Study on the Process of the Emergence of Single Candidates in the Single Candidate Regional Elections of Blitar Regency, (Surabaya: Universitas Airlangga, 2015), p. 1.

³⁶ Great Dictionary Indonesian on-line, quoted from <https://kbbi.web.id/calon>, accessed October 22, 2022

³⁷ *Ibid*

³⁸ Quoted from Tempo.co, Perludem: There are Two Variants of Single Candidates in the Regional Elections, <https://nasional.tempo.co/read/1073276/probosutedjo-20-tahun-berwarfighting-cancer-thyroid>, accessed on October 22, 2022

Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law.

The constitutionality of a single candidate against an empty box in simultaneous regional head elections in Indonesia

1. Single Candidate Against Empty Box Requirements

The reality of the emergence of a single candidate in the simultaneous regional elections raises questions from various parties regarding whether the election of regional heads will be continued or not considering that there are no laws and regulations that discuss the issue. On this basis, through a request for a material test of Law Number 8 of 2015 concerning Amendments to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law against the Constitution of the Republic of Indonesia in 1945. The Constitutional Court (MK) then issued Decision Number 100/PUU-XIII/2015 which states that regions that only have one pair of regional head candidates can participate in the simultaneous *Pemilukada*.

Related to this, the General Election Commission (KPU) then issued the General Election Commission Regulation of the Republic of Indonesia Number 14 of 2015 concerning the Election of Governor and Deputy Governor, Regent and Deputy Regent, and/or Mayor and Deputy Mayor with One Pair of Candidates as mentioned in the provisions of Article 14 paragraph (1) which emphasizes that:

"The means used to vote in the Election of 1 (one) Candidate Pair use a ballot containing a photo of the Candidate Pair, the name of the Candidate Pair and a column to give a choice to agree or disagree."

Based on this, in 2016 the government then made amendments to Law Number 8 of 2015 concerning Amendments to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law into Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 2014 concerning the Election of Governors, Regents, and Mayors became a law where the provision for one pair of candidates is explicitly regulated in Article 54C which emphasizes that:

- (1) The election of 1 (one) candidate pair is carried out in the event of meeting the following conditions:
 - a. After the postponement and until the end of the registration extension period, there is only 1 (one) candidate pair who registers and based on the results of the research, the candidate pair is declared eligible;
 - b. There are more than 1 (one) candidate pairs who register and based on the results of the research there is only 1 (one) candidate pair that is declared eligible and after the postponement until the end of the reopening period of registration there are no candidate pairs who register or candidate pairs who register based on the results of the research are declared ineligible which results in only 1 (one) candidate pair
 - c. since the determination of the candidate pair until the start of the Campaign period there is a candidate pair who is permanently disabled, the Political Party or the Political Party Coalition does not propose a candidate/replacement candidate pair or the proposed candidate/replacement candidate pair is declared ineligible which results in only 1 (one) candidate pair

- d. since the start of the Campaign period until the day of voting, there are candidate pairs that are permanently disabled, the Political Party or the Political Party Coalition does not propose a candidate/replacement candidate pair or the proposed candidate/replacement candidate pair is declared ineligible which results in only 1 (one) candidate pair; or
 - e. there are candidate pairs who are subject to cancellation sanctions as election participants resulting in only 1 (one) candidate pair.
- (2) The election of 1 (one) candidate pair is carried out using a ballot containing 2 (two) columns consisting of 1 (one) column containing a photo of the candidate pair and 1 (one) blank column without a picture
 - (3) Voting is done by voting.

The above provisions are then emphasized in Article 14 paragraph (1) of General Election Commission Regulation Number 13 of 2018 concerning Amendments to General Election Commission Regulation Number 14 of 2015 concerning the Election of Governor and Deputy Governor, Regent and Deputy Regent, and/or Mayor and Deputy Mayor with One Pair of Candidates. The provisions of Article 14 in full confirm that:

"The means used to vote in the Election of 1 (one) Candidate Pair use a ballot paper containing 2 (two) columns consisting of 1 (one) column containing a photo of the Candidate Pair and 1 (one) blank column without a picture."

Furthermore, the provisions of Article 18 of the General Election Commission Regulation Number 13 of 2018 concerning Amendments to the General Election Commission Regulation Number 14 of 2015 concerning the Election of Governor and Deputy Governor, Regent

and Deputy Regent, and/or Mayor and Deputy Mayor with One Candidate Pair, emphasizes that "Voting for the Election of 1 (one) Candidate Pair by voting 1 (one) time in the column containing a photo of the Candidate Pair or a blank column that does not have a picture." The provision states that the ballot paper for the single candidate to be voted contains, contains two columns consisting of one column containing a photo and name of the single candidate pair and a blank column that does not have a picture, voters are given the freedom to vote by voting for the column with a picture of the candidate pair or a blank column which in the author's language is mentioned as a blank box.

To determine whether or not a single candidate will be elected in the simultaneous elections, it refers to the provisions of Article 54D of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into a Law that confirms that:

- (1) The Provincial KPU or Regency/City KPU determines the selected candidate pairs in the Election of 1 (one) candidate pair as referred to in Article 54C, if it gets more than 50% (fifty percent) of the valid votes.
- (2) If the votes of the candidate pair are less than as intended in paragraph (1), the candidate pair who loses the election may nominate again in the next election.
- (3) The next election as referred to in paragraph (2) shall be repeated in the following year or carried out in accordance with the schedule contained in the laws and regulations.
- (4) In the event that there is no pair of elected candidates for the results of the Election as referred to in paragraphs (2) and (3), the Government assigns an acting Governor, Acting Regent, or Acting Mayor.

- (5) Further provisions regarding the procedure for the election of 1 (one) candidate pair are regulated by KPU Regulations.

Based on the above provisions, a single candidate pair will only be determined as an elected pair if it obtains more than 50% of the valid votes. If the minimum number of votes is not met, the regional elections will be repeated the following year or held according to the schedule in the laws and regulations.

A single candidate who is declared "lost" can run again by following the initial mechanism, including the composition of supporting political parties that may be different. Politically, there is no guarantee that political parties or coalitions of old political parties will support the single candidate who loses. In the Makassar mayoral election (Pilwalkot) in South Sulawesi in 2018, Empty box declared a winner by obtaining 53 percent of the votes while the single candidate, the pair Munaffri Arifuddin-Rachmatika Dewi, only obtained 47 percent of the votes³⁹. Since there is no candidate pair elected, the government assigns an interim acting to lead until the next election.

Based on the description above, the requirements for a single candidate in the simultaneous regional elections that will be held in 2024, where regions that carry out simultaneous regional elections must meet the conditions as referred to in the provisions of Article 54C of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors Become Law, if they meet the conditions referred to in these provisions, then it can be ensured that

³⁹ Arizka Citizen. *Gibran against an empty box in Solo? This is the mechanism of a single candidate in the Regional Elections*. Accessed on <https://theconversation.com/gibran-lawan-kotak-kosong-di-solo-begini-mekanisme-calon-tunggal-dalam-pilkada-143607> on January 10, 2023

the regional elections in the area will only be followed by a single candidate against an empty box. Meanwhile, regarding the pair of candidates for regional heads, they can be considered as participants in the regional elections if they meet the provisions stipulated in the General Election Commission Regulation of the Republic of Indonesia Article 3 Number 3 of 2017 concerning the candidacy for the election of governors and deputy governors, regents and deputy regents, and/or mayors and deputy mayors which reads that the election participants are:

- a. Candidate pairs proposed by political parties or coalitions of political parties and have qualified to be designated as election participants, and/or
- b. Individual candidate pairs who have registered and have met the requirements to be designated as voter participants.

Furthermore, the provisions of Article 40 paragraph (1) of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors Become a Law that confirms that:

"Political parties and coalitions of Political Parties can register candidate pairs if they have met the requirements for obtaining at least 20% (twenty percent) of the number of seats in the Regional People's Representative Council or 25% (twenty-five percent) of the accumulated valid votes obtained in the general election of members of the Regional People's Representative Council in the region concerned".

Based on the above provisions, political parties can submit candidates for regional heads if they meet these provisions, in addition to political parties on the individual route or independent route, they

are also allowed to register themselves as candidates for regional heads through the individual route which of course must meet the provisions of the applicable laws in this case is Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations Replacement of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law

2. Causes of the Emergence of Single Candidates Against Empty Boxes

If observed, broadly speaking, there are at least several factors that encourage the emergence of a single candidate, as the author below is as follows:

a-d. Nomination process that requires high costs

To run as a candidate for regional head is not easy, because it requires high costs in the nomination process. In addition to demanding the cost of making various candidate identification properties through banners, stickers, and so on, if you do not also prepare a political dowry to a political party, it is certain that someone who wants to become a regional head will not be able to achieve his dream.

Political dowry seems to be commonplace, because it is considered a boat fare whose pretext will later be used as a financing fund to run the party's vehicles. The phenomenon of one pair of candidates being born because of the high dowry from the supporting party, then rationally, if there is a strong incumbent candidate, other candidates will definitely calculate rationally. Instead of losing everything, it is better to undo the intention to become a candidate, because just to become a candidate they have to pay a dowry.

Not to mention the funds that will be used for campaigns, funds to win voters' votes, funds to secure votes starting from the polling station level to securing votes at the KPU, Regency/City KPU, Provincial KPU,

Central KPU and even at the Constitutional Court level in the event of a dispute. The practice of political dowry is a very difficult thing to prevent in practical politics in Indonesia. Political dowry seems to be mandatory to be given when the candidate pair wants to advance to become a bride in the process of candidacy for regional heads. If the political dowry is not paid, it is certain that the candidate pair will not be able to advance as candidates in the regional elections.

b.c. Candidates who buy parties to be their supporters

The trigger for the existence of one pair of candidates in Pemilukada is because the candidates who advance buy the support of all political parties, thus closing the opportunity for other regional sons to be able to advance to become mayoral candidates. This means that with a large amount of capital, the candidate for regional head locks the opportunity for other candidates to get support. Although this cannot also be blamed, because in fact Pemilukada is a gamble to be able to win and occupy power. However, what is wrong is the weak competitiveness and the lack of courage to compete in battle.

Opponents are defeated before advancing in battle. In fact, the appropriate word for this condition is the existence of power egoism. In fact, the true fight is when there is an opponent in front of you, so that if the victory achieved, or the defeat obtained, it is all a form of true toughness and courage. This happens because not every pair of candidates who advance as contestants in the election have good financial capabilities. Candidate pairs who have financial limitations will usually be eliminated by themselves.

e.f. Cadre regeneration that is not optimal in political parties

So far, the recruitment process tends to be *injury time* or not prepared based on mature regeneration. Where so far political parties have tended to rely on members of the DPR, DPD, or DPRD to become candidates in the Regional Elections. However, since there is a provision after the Constitutional Court's decision

that members of the DPR, DPD, or DPRD who are advancing to the Regional Elections must resign, it is increasingly difficult for the party to find cadres to carry, because many legislators do not want to resign, especially if their chances of election are low.

Political parties have an important position in the constitution. One of the functions of political parties is to conduct political education. However, currently, political parties are considered to have not carried out political education optimally both to the public and within the party. Political parties have three functions, namely preparing cadres for national leadership both in the legislature and the executive, channeling people's aspirations, and conducting political education. Political education to internal political parties can be seen in the regeneration. However, this regeneration is not running optimally. As long as the regeneration of political parties is not optimal and the role of preparing the candidate for leader is not carried out optimally, political parties will still have difficulty proposing their candidates in the election contest.

Based on the above, the phenomenon of one pair of candidates in the regional elections cannot be considered something ordinary, because the implementation of the regional elections requires considerable financing from the Regional Expenditure Budget (APBD) of each region. Although, currently the Government has initiated the simultaneous election of regional heads to reduce the budget. However, the Ministry of Home Affairs actually stated that the simultaneous implementation of regional head elections is more wasteful than the election of regional heads whose time is adjusted by each region.

3. Constitutional Single Candidate Against Empty Box

Modern countries in carrying out their government are based on law (*Rechtsstaat*) and not based on mere power (*Machtsstaat*).⁴⁰ This is based on the development of the concept of legal protection that has gone global, and the concept of absolutism of power that is fading. One of the essential elements of the state of law is upholding the supremacy of the constitution.

This is logical, because in the constitution, there are generally provisions related to the elements that must exist in the state of law. In addition to upholding the supremacy of the constitution in addition to being a consequence of the concept of the state of law, the democratic system of government is generally used because it is the highest form of social agreement. One of the juridical consequences of the democratic legal system in Indonesia is the election of leaders in a democratic way. The election of these leaders includes the election of leaders in the regions or commonly known as regional heads.

The democratic election of regional heads is regulated in Article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia which emphasizes that "Governors, Regents and Mayors as Heads of Provincial Governments, Regencies and Cities are democratically elected". The emergence of a single candidate against an empty box in the simultaneous regional head elections that occurred in several regions in Indonesia is certainly an ironic thing, where Indonesia is the third largest democracy in the world that has a relatively large number of parties.

The mechanism for selecting a single candidate must be faced with an empty box as an "opponent", meaning that the candidate pair contests with an empty box. When a single candidate gets the most votes, basically the pair of single candidates does not win the contest

⁴⁰ Xavier Nugraha et al., *The Use of the Noken System in Papua as a Form of Democratic Regional Head Election in the Perspective of the 1945 Constitution*, Yogyakarta: Harfeey Publishers, Cet. 1, 2019, p. 93

but just wins because they are dealing with non-election participants who are not legal subjects and do not receive facilities from the state⁴¹.

The facilities provided only for socialization are regulated in the KPU Regulation, not the Law. Important facilities such as campaigns, witnesses at the time of recapitulation and filing lawsuits to the Constitutional Court are not given in empty boxes. The blank box is presented as an alternative option for voters who are not willing to choose a candidate pair. The existence of an empty box is considered an attempt to keep the contestation dimension alive. However, the contestation is actually not really fair.

On the other hand, that one of the principles of a democratic Regional Election is based on justice. Regarding the principle of fairness, in the implementation of the Regional Elections, it is not only interpreted narrowly to present justice for local residents as sovereign holders in providing voting rights to choose candidate pairs in the voting booth. More broadly, the principle of justice must also be implemented in every stage of the implementation of the Regional Elections for participants

In the context of the Regional Elections with a single candidate who is faced with a blank column, the question that must be answered is how the principle of justice is implemented at the campaign stage, especially the campaign facilitated by the KPU. For example, the dissemination of campaign materials to the public, the installation of props (APK), to the advertising of print mass media and electronic mass media, of course the campaign facilitated by the KPU is somewhat difficult in providing equal rights for single candidates and blank columns fairly. So that it is not an easy job for Bawaslu to supervise this matter, especially so that

⁴¹ Yashinta Sastaviana Hikmania. *The Struggle of the Concept of Contested Election and Uncontested Election (Case Study of the Pati Regency Election in 2017)*. Compilation of Summary of Election Governance Thesis Edition I of 2019. p. 168

justice can be reflected both for the single candidate and for the empty column itself.

Even the most crucial thing is the lack of candidate debates. The campaign method through candidate debates is the most important part in providing political education to local residents and is a place for the exchange of ideas, ideas and dialogues between candidate pairs to convince voters. Therefore, the Regional Elections with this single candidate certainly do not detract from the essence of modern democracy. Moreover, if you use international aspects to measure the level of democratic elections, where one (1) of the fifteen (15) aspects is a democratic campaign.

According to the author, contestation and competition are absolute requirements of democracy, if these two elements are not met, the democracy that is being built is not consolidated, not substantive, and only a mere procedure. The more regions that hold regional elections with a single candidate who fights against empty boxes, it is important that the regions can reflect. Maybe there is something wrong in the democratic competition process that is built in his area. When, for example, there are 10 (ten) political parties that have seats in the regional legislature, but there is no political competition, it further shows the defects of a region's democracy. In a situation like this, it is the people who are sacrificed, and it hurts the purpose of democracy itself to prosper the community.

In addition, the blank box is not a citizen like the candidate for the regional head and his deputy, therefore, the blank box is not a legal subject because it does not have the right to vote and be elected in the election contest in Indonesia. Because the empty box is not a legal subject, the election of the regional head that is only followed by a single candidate against the empty box cannot be said to be constitutional.

Legal Implications of the Presence of a Single Candidate Against an Empty Box in the Simultaneous Regional Head Election in Indonesia

The election of regional heads is very closely related to the implementation of people's sovereignty in a country. People's sovereignty means that the people are the ones who determine the style and way of government, and the people are the ones who determine what goals to be achieved. Harold J. Laski said that sovereignty is a legitimate power according to the highest law, the power includes all people and groups in the society it controls.⁴² While, C.F. Strong in his book *Political Modern Constitution* states that sovereignty is the power to form laws and the power to impose its implementation.⁴³

In reality, theoretically, the election of regional heads is one of the types of general elections, according to the USA general elections are a means of implementing the principle of people's sovereignty, in essence, it is a recognition of the embodiment of the people's political rights and at the same time is the delegation of these rights by the people to their representatives to run the government.⁴⁴

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⁴² Laski, Harold J. *Authority in the Modern State (Works of Harold J. Laski)*. (London: Routledge, 2014).

⁴³ Strong, Charles Frederick. *Modern Political Constitution: An Introduction to The Comparative Study of Their History and Existing Form*. (New York: Macmillan Company, 1950).

⁴⁴ Schofield, Norman, Gary Miller, and Andrew Martin. "Critical elections and political realignments in the USA: 1860–2000." *Political Studies* 51, no. 2 (2003): 217-240; Pinto, Sergio, et al. "Presidential elections, divided politics, and happiness in the USA." *Economica* 88, no. 349 (2021): 189-207.

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In line with the above opinion, according to Moh Kusnardi and Harmaily, Ibrahim also said that elections are not everything about democracy⁴⁵. Elections are a basic means of implementing the principles of democracy and the joints of democracy do not only lie in elections, but nevertheless elections have a very important meaning in the process of national dynamics. In fact, whatever the reason, only a restrictive government is considered to have the legitimacy of the people to lead and regulate the government to become the manager of the rulers, so that through the election the claim of the government elite working for and on behalf of the interests of the people can be recognized, thus it can be said that the implementation of regional head elections which is one type of election related to the implementation of sovereign relations.

The purpose of the election should be measured by the goal of the independence of a country on the one hand, and the other by the functions of holding general elections. Under the control of democracy, elections become a vehicle for the use and struggle of political rights so that the people's sovereignty is realized as a counterweight and controller of state sovereignty derived from it. The mechanism for implementing elections and also regional elections as a vehicle for optimizing the people's political rights, requires support starting from implementation, process and supervision.

⁴⁵ David Held. *Models of Democracy*. Jakarta. Akbar Tandjung Institute. 2007. p. 34

According to Austin Ranney⁴⁶, there are three main criteria for a democratic election, including:

1. The existence of general voting rights (*active and passive*), which means that in executive and legislative elections, every citizen has the same opportunity in the public sphere to vote and be elected. Active voting rights are the rights of citizens who are eligible to elect their representatives in the House of Representatives, DPD, DPRD, President-Vice President, and Regional Heads-Deputy Regional Heads, namely 17 years old or have been/have been married, have not been impaired in memory, have not been deprived of their voting rights, are not serving prison sentences, are registered in the Permanent Voter List (*Daftar Pemilih Tetap—DPT*). The passive voting right is the right of citizens who are eligible to be elected as members of the House of Representatives and the House of Representatives.
2. Equality of vote weight, which means that there must be a guarantee that the votes of each voter are given the same weight in the election. All voters have the same percentage weight per person regardless of position and position.
3. The availability of candidates from different ideological backgrounds⁴⁷.

~~According to Austin Ranney, there are three main criteria for a democratic election, including:~~

- ~~1. The existence of general voting rights (*active and passive*), which means that in executive and legislative elections, every citizen has the same opportunity in the public sphere to vote and be elected. Active voting rights are the rights of citizens~~

⁴⁶ Ranney, Austin. "Turnout and representation in presidential primary elections." *American Political Science Review* 66, no. 1 (1972): 21-37.

⁴⁷ Mahardika, Ahmad Gelora, and Sun Fatayati. "Penerapan Pilkada Asimetris Sebagai Upaya Menciptakan Sistem Pemerintahan Daerah Yang Efektif." *Indonesian Journal of Humanities and Social Sciences* 1, no. 1 (2020): 50-67; Mahardika, Ahmad Gelora. "Fenomena Kotak Kosong dalam Pemilukada Serta Implikasinya dalam Sistem Ketatanegaraan Indonesia." *Jurnal Adhyasta Pemilu* 1, no. 2 (2018): 69-84.

~~who are eligible to elect their representatives in the House of Representatives, DPD, DPRD, President Vice President, and Regional Heads Deputy Regional Heads, namely 17 years old or have been/have been married, have not been impaired in memory, have not been deprived of their voting rights, are not serving prison sentences, are registered in the Permanent Voter List (DPT). The passive voting right is the right of citizens who are eligible to be elected as members of the House of Representatives and the House of Representatives.~~

- ~~2. Equality of vote weight, which means that there must be a guarantee that the votes of each voter are given the same weight in the election. All voters have the same percentage weight per person regardless of position and position.~~
- ~~3. The availability of candidates from different ideological backgrounds⁴⁸.~~

The meaning of this criterion is the availability of a real election and a visible difference from other options where the essence does require more than one choice, then the choice can be very simple such as the difference between two or more candidates or a more complicated difference between two or more different political lines/work programs to the difference between two or more ideologies.

The existence of a single candidate is certainly not in line with the concept conveyed by Austin Ramsey, because this phenomenon makes people have no alternative in determining their voting rights. On the other hand, people are also forced to vote for a candidate who (maybe) not in line with their ideology and desires. The empty box is the peak of the iceberg phenomenon that has been happening in political party

⁴⁸ ~~Ahmad Gelora Mahardika. *The phenomenon of empty boxes in Pemilukada and its implications in the Indonesian constitutional system*. Election Journal. Vol. 1 No. 2 2018. Page 69~~

institutions, political pragmatism, the failure of cadre regeneration and the poverty of ideology make political parties nothing more than vehicles. Political parties do not have the identity, ideology and quality to carry out their functions as political parties. Based on the above, the existence of a single candidate against an empty box in the simultaneous regional head election has implications for several things, including:

1. Potential return to a centralized system of government

One of the effects caused by the presence of a single candidate against an empty box is that if the empty box wins the Regional Election, it is certain that there is a potential absence of a definitive Regional Head in the area. When referring to KPU Regulation Number 13 of 2018 which is a technical reference of the Law on the Election of Regional Heads, the position will later be filled by a temporary official whose authority to fill it is given to the Minister of Home Affairs, who is a Central Government Official directly elected by the President.

In fact, as an excess of the constitutional amendment to Article 18 of the 1945 Constitution of the Republic of Indonesia, Regional Governments are given the authority to manage their own regions. Since then, the authority of the Central Government has only been limited to the authority of Foreign Policy, Defense and Security, Monetary, Fiscal, Justice and Religion. Beyond this authority, everything is the authority of the Regional Government.

Article 18

(2) Provincial, Regency, and City governments regulate and manage their own government affairs according to the principle of autonomy and assistance duties

(5) Local governments exercise the widest possible autonomy, except for government affairs that are determined by law to be the affairs of the Central Government.

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Based on Article 18 paragraphs (2) and (5) of the 1945 Constitution of the Republic of Indonesia, it is very clear that the Regional Government has the authority to regulate and manage its own government affairs according to the principle of autonomy and assistance duties. In addition, this provision is also affirmed in the provisions of paragraph (5) which states that local governments exercise the widest possible autonomy except for government affairs that are determined by law as affairs of the Central Government.

If we assume that if the Regional Election contest presents a single candidate facing an empty box, and the empty box wins the contest, then there will be a power vacuum for a long period of time even up to almost two years. However, the extension is threatened with the potential to be much longer if we have officially held simultaneous regional elections in 2027, which if this rule is still in effect, the Acting Regional Government can rule a region for 5 (five) years.

The legal basis is the provision in the Regional Election Law where the Acting Regional Head is elected by the Minister of Home Affairs until the next Regional Election. This article in terms of the constitutional system has violated the constitution in Article 18, where the Governor, Regent, and Mayor respectively as the heads of provincial, regency and city local governments are democratically elected, not by the Central Government.

The election of Acting Officers who have authority equivalent to the Minister of Home Affairs will slowly create centralization in a new face. Because Acting Heads at both the Provincial and Regency/City levels are Officials of the Ministry of Home Affairs who are appointed directly by the Minister of Home Affairs, and before taking strategic policies, the officials must first consult with the Minister of Home Affairs.

Indirectly, regional autonomy has moved backwards to the form of centralization as in the new order era. Currently, only the city of Makassar is a witness to the history of the victory of the empty box in the election contest, but in the future this could happen in all regions, and it implies that all Regional Heads will be led by Acting Regional Heads elected by the Central Government. And if that condition is really going to happen, then it is a setback for our democracy

2. The loss of the right of the community to be led by its chosen leader.

When there is no alternative candidate or there is only a single candidate, indeed the people are given a choice, namely between choosing a single candidate or an empty box. However, when the empty box wins the contest, the authority to appoint the Acting Acting Officers is absolutely the authority of the Central Government. Reflecting on the basic theory of democracy, according to Dolephet who said that there are five indicators of democracy, Renske sees that democracy can be seen starting from the highest score to the lowest score According to Renske, a region has the lowest democracy score if its leader is determined based on descent, fraudulent elections or elections that have no opponents. In this context, a single candidate facing an empty box is the lowest point of democracy, because in addition to the single candidate

there is no opponent, the defeat of a single candidate also opens up the potential for the election of leaders who are not directly wanted by the people, this condition is like buying a cat in a sack, even though basically the people know that there is a cat in it but the people do not know how to behave, their gender to their skin color, even though the condition is the people's choice and the people already know and understand the consequences

Conclusion

The election of regional heads in which only a single candidate faces an empty box can be deemed unconstitutional. This is because the empty box is not a legal subject with the right to vote or be elected, and therefore cannot participate in the democratic process. Furthermore, a single candidate opposing an empty box undermines the core principles of democracy, particularly the requirement for fair and just competition. Democracy relies on meaningful contestation, where citizens have a genuine choice between qualified candidates. The presence of only one candidate against an empty box diminishes this contestation, weakening democratic values.

Additionally, the emergence of a single candidate against an empty box in simultaneous regional elections raises serious implications. It may signal a potential shift towards a more centralized government, eroding the principle of local autonomy. Furthermore, it strips citizens of their fundamental right to choose their leader, thus compromising their sovereignty. Constitutionally, allowing such a scenario represents a step backward for Indonesian democracy, as it compromises the integrity of the electoral process.

~~The election of regional heads that only present a single candidate against an empty box, can be said to be unconstitutional because the empty box cannot be equated as a legal subject who has the right to vote and be elected, besides that a single candidate against a blank box does not reflect democratic values, where one of the conditions for democracy is the~~

~~existence of a fair and just contestation. The existence of a single candidate against an empty box in the simultaneous election of regional heads has implications for several things, including, first, the potential for the return of a centralized government system, second, the loss of the right of the people to be led by their chosen leader. Constitutionally, Indonesian democracy is one step back with the permission of a single candidate to contest against an empty box in the simultaneous regional head elections in Indonesia.~~

BIBLIOGRAPHY

- Aminuddin Ilmar, *Hukum Tata Pemerintahan*, Jakarta, Prenada Media Group, 2014
- _____. *Konstruksi Teori dan Metode Kajian Ilmu Hukum*. Hasanuddin University Press: Makassar., 2009
- Ahmad Nadir, *Pilkada Langsung Dan Masa Depan Demokrasi Studi atas artikulasi Politik Nahdiyyin dan dinamika*. Averroes Press, Malang, 2005
- Amirudin dan A. Zaini Bisri, *Pilkada Langsung: Problem dan Prospek*, Pustaka Pelajar, Yogyakarta, 2006
- Damang Averroes Al-Khawarizmi dan Muh. Nursal NS, *Carut Marut Pilkada Serentak 2015*, Jakarta: Philosophia Press, 2016
- Frans Magnis-suseno, *Etika Politik: Prinsip-prinsip Moral Kenegaraan Modern*. PT Gramedia Pustaka Utama, Jakarta, 1999
- Georg Sorensen, *Demokrasi Dan Demokratisasi (Proses dan Prospek dalam Sebuah Dunia yang berubah)*, Yogyakarta, Pustakapelajar, 2014
- Jimly Asshiddiqie, *Hukum tata negara dan pilar-pilar demokrasi*, Jakarta, Sinar Grafika, 2012
- Kacung Marijan, *Sistem Politik Indonesia, Konsolidasi Demokrasi Pasca-Orde Baru*. Kencana, Jakarta. 2010
- Nimmo. *Komunikasi Politik: Komunikator, Pesan, dan Media*. PT Remaja Rosdakarya, Bandung, 2005

- Mufti M Mubarak, *Suksesi Pilkada Jurus Memenangkan Pilkada Langsung*. Java Pustaka Media Utama. Surabaya. 2005
- Mukti Fajar ND dan Yulianto Achmad. *Dualisme penelitian Hukum, Normatif dan Empiris*. Yogyakarta: Pustaka Pelajar. 2013
- Rozali Abdullah, *Pelaksanaan Otonomi Luas dengan Pemilihan Kepala Daerah Secara Langsung*, Rajawali Pers, Jakarta, 2005
- Septi Nur Wijayanti dan Nanik Prasetyoningsih, *Politik Ketatanegaraan*, Yogyakarta, LabHukum Fakultas Hukum UMY, 2009
- Siswanto Sunarno, *Hukum Pemerintahan Daerah Di Indonesia*. Sinar Grafik, Jakarta, 2009
- Saukani HR, Affan Gaffar, dan Ryass Rasyid, *Otonomi Daerah dalam Negara Kesatuan*, Pustaka Pelajar, Yogyakarta, 2002
- Titik Triwulan Tutik, *Konstruksi Hukum Tata Negara Indonesia Pasca Amandemen UUD 1945*, Jakarta, Prenada Media Group, 2010
- Achmad Arifulloh, *Pelaksanaan Pilkada Serentak Yang Demokratis, Damai Dan Bermartabat*, Volume II No. 2 Mei - Agustus 2015
- Bhenyamin Hoessein, *Tantangan Global dan Tanggapan Lokal: Desentralisasi dan Efisiensi*. Manajemen Pembangunan, No. 19/V, 1997
- I Gede Pantja Astawa, *Hak Angket Dalam Sistem Ketatanegaraan Indonesia Menurut Undang-Undang Dasar 1945*, Disertasi Universitas Padjadjaran, Bandung, 2000
- Nopyandri, *Pemilihan Kepala Daerah Yang Demokratis Dalam Perspektif Uud 1945*, Jurnal Ilmu Hukum, Volume 2 Nomor 2 tahun 2013
- Nadapdap, Binoto. 'Pasang Surut Otonomi Daerah dan Pemilihan Kepala Daerah Secara Langsung.' *Sociae Polites Jurnal Ilmiah Ilmu Sosial dan Ilmu Politik*, Vol. V, No. 22, 2005
- Fitriyah. *Sistem dan Proses Pilkada Langsung*. Analisis CSIS, Vol. 34, No. 3. 2005
- Sri Budi Eko Wardani. *Calon Tunggal Gerak Mundur Partai Politik*. Majalah Komisi Pemilihan Umum Menjaga Hak Rakyat Bersuara Dalam Pemilu Edisi IV Juli-Agustus: Jakarta. 2015

A. Online Source

Media Indonesia, *Biaya Pilkada Capai 4 Triliun*, diakses di <http://www.mediaindonesia.com/read/2010/07/07/152998/31/B-I-BiayaPemilikada-2010-Capai-4,2-Triliun>

Hamid, *Menolak Pemilihan Gubernur Oleh DPRD*, di akses di <http://abahamid.wordpress.com/2010/09/04/menolakpemilihangu bernuroleh-dprd/diunduh>

Transkrip Diskusi Publik Terbatas, ijrsh.files.wordpress.com/2008/06/politik-uang-dalampilkada.pdf, Kamus Besar Bahasa Indonesia on-line, dikutip dari <https://kbbi.web.id/calon>,

Perludem: Ada Dua Varian Calon Tunggal dalam Pilkada, <https://nasional.tempo.co/read/1073276/probosutedjo-20-tahun-berperangmelawan-kanker-thyroid>,

<https://infopemilu.kpu.go.id/pilkada2018>.

<http://pilkada2015.kpu.go.id/>.

<https://pilkada2017.kpu.go.id/>.

<http://www.pergerakankebangsaan.org/?p=1207>

REVISED VERSION



Muhammad Akbar <muhammadakbar@uindatokarama.ac.id>

Your submission has been sent for review

2 pesan

Waspiah <awapiah@mail.unnes.ac.id>

10/05/2024 pukul 11:00

Kepada: Muhammad Akbar <muhammadakbar@uindatokarama.ac.id>

Dear Muhammad Akbar,

I am pleased to inform you that an editor has reviewed your submission, The Constitutionality of the "Empty Box" Winning Over a Single Candidate in the Implementation of Regional Head Elections: A Case Study of the 2018 Makassar Mayoral Election, and has decided to send it for open peer review. An editor will identify qualified reviewers who will provide feedback on your submission.

This journal conducts double-anonymous peer review. The reviewers will not see any identifying information about you or your co-authors. Similarly, you will not know who reviewed your submission, and you will not hear from the reviewers directly. You will hear from us with feedback from the reviewers and information about the next steps.

Please note that sending the submission to peer review does not guarantee that it will be published. We will consider the reviewers' recommendations before deciding to accept the submission for publication. You may be asked to make revisions and respond to the reviewers' comments before a final decision is made.

If you have any questions, please contact me from your submission dashboard.

awapiah

Muhammad Akbar <muhammadakbar@uindatokarama.ac.id>

10/05/2024 pukul 11:11

Kepada: awapiah <awapiah@mail.unnes.ac.id>

Terdapat beberapa pertanyaan yang berkaitan dengan proses review artikel yang telah dikirimkan ke editor. Mohon arahan dan tanggapan dari rekan-rekan reviewer.

Muhammad Akbar

[Kutipan teks disembunyikan]

REVIEW FORM

Title

The title is clear, specific, and directly indicates the research focus. However, it could be refined to enhance readability and global relevance. A suggestion would be:

- **"The Constitutionality of the 'Empty Box' Victory Against a Single Candidate in Regional Head Elections: A Case Study of the 2018 Makassar Mayoral Election"**
This revision maintains accuracy while improving clarity. Additionally, it would be beneficial to briefly indicate in the title whether the study adopts a legal, political, or constitutional analysis approach.

Abstract

The abstract presents an interesting and timely discussion, but some areas require improvement:

1. **Clarity and Structure** – The abstract should clearly state the research problem, methodology, key findings, and implications. Currently, it may not sufficiently highlight the methodology used. If doctrinal or empirical methods are applied, specifying them would strengthen the abstract.
2. **Research Gap** – The abstract should emphasize what gap this study addresses in existing literature. Why is the Makassar case significant beyond Indonesia? How does this contribute to broader constitutional and electoral law discussions?
3. **Key Findings and Contributions** – The abstract should explicitly state the study's primary conclusion and its significance for constitutional and electoral law.

Suggested Improvements:

- Clearly articulate the legal framework under which the "empty box" scenario is analyzed.
- Indicate how this study contributes to comparative electoral law discussions.
- Summarize key legal and political implications of the findings.

Background of the Problem

The introduction effectively presents the issue, but there are areas for enhancement:

1. **Contextualization** – While the study provides a case study approach, the introduction should discuss broader electoral trends where similar issues arise (e.g., in other jurisdictions like the Philippines or Russia, where uncontested elections occur).
2. **Theoretical Foundation** – The study would benefit from referencing constitutional law theories on democratic legitimacy and electoral competition. Adding discussions on the democratic implications of uncontested elections and "None of the Above" (NOTA) mechanisms in comparative jurisdictions would strengthen the theoretical foundation.
3. **Legal and Practical Implications** – The discussion should frame why this issue is crucial beyond the 2018 Makassar election. For instance, what are the possible long-term effects on Indonesia's democracy?

Suggested Improvements:

- Compare the Makassar case with similar international cases.
- Integrate discussions on democratic legitimacy and the right to political competition.
- Clarify the research objectives and legal framework guiding the analysis.

Article Structure and Coherence

The paper is generally well-organized but could benefit from some refinements:

1. **Logical Flow** – Ensure that each section transitions smoothly. The legal analysis should follow a structured approach (e.g., constitutional principles, legal precedents, judicial interpretations, and implications).
2. **Comparative Analysis** – The paper would be enriched by brief comparisons with similar constitutional and electoral issues in other democratic systems.
3. **Clarity in Argumentation** – Some sections may be too descriptive. Strengthening the argumentation with legal reasoning and jurisprudential analysis will improve the quality.

Potential Global Contribution

The study has strong potential for global contribution, particularly in the following aspects:

1. **Comparative Constitutional Law** – The study can contribute to global discussions on electoral democracy, specifically on how different legal systems address uncontested elections.
2. **Electoral Reform** – This case study can serve as a reference for countries considering legal mechanisms to handle elections with a single candidate.
3. **Judicial Review of Electoral Laws** – The analysis of constitutionality in the Indonesian context may offer insights applicable to other jurisdictions facing similar legal challenges.

Suggested Improvements:

- Expand discussions on international electoral law perspectives.
- Consider linking findings to global debates on electoral legitimacy.
- Highlight how this research informs policy or legal reform discussions.

Final Recommendations

1. **Refine the Abstract** – Clearly state the methodology, research gap, and global implications.
2. **Strengthen the Background** – Provide a comparative discussion and theoretical foundation.
3. **Enhance Legal Analysis** – Include judicial precedents, constitutional principles, and comparative perspectives.
4. **Improve Flow and Clarity** – Ensure smooth transitions between sections and avoid excessive descriptiveness.
5. **Emphasize Global Contribution** – Explicitly highlight how this case study informs broader constitutional and electoral law discussions.

Overall, the paper addresses a crucial and contemporary issue in electoral democracy. With these refinements, it has strong potential for publication in a high-impact law journal.



Muhammad Akbar <muhammadakbar@uindatokarama.ac.id>

Your submission has been sent for review

2 pesan

Editor Lex Scientia Law Review <editor@mail.unnes.ac.id>
Kepada: Muhammad Akbar <muhammadakbar@uindatokarama.ac.id>

20 Mei 2024 pukul 12.00

Dear Muhammad Akbar,

I am pleased to inform you that an editor has reviewed your submission, The Constitutionality of the "Empty Box" Winning Over a Single Candidate in the Implementation of Regional Head Elections: A Case Study of the 2018 Makassar Mayoral Election, and has decided to send it for double-blind peer review. An editor will identify qualified reviewers who will provide feedback on your submission.

This journal conducts double-anonymous peer review. The reviewers will not see any identifying information about you or your co-authors. Similarly, you will not know who reviewed your submission, and you will not hear from the reviewers directly. You will hear from us with feedback from the reviewers and information about the next steps.

Please note that sending the submission to peer review does not guarantee that it will be published. We will consider the reviewers' recommendations before deciding to accept the submission for publication. You may be asked to make revisions and respond to the reviewers' comments before a final decision is made.

If you have any questions, please contact me from your submission dashboard.

Best regards,

Muhammad Akbar <muhammadakbar@uindatokarama.ac.id>
Kepada: Editor Lex Scientia Law Review <editor@mail.unnes.ac.id>

20 Mei 2024 pukul 12.01

Tidak ada gambar yang dapat ditampilkan karena alasan keamanan.

Muhammad Akbar

[Kutipan teks disembunyikan]

REVIEW FORM

After I read the paper, I concluded that the paper presents an intriguing and timely discussion on the constitutionality of the "empty box" winning over a single candidate in regional elections, using the 2018 Makassar mayoral election as a case study. The topic is relevant to contemporary electoral law debates, particularly concerning democratic legitimacy and voter choice in elections with minimal competition. However, while the study provides a valuable exploration of the issue, several areas require improvement to enhance its clarity, coherence, and global relevance.

One of the key limitations of the paper lies in its title. While it clearly conveys the subject matter, the phrase "empty box" may not be immediately understood by international audiences unfamiliar with the Indonesian electoral system. Clarifying this term within the introduction or rephrasing it to align with more widely recognized concepts such as the "None of the Above (NOTA) mechanism" would improve accessibility. Additionally, the title does not indicate whether the study primarily adopts a legal, political, or constitutional analysis, which could help readers better understand its academic focus.

The abstract introduces the topic effectively but lacks clarity in articulating the research gap, methodology, and key findings. It does not explicitly state how this study contributes to the broader discourse on electoral law and constitutional democracy, making it difficult for readers to grasp its significance beyond Indonesia. Furthermore, the methodology is not clearly stated, leaving uncertainty about whether the study employs a doctrinal, normative, or empirical legal approach. This omission weakens the abstract's transparency and makes it harder to evaluate the study's rigor. Additionally, the abstract should summarize the paper's primary conclusions and contributions, particularly regarding constitutional interpretations of uncontested elections and their implications for electoral law reforms.

The introduction provides a relevant background to the issue, but it lacks a comprehensive theoretical framework. While the case study approach is valuable, the discussion does not sufficiently engage with broader constitutional and electoral law theories. A stronger connection to concepts such as democratic legitimacy, political competition, and voter rights would strengthen the foundation of the argument. Moreover, the paper does not fully explore the long-term consequences of allowing "empty box" victories. While the case study itself is compelling, its broader constitutional and democratic implications—such as its effects on political participation, governance, and electoral system integrity—should be more explicitly addressed.

Structurally, the paper is well-organized but could benefit from refinements to improve the flow and analytical depth of its arguments. One of its weaknesses is the lack of a comparative perspective. Although the study focuses on Indonesia, similar electoral issues exist in other jurisdictions, such as the NOTA option in India or the prevalence of uncontested elections in Russia and the Philippines. Engaging with these cases

would provide a richer analysis and demonstrate the global relevance of the study. Additionally, some sections of the paper are overly descriptive rather than analytical. While detailing electoral laws and the specific circumstances of the 2018 Makassar election is necessary, certain passages could be condensed to allow for more critical engagement with constitutional interpretations and democratic principles. A deeper analysis of judicial precedents and comparative electoral jurisprudence would strengthen the legal argumentation.

Although the paper offers a valuable case study, its potential global contribution is not sufficiently emphasized. The study would be more impactful if it explicitly linked its findings to international discussions on electoral legitimacy, constitutional democracy, and voter choice. A discussion of how different countries regulate uncontested elections and the use of NOTA options would provide a broader context. Additionally, the paper could examine whether constitutional courts in other jurisdictions have addressed similar challenges, thereby situating Indonesia's experience within a wider legal and political framework. This would not only enhance the paper's scholarly value but also make it more relevant for policymakers and legal scholars beyond Indonesia.

To improve the paper, the research gap should be clearly articulated, demonstrating how this study advances the existing scholarship on constitutional and electoral law. Strengthening the theoretical foundation by integrating discussions on democratic legitimacy, voter rights, and constitutional principles would provide a more robust analytical framework. The structure should also be refined to ensure a balance between description and critical analysis, with an emphasis on judicial reasoning and comparative perspectives. Finally, explicitly highlighting the paper's global significance by drawing connections to international electoral law debates would significantly enhance its contribution.

Overall, the paper presents an important and relevant discussion, but it requires greater clarity, analytical depth, and comparative engagement to maximize its scholarly impact. By addressing these limitations, the study has strong potential for publication in a high-impact law journal and could serve as a valuable contribution to global electoral and constitutional law discourse.

Recommendation : Revision Required

Challenging Electoral Integrity: The Constitutionality of the 'Empty Box' Victory in the 2018 Makassar Mayoral Election

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Abstract

Single-candidate regional elections have recently attracted significant attention, as previous regulations did not adequately address scenarios where fewer than two candidate pairs were running. The 2018 Makassar mayoral election, where the "Empty Box" (*Kotak Kosong*) emerged victorious against a single candidate, highlights a critical constitutional issue: whether such an outcome is consistent with the principles of democratic electoral integrity. In elections featuring only one candidate pair, the ballot contains two columns—one with the candidate's photo and name, and the other left blank. The constitutionality of allowing the "Empty Box" to win in such circumstances poses significant questions about the fairness of the electoral process and the safeguarding of citizens' constitutional rights. This research critically examines

the legal implications of this electoral anomaly and explores the necessity for clear legislative frameworks governing single-candidate elections. The case offers important lessons for Indonesia's political and electoral systems, emphasizing the need for constitutional and electoral reforms to protect citizens' rights—both the right to vote and the right to be elected—even when only one candidate is on the ballot. Furthermore, it underscores the urgency of political education for both political parties and the electorate to foster a more informed political culture. By analyzing the legal precedents, constitutional principles, and broader implications, this study contributes to the discourse on electoral reform, ensuring that Indonesia's electoral system remains robust, fair, and reflective of democratic values.

KEYWORDS *Constitutional Rights, Empty Box, Single Candidate, Regional Head Election*

Introduction

Electoral integrity is a cornerstone of democracy¹, ensuring that public officeholders derive their legitimacy from the will of the people. However, this principle is increasingly tested by complex political and legal phenomena, particularly in the context of contested elections.² The Makassar mayoral election in Indonesia presents a unique case where the "empty box" option, symbolizing a vote against the sole candidate, won the majority of the votes.³ This unprecedented outcome raises pressing questions about electoral integrity⁴,

¹ Norris, Pippa, Richard W. Frank, and Ferran Martínez i Coma, eds. *Advancing Electoral Integrity*. (Oxford: Oxford University Press, 2014); Noor, Firman, and Lina Marlina. "Establishing Elections with Integrity in Indonesia: Purposes, Problems, and Solutions." *International Conference for Democracy and National Resilience (ICDNR 2023)*. Atlantis Press, 2023.

² Aspinall, Edward. "Elections and the Normalization of Politics in Indonesia." *South East Asia Research* 13, no. 2 (2005): 117-156.

³ Harianto, Harianto, Wawan Budi Darmawan, and Muradi Muradi. "Kemenangan Kotak Kosong pada Pilkada Kota Makassar Tahun 2018." *Society* 8, no. 2 (2020): 546-556. See also some related cases Yantomi, Ahmad. "Kajian Yuridis Kemenangan Kotak Kosong Pada Pemilihan Umum Kepala Daerah di Indonesia." *Jurnal Kepastian Hukum dan Keadilan* 3, no. 1 (2022): 14-26; Syahrial, Indra, and Dadan Herdiana. "Calon Tunggal dan Kemenangan Kotak Kosong sebagai Sebuah Realita Demokrasi di Tingkat Lokal." *Nagari Law Review* 3, no. 1 (2020): 13-26.

⁴ RS, Iza Rumesten, and Lusi Apriyani. "An analysis of defeated single candidate of Indonesia's simultaneous regional elections 2018." *2nd International Conference on Indonesian Legal Studies (ICILS 2019)*. Atlantis Press, 2019; Jaya, Apriliani Kusuma, and

voter autonomy, and the constitutional framework governing elections in Indonesia.

The power of the people continues to play a pivotal role in general elections, as demonstrated by the Regional Elections in the city of Makassar. In this election, political parties presented only a single candidate to face an unconventional opponent—the "empty box" option. Party elites, confident in their control, anticipated an easy victory for the sole candidate. However, the reality proved otherwise. Voters overwhelmingly chose the "empty box" over the single candidate, making it the de facto winner. This outcome defied the norm observed in previous simultaneous regional elections, such as those in 2015 and 2017, where single candidates consistently emerged victorious.⁵

Despite a Constitutional Court challenge involving the single-candidate Regional Election in Tasikmalaya Regency, the outcomes in those cases upheld the victories of the sole candidates.⁶ The Makassar election, however, underscores a significant shift in voter behavior, reflecting dissatisfaction with the candidates put forward by political parties. This phenomenon reveals the growing disconnection between party elites and the electorate, challenging the assumption that political parties wield unchecked dominance in democratic processes.

While the presence of a single candidate in simultaneous regional elections can be seen as an empirical manifestation of democracy, it also highlights systemic vulnerabilities. The emergence of "single candidates" is normatively unanticipated, unpredictable, and seemingly devoid of strategic manipulation. This suggests that democracy, in practice, continues to evolve, shaped by the political systems and dynamics unique to each region. The Makassar election

Ilyas Ilyas. "Legal Re-Construction; The Impact of Empty Column Victory Over Single Candidates in Simultaneous Direct Elections of Regional Heads as A New Phenomenon of Legal Politics in Indonesia:(Case Study: Makassar City)." *International Journal of Business, Law, and Education* 5, no. 1 (2024): 367-385.

⁵ Purwaningsih, Titin, and Bambang Eka Cahya Widodo. "Democracy without contestation: the victory of the empty box in the local election of Makassar city, South Sulawesi Indonesia in 2018." *Sociología y tecnociencia* 11, no. 2 (2021): 48-71; Sahide, Ahmad, Adi Suryadi, and Ahdiana Yuni Lestari. "'Empty Box' Democracy: The Phenomenon of Democracy in Indonesia (Case Study of Makassar City, 2018)." *International Journal of Multicultural and Multireligious Understanding* 9, no. 8 (2022): 285-296.

⁶ Engkus, Engkus, et al. "Policy Implication of Single Candidates in Regional Head Election on Voter Participation in Tasikmalaya District." *Politicon* 1, no. 1 (2019): 1-23.

exemplifies the need to reexamine these dynamics to ensure that democratic practices align more closely with the aspirations and sovereignty of the people.⁷

The juridical basis for single-candidate elections is regulated in Law Number 10 of 2016 concerning Regional Elections, which outlines the mechanism for regional elections with only one candidate. Article 54D stipulates that a single-candidate election winner must obtain more than 50 percent of the valid votes. If this threshold is not met, the losing candidate pair may nominate again in the next election.⁸

Additionally, Article 25 paragraph (1) of PKPU Number 13 of 2018 states that if the "empty box" receives more votes than the single candidate, the General Election Commission (KPU) must schedule a re-election for the next regional election period. Paragraph (2) further specifies that the subsequent election may occur the following year or as scheduled under prevailing laws and regulations.

According to data from the General Election Commission (KPU) for the 2018 Regional Elections, there were 16 regions with only one candidate pair. These regions included North Padang Lawas Regency, Deli Serdang Regency, Prabumulih Regency, Lebak Regency, Tangerang Regency, Tangerang City, Pasuruan Regency, Tapin Regency, Southeast Minahasa Regency, Enrekang Regency, Bone Regency, Makassar City, Mamasa Regency, Jayawijaya Regency, Puncak Regency, and Central Membrano Regency.

Looking at the previous KPU data, the election of regional heads with only one pair of candidates occurred in the first wave of simultaneous regional head elections in 2015, where there were three regions: Blitar Regency (*East Java*), Tasikmalaya Regency (*West Java*), and North Central Timor Regency (*East Nusa Tenggara*). In the second wave of simultaneous regional head elections in 2017, the phenomenon expanded to include nine regions: Buton Regency (*Southeast Sulawesi*), Landak Regency (*West Kalimantan*), Central Maluku Regency (*Maluku*), Tambrauw Regency (*West Papua*), Sorong City (*West Papua*), Jayapura City (*Papua*), Tebing Tinggi City (*North Sumatra*), Tulang Bawang Barat Regency (*Lampung*), and Pati Regency (*Central Java*).

From the data of single-candidate elections, it is evident that the number of regions holding elections with only one pair of candidates has increased over time. In 2015, there were three single-candidate elections, rising to nine in

⁷ Najamuddin, Najamuddin, et al. "The Birth of a Single Candidate at The Election Makassar City in 2018." *SHS Web of Conferences*. Vol. 149. EDP Sciences, 2022.

⁸ See also Nugroho, Rahmat Muhajir, and Anom Wahyu Asmorojati. "Simultaneous local election in Indonesia: Is It really more effective and efficient?." *Jurnal Media Hukum* 26, no. 2 (2019): 213-222; Wuragil, Sarno, and Widayati Widayati. "Development of Democracy & Phenomenon of Single Candidate in Regional Election (Pilkada)." *Law Development Journal* 3, no. 1 (2021): 120-129.

2017, and then to sixteen in 2018 during the simultaneous regional elections. In the 2020 simultaneous regional elections, 270 regions participated. Of these, 25 regions across 12 provinces had only one pair of candidates contesting the elections. These regions included Humbang Hasundutan Regency, Gunung Sitoli City, Pematang Siantar, Pasaman Regency, Ogan Komering, Ogan Komering Ulu Selatan, North Bengkulu, Boyolali, Grobogan, Kebumen, Semarang City, Sragen, Wonosobo, Ngawi, Kediri, Badung Regency, West Sumbawa, Balikpapan City, Kutai Kartanegara, Gowa, Soppeng, Central Mamuju, South Manokwari, Arfak Mountains, and Raja Ampat.⁹

An intriguing phenomenon emerged during the 2018 Makassar mayoral election, where the single-candidate pair lost to the "empty box." The candidate pair Munafri Arifuddin-Rachmatika Dewi (Appi-Cicu) garnered only 47 percent of the votes, while the "empty box" received 53 percent. Specifically, the Appi-Cicu pair secured 264,245 votes, while the "empty box" garnered 300,795 votes. This exceptional outcome highlights a critical turning point in Indonesia's electoral landscape, where voter dissatisfaction can decisively overturn expectations, emphasizing the need for further examination of electoral mechanisms and voter sovereignty to ensure democratic inclusivity and representation.¹⁰

⁹ Furthermore, the risks associated with having only one candidate running for office, primarily focusing on the lack of genuine electoral contestation. In a functioning democracy, elections serve as a platform for the public to choose leaders through competitive processes. However, when there is only a single candidate running, the competitive aspect is lost, undermining the democratic process and potentially leading to voter disengagement. Moreover, the lack of political competition not only weakens democratic institutions but may also lead to a decline in leadership quality. The absence of alternatives or competition leaves voters with fewer choices and fails to challenge the incumbent candidate's governance, thus limiting the accountability of elected officials. See Rahman, Rofi Aulia, Iwan Satriawan, and Marchethy Riwani Diaz. "Calon Tunggal Pilkada: Krisis Kepemimpinan dan Ancaman Bagi Demokrasi." *Jurnal Konstitusi* 19, no. 1 (2022): 47-72; Ekowati, Endah Yuli. "Pragmatisme Politik: Antara Koalisi, Pencalonan, dan Calon Tunggal Dalam Pilkada." *Jurnal Transformatif* 5, no. 1 (2019): 16-37; Rosanti, Ratna. "Political Pragmatics in Indonesia: Candidates, the Coalition of Political Parties and Single Candidate for Local Elections." *Jurnal Bina Praja* 12, no. 2 (2020): 153-165; Romli, Lili, and Efriza Efriza. "Single candidate and the dynamics of 2020 Indonesian Simultaneous Election: A perspective on internal contestation." *Politik Indonesia: Indonesian Political Science Review* 6, no. 3 (2021): 265-288.

¹⁰ Lestari, Ayu. "Kotak Kosong Memenangkan Pemilihan Umum Kepala Daerah." *Lex LATA* 1, no. 2 (2019); Kambo, Gustiana. "Mobilisasi Massa Kemenangan Kolom Kosong pada Pemilihan Walikota Makassar Tahun 2018." *Jurnal Politik Profetik* 9, no. 2 (2021): 278-297.

The unique case of Makassar City, where voters opted for the "empty box," underscores the need for a comprehensive review of the legal and institutional frameworks governing single-candidate elections. Such cases highlight the tension between electoral mechanisms and voter sovereignty, emphasizing the necessity of reforms that ensure electoral processes remain democratic and inclusive.

In addition, the Makassar case is not an isolated incident but part of a broader trend of electoral controversies in Indonesia. As the world's third-largest democracy, Indonesia has made significant strides in organizing free and fair elections. However, challenges such as political dynasties, weak opposition, and voter disenfranchisement continue to undermine the electoral process. The victory of the "empty box" in Makassar illustrates a social gap where voters' dissatisfaction with the available political choices manifests through an unconventional mechanism. It also exposes a legal gap in addressing the implications of such outcomes within Indonesia's constitutional and electoral frameworks.¹¹

From a legal perspective, the "empty box" victory presents a conundrum. The Indonesian Constitution guarantees the right to participate in elections and emphasizes that public officials must be elected through democratic means. Yet, the election of a leader by default—without an opposing candidate—challenges traditional interpretations of democratic representation. The Constitutional Court has provided some clarity on the issue, but the absence of comprehensive regulations leaves significant ambiguities.¹²

Socially, the Makassar election reflects growing voter frustration with entrenched political practices. The "empty box" victory can be seen as a protest against the perceived inadequacy of the sole candidate—a phenomenon that risks eroding public trust in the electoral system. Such outcomes necessitate a re-evaluation of the electoral process to ensure that it better reflects the aspirations and interests of the electorate.

This paper seeks to explore the constitutionality of the "empty box" victory in the Makassar mayoral election by examining the intersection of legal

¹¹ Safa'at, Muchamad Ali. "Single candidates: Ensuring a path to victory in local elections." *Asian Journal of Comparative Politics* 7, no. 4 (2022): 1163-1176; Romli, Lili. "Pilkada Langsung, Calon Tunggal, dan Masa Depan Demokrasi Lokal." *Jurnal Penelitian Politik* 15, no. 2 (2018): 143-160.

¹² See also Rahmawati, Liavita. "Formulasi Comprehensive Ballot Box Counting System Sebagai Upaya Mewujudkan Kepada Daerah Yang Berintegritas Dan Bermartabat." *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 1, no. 1 (2021): 56-64; Butt, Simon, and Fritz Siregar. "Multilayered oversight: Electoral administration in Indonesia." *Asian Journal of Comparative Law* 16, no. S1 (2021): S121-S135.

principles and social dynamics. It aims to address the legal gaps in Indonesia's electoral system and propose reforms that uphold electoral integrity while accommodating voter sentiment. By situating the Makassar case within the broader context of democratic theory and practice, this study contributes to ongoing discussions about the role of elections in promoting legitimate governance.

Legal Basis for Single Candidate Against Empty Box

The phenomenon of regional elections featuring a single pair of candidates first emerged during the 2015 regional elections. Prior to this, such elections were unheard of, until the landmark Constitutional Court Decision Number 100/PUU-XIII/2015, dated September 29, 2015. In this decision, the Court ruled that regions with only one pair of candidates for regional head elections could still participate in simultaneous regional elections. This decision effectively established the legal framework for single-candidate elections in Indonesia.

Subsequently, Article 14, paragraph (1) of the General Election Commission Regulation Number 14 of 2015 (PKPU 14/2015) concerning the Election of Governors and Deputy Governors, Regents and Deputy Regents, and/or Mayors and Deputy Mayors (State Gazette of the Republic of Indonesia Year 2015 Number 1567) stipulated the voting mechanism for such elections. It provided that the ballot for a single pair of candidates would include the candidates' photograph, their names, and a column for voters to express their agreement or disagreement.

This regulation was later amended through the General Election Commission Regulation Number 13 of 2018 (PKPU 13/2018), which introduced a new ballot format for single-candidate elections. Under Article 14, paragraph (1) of PKPU 13/2018 (State Gazette of the Republic of Indonesia Year 2018 Number 431), ballots were required to feature two columns: one containing the photograph of the candidate pair, and the other a blank column without an image. This revision underscored the evolving approach to ensure the legitimacy and inclusivity of electoral processes involving single-candidate contests.

The implementation of regional elections featuring a single pair of candidates is governed by Article 54C, paragraph (1) of Law Number 10 of 2016, which amended Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 on the Election of Governors, Regents, and Mayors into Law (Statute Book of the Republic of

Indonesia Number 130 of 2016, Supplement to Statute Book of the Republic of Indonesia Number 5898, hereinafter referred to as Law 10/2016). This provision stipulates the conditions under which elections involving only one candidate pair may proceed, as follows:

1. *Registration Limitation*: After the postponement and until the expiration of the registration extension period, only one candidate pair registers, and based on verification, this pair is declared eligible.
2. *Ineligibility of Other Candidates*: More than one candidate pair may register initially; however, based on verification, only one candidate pair is declared eligible. If, after the postponement and reopening of the registration period, no additional candidate pairs register or those who register are declared ineligible, only one candidate pair remains.
3. *Candidate Ineligibility During Determination Period*: After candidate pairs have been determined but before the campaign period begins, one or more pairs may become permanently disabled. If political parties or coalitions fail to propose replacements, or if replacements are declared ineligible, this may result in only one candidate pair remaining.
4. *Candidate Ineligibility During Campaign Period*: From the start of the campaign period to the voting day, candidate pairs may be permanently disabled, and if political parties or coalitions do not propose eligible replacements, only one candidate pair remains.
5. *Sanctions Leading to Disqualification*: If one or more candidate pairs are subject to cancellation as election participants, leading to the disqualification of all but one candidate pair, the election proceeds with only the remaining pair.

This legal framework underscores the procedural and regulatory safeguards for the conduct of elections with a single pair of candidates, ensuring clarity and adherence to democratic principles even in unique electoral circumstances.

Article 54C paragraph (2) of Law No. 10/2016 stipulates the procedures for electing a single pair of candidates, utilizing a ballot with two columns: one containing the photograph of the candidate pair and the other left blank. This provision is designed to streamline the electoral process by clearly distinguishing between candidates, while ensuring voter clarity. Further, Article 54D of the same law expands on the conditions under which the election results are determined, providing specific guidelines for when a candidate pair achieves or fails to achieve a majority of valid votes.

In particular, Article 54D paragraph (1) establishes that the Provincial or Regency/City General Election Commission (KPU) shall declare a candidate pair as elected if they secure more than 50% of the valid votes. However, if no pair receives a majority, as outlined in paragraph (2), the losing candidate pair

is permitted to re-enter the race in subsequent elections. This provision ensures that there is a mechanism for electoral retries, allowing for further opportunities for candidate pairs to succeed.

Moreover, paragraph (3) clarifies that the next election shall be held within the following year or according to the timeline set forth in other relevant laws and regulations. This creates a structured and predictable schedule for re-election, ensuring electoral stability. In situations where no candidate pair is elected after multiple rounds, as indicated in paragraph (4), the government is empowered to appoint an acting Governor, Regent, or Mayor to temporarily assume office until a valid election outcome is achieved.

Additionally, the provision states that the procedural details regarding the election of a single pair of candidates will be further delineated in regulations issued by the KPU. These supplementary regulations are critical for ensuring the smooth implementation of the law, offering more specific guidance on the practicalities of the electoral process.

The provisions of Article 54C and 54D raise several pertinent issues, particularly in light of recent controversial cases. For example, in various regions, the failure to achieve a clear majority has led to delayed elections and confusion regarding the legitimacy of appointed acting officials. This has sparked debates on the effectiveness of the electoral system and the potential for reform, especially in terms of how quickly and efficiently election results can be determined. In some cases, the practice of appointing acting officials has been criticized for undermining democratic principles, as these officials are not elected by the public but are instead chosen by the government. Such controversies underscore the tension between the legal provisions aimed at ensuring electoral clarity and the practical challenges posed by electoral systems in Indonesia, particularly in more remote or politically complex regions.

These ongoing debates highlight the need for continued evaluation of electoral laws and procedures, especially concerning the balance between electoral fairness and administrative efficiency. As such, while the legal framework established in Law No. 10/2016 seeks to ensure democratic participation, its implementation has been fraught with challenges, necessitating further legal refinement and potential reform to address contemporary concerns surrounding electoral legitimacy and fairness.

Factors Contributing to the Emergence of Single-Candidate Elections

The emergence of single-candidate elections, particularly in regional head races, has become a notable issue in Indonesia's democratic landscape. While

elections are meant to offer voters a clear choice between competing candidates, the prevalence of uncontested races has raised concerns about the health of the country's electoral system. This phenomenon is driven by a complex interplay of juridical, political, and economic factors that hinder genuine competition and undermine the democratic principles of free and fair elections. From the legal framework governing candidate nominations to the influence of money politics and the strategic interests of political elites, these factors often limit the pool of candidates and stifle electoral contestation.¹³

Understanding the causes behind the rise of single-candidate elections is crucial for addressing the broader challenges facing Indonesia's democratic process. By examining the various elements that contribute to this trend—ranging from the high financial costs of candidacy to the consolidation of political power by incumbents—this analysis sheds light on the structural issues that hinder voter choice and competitive elections. Exploring these factors provides valuable insights into the reforms necessary to restore a more dynamic and inclusive political environment, where multiple candidates can participate, and voters can exercise their right to choose freely.

1. Juridical Factors in the Existence of a Single Candidate

The juridical framework governing the election of regional heads in Indonesia has evolved through a series of legal instruments, beginning with the Constitutional Court Decision Number 100/PUU-XIII/2015, which addressed issues surrounding the nomination of single candidate pairs in regional elections. This decision laid the groundwork for subsequent legislative developments, including Law No. 10/2016 on the Election of Governors, Regents, and Mayors, and the Indonesian General Election Commission Regulation (PKPU) No. 14/2015, later amended by PKPU No. 13/2018.

These legal provisions establish the procedures for regional head elections, particularly the circumstances under which a single candidate pair may be nominated. The juridical underpinnings provided by these laws aim to ensure orderly electoral processes and to regulate how such

¹³ Lestari, Ayu. "Penyebab Kehadiran Calon Tunggal dalam Pemilihan Kepala Daerah." *Simbur Cahaya* 25, no. 2 (2019): 249-262. *See also* Yantomi, Ahmad. "Kajian Yuridis Kemenangan Kotak Kosong Pada Pemilihan Umum Kepala Daerah di Indonesia." *Jurnal Kepastian Hukum dan Keadilan* 3, no. 1 (2022): 14-26; Yunus, Nur Rohim. "Calon Tunggal Sebagai Wujud Disfungsi Partai Politik." *Jurnal Adalah: Buletin Hukum dan Keadilan* 1, no. 1 (2018): 31-32.

elections are to be conducted, including cases where only one candidate pair is presented. However, despite the legal provisions, the implementation of these rules has raised significant concerns regarding the democratic legitimacy and competitiveness of such elections, as the existence of a single candidate undermines the core principles of free and fair elections.

2. *Non-Juridical Factors: High Costs and Money Politics*

One of the most pressing non-juridical factors in the candidacy process is the pervasive practice of money politics, which places substantial financial burdens on prospective candidates. The “*high price of dowry*,” a term commonly used to refer to the financial obligations required to secure political backing, often acts as a significant barrier for many potential candidates.¹⁴

¹⁴ The term “*high price of dowry*” in the context of Indonesian elections refers to the financial costs and political patronage required for a candidate to run for office, particularly in regional elections. This practice, often equated with *money politics*, involves substantial financial expenditures to secure political support from party elites, local power brokers, and influential figures. The “*dowry*” is not a literal bride price but rather the costs that a candidate must pay to secure the backing of political parties, endorsements from influential stakeholders, and other resources necessary to mount a viable electoral campaign. In Indonesia, this high price of dowry has become a significant barrier to entry for many prospective candidates, particularly those without strong financial backing or connections. Political parties often demand large sums of money or other forms of patronage in exchange for nominating a candidate, making it extremely difficult for individuals without substantial resources to compete in elections. This system distorts the democratic process by prioritizing wealth and political connections over merit, policy proposals, or popular support. As a result, only those who can afford to pay the “dowry”—often incumbent politicians or wealthy elites—are able to run for office, while others are effectively shut out of the electoral process. The high price of dowry also contributes to the emergence of single-candidate elections. When an incumbent or well-financed candidate dominates the political landscape, other potential challengers may decide not to run due to the prohibitive costs of entry. Faced with the prospect of losing everything—both in terms of financial investment and political capital—many prospective candidates choose to abandon their ambitions, further consolidating the power of incumbents and leading to uncontested elections. This practice not only undermines the principles of *luber* and *jurdil* but also weakens democratic competition and limits voters' choices, as the electoral system becomes more about financial resources and less about representing the will of the people. See Mustika, Tiara, and Rodiyah Rodiyah. “Political Dowry in the Maelstrom of Political Practices in Indonesia: Legal and Political Aspects.” *Journal of Law and Legal Reform* 4, no. 1 (2023): 45-62; Anggraeni, Tyas Dian. “Danger of Political Dowry in Indonesia: An Early Analysis of Corruption.” *Indonesian Law Journal* 11, no. 1 (2018): 19-44; Mukti, Hagi Hutomo, and Rodiyah Rodiyah. “Dynasty Politics in

Rationally, when an incumbent candidate has substantial financial resources and political support, other potential challengers may opt not to enter the race, as the costs associated with becoming a candidate may be insurmountable. These costs include not only the dowry paid to secure the backing of political parties but also extensive campaign expenses, which cover voter outreach, vote-buying efforts, and securing support at various levels—from polling stations to local, provincial, and even national electoral commissions, including the Constitutional Court in cases of disputes. This practice of political dowry, deeply ingrained in the political culture of Indonesia, is seen as a necessary, albeit problematic, prerequisite for running for office. The prevalence of money politics severely limits the accessibility of political candidacy, often resulting in a situation where only the financially privileged or incumbent candidates have the means to participate in the electoral process, further entrenching political inequality.

3. *Non-Juridical Factors: Weak Competitiveness in Political Competition*

Another non-juridical factor contributing to the dominance of single candidate elections is the weak competitiveness among prospective candidates. This lack of competition can arise from the dominance of a single candidate who, through significant financial resources, secures the backing of all political parties, effectively closing the door for other potential challengers. By monopolizing political support, such candidates lock out others from the opportunity to compete, thereby undermining the diversity of choices available to voters.

This dynamic leads to a lack of genuine electoral competition, where prospective candidates, recognizing the overwhelming advantage of the incumbent or financially dominant candidate, may choose not to run altogether. In such cases, political competition is weakened, and the election becomes a mere formality, devoid of meaningful contestation. This phenomenon is indicative of what has been described as the "*egoism of power*," where political elites prioritize their own power consolidation over fostering a healthy, competitive democratic process.

Indonesia: Tradition or Democracy?." *Journal of Law and Legal Reform* 1, no. 3 (2020): 531-538. See also Huda, Muhammad Wahyu Saiful, et al. "The Role of the Millennial Generation in the Creativity of the Anti-Money Politics Movement." *Journal of Creativity Student* 7, no. 2 (2022): 237-266; Hamzah, Yusuf. "Reconstruction of Article 280 Section 1 Law Number 7 of 2017 concerning Election." *Dambhil Law Journal* 1, no. 2 (2021): 130-151.

4. *Non-Juridical Factors: Political Interests of the Political Elite*

The political interests of elite groups also play a significant role in the phenomenon of uncontested regional elections. Many political parties in Indonesia have struggled with the lack of effective cadre regeneration, leading to a leadership crisis at the regional level. In some cases, political parties, rather than fostering new leadership, have become vehicles for advancing the pragmatic interests of party elites, often driven by short-term political calculations.

These elites may prioritize securing power for themselves or their allies, sometimes at the expense of democratic principles. This practice of "*practical politics*" often involves the nomination of candidate pairs that are not based on ideological alignment but rather on the strategic objectives of the party elite.¹⁵ As a result, party ideologies and long-term policy visions are often sidelined in favor of immediate political gain. In such a context, regional elections may be reduced to mechanisms for advancing the personal and factional interests of political elites, rather than providing voters with genuine choices.

5. *Impact on Democratic Principles*

The existence of uncontested regional elections, where only a single candidate is presented to voters, undermines the fundamental principles of *Luber* (*langsung, umum, bebas, dan rahasia*—direct, fair, and open

¹⁵ Dahl, Robert A. "Robert A. Dahl—on Democracy." *Government and Opposition* 1, no. 4 (1966): 560-562. Online at <https://www.jstor.org/stable/44484211>. Theoretically, democracy is defined by the presence of competition and participation, where citizens have the right to engage in elections and political processes. However, real-world democratic systems cannot be confined to static frameworks, as they evolve with changing political, social, and economic contexts. True democracy is not only about competition among candidates or political parties but also requires effective mechanisms of checks and balances. These processes ensure that power is distributed across different branches or levels of government to prevent any single entity from accumulating too much control. Without such safeguards, the risk of power abuse and tyranny increases. Therefore, a high-quality democracy must include structures that allow for power-sharing, accountability, and transparency. These mechanisms help maintain fairness and prevent the exploitation of authority, ensuring that government actions align with the interests of the people rather than the desires of a powerful few.

elections)¹⁶ and *Jurdil* (*jujur dan adil*—just and honest elections)¹⁷. The right to vote and the right to be elected are both compromised in such circumstances, as voters are effectively left with no real choice. Rather than choosing between competing candidates, voters are faced with an artificial and uncompetitive election process, where the only available option is a candidate unopposed by any serious contenders. This lack of contestation reduces voter engagement and diminishes the legitimacy of the electoral process, as the essence of democracy—genuine competition—is effectively eliminated. Thus, the presence of a single candidate in regional elections poses a significant challenge to the vibrancy and legitimacy of Indonesia's democratic system, highlighting the need for reforms to ensure more competitive and inclusive electoral processes.

The election of regional heads without contestation fundamentally undermines the principles of *luber* (direct, general, free, and secret) and *jurdil* (honest and fair) in the electoral process. When a single candidate is presented, the rights to vote and to be elected are diminished, as voters are left with no real choice. Instead of a genuine electoral contest, they face a superficial, artificial decision—essentially a choice between the candidate and an empty box. This lack of competition erodes the democratic value of elections, reducing them to a mere procedural formality, rather than an authentic exercise of popular will.

The Concept of Regional Head Elections: Unpacking the Fundamentals

The Regional Head Election represents a significant political event at the local level, specifically the process of selecting regional leaders through direct election. This method of direct election, introduced in post-reform Indonesia, marked a shift from the previous system in which regional heads were elected by the local legislative bodies (DPRD) behind closed doors. Prior to the 1998

¹⁶ This principle emphasizes that elections must be conducted directly by the people, without discrimination (general), with freedom of choice (free), and in a manner that ensures the confidentiality of voters' choices (secret). In other words, every citizen has the right to vote and be elected without barriers, and their vote should remain private.

¹⁷ This principle highlights that the election process must be conducted with integrity, free from fraud or manipulation. The election must be fair, ensuring that every candidate has an equal opportunity and that the people's votes are counted transparently and accurately.

reform, the electoral process was widely regarded as opaque, prone to manipulation, and far removed from democratic ideals.¹⁸

The momentum for reform began with the fall of the New Order regime and was followed by significant amendments to the 1945 Constitution of the Republic of Indonesia, particularly concerning provisions on local government. One of the key changes was the revision of Article 18, which was expanded to include Articles 18A and 18B, marking a new era for local governance. Article 18, paragraph (4) of the amended Constitution states that the Governor, Regent, and Mayor—representing the heads of provincial, regency, and city governments—are to be elected democratically. While this provision does not explicitly mandate that regional heads be elected through direct elections, legal scholars such as Rozali Abdullah argue that, as integral parts of the Republic of Indonesia, regional head elections should align with the presidential and vice-presidential elections, thus necessitating direct elections.¹⁹ This view is supported by Article 56, paragraph 1 of Law No. 12/2008 on local government, which stipulates that regional heads and deputy regional heads are elected in pairs, through a process that is direct, public, free, secret, honest, and fair.

This shift has profound implications, signaling a broader paradigm change in the structure of local governance, from centralization to decentralization. As Bhenyamin Hoessein notes, decentralization involves the establishment of autonomous regions and the delegation of certain powers from the central government to regional authorities. The move toward regional autonomy in Indonesia is a direct result of the decentralization process, representing a fundamental transformation in the political and administrative landscape of the country.²⁰

B.C. Smith argues that decentralization involves the delegation of power to subordinate governments and the distribution of authority to regional entities. For decentralization to be effective, the central government must transfer powers to local governments, allowing them to govern autonomously. In this context, direct regional elections serve as a political manifestation of decentralization, representing a shift in the locus of power from the central

¹⁸ Marijan, Kacung. *Sistem Politik Indonesia, Konsolidasi Demokrasi Pasca-Orde Baru*. (Jakarta: Kencana, 2010). See also Purnamawati, Evi. "Perjalanan Demokrasi di Indonesia." *Solusi* 18, no. 2 (2020): 251-264.

¹⁹ Abdullah, Rozali. *Mewujudkan Pemilu Yang Lebih Berkualitas (Pemilu Legislatif)*. (Jakarta: Raja Grafindo Persada, 2009).

²⁰ Hoessein, Bhenyamin, et al. *Naskah Akademik Tata Hubungan Kewenangan Pemerintah Pusat dan Daerah*. (Jakarta: Pusat Kajian Pembangunan Administrasi Daerah dan Kota, FISIP-Universitas Indonesia, 2005).

government to regional authorities, enabling them to regulate their own affairs more independently.²¹

A central issue surrounding the election of regional heads lies in the interpretation of the term "*democratic*." The debate centers around whether direct elections can be considered inherently democratic, or if indirect elections, as long as they are conducted in a democratic manner, can also be deemed democratic. The mechanism for electing regional heads can be regarded as democratic if it fulfills several key criteria. Scholars such as Robert Dahl, Samuel Huntington, and Bingham Powell, suggest that the parameters for assessing the realization of democracy include: general elections, power rotation, open recruitment, and public accountability.²² These criteria provide a framework for evaluating whether an electoral system truly reflects democratic principles, regardless of whether the election is direct or indirect.

The implementation of direct regional elections in Indonesia has had a profound impact on the country's democratic development, offering several significant benefits that have strengthened the political system. One of the most important outcomes of direct elections is the enhancement of *political participation*. In this system, citizens are directly involved in the selection of their regional leaders, a process that has deepened their awareness of their role as the true holders of political sovereignty. Voters are now more conscious of the power they possess in shaping their local government, which encourages greater civic engagement. The process also promotes more thoughtful decision-making, as voters understand the consequences of their choices. By choosing regional heads who are credible, capable, and responsive to their needs, voters help ensure that public servants truly represent their aspirations. This active participation fosters a more informed electorate that can demand accountability from its leaders.

In addition to encouraging political engagement, *direct regional elections* foster *local political competition*. The election process opens up space for various candidates to compete on a more equal footing, as it reduces the dominance of any single political faction or candidate pair. Prior to the introduction of direct elections, political power was often concentrated within certain political elites or parties, which could suppress competition and limit opportunities for new

²¹ Smith, Brian C. *Decentralization: The Territorial Dimension of the State*. Taylor & Francis, 2023. See also Smith, Brian C. "The measurement of decentralisation." *International Review of Administrative Sciences* 45, no. 3 (1979): 214-222.

²² Dahl, Robert A. *Democracy and its Critics*. (Yale University Press, 2008); Huntington, Samuel P. "Democracy's third wave." *Journal of Democracy* 2, no. 2 (1991): 12-34; Powell Jr, G. Bingham. "The quality of democracy: The chain of responsiveness." *Journal of Democracy* 15, no. 4 (2004): 91-105.

candidates to emerge. Direct elections break this barrier, ensuring that all political groups have a fair chance to participate. This shift has led to a more diverse and dynamic electoral field, where the electorate can select candidates based on their capabilities and vision, rather than being limited to a few established figures. As a result, direct elections help ensure that regional leadership reflects the diversity of political thought and the needs of the local population.

Another key benefit of direct regional elections is the *enhanced political legitimacy* of elected officials. Unlike the previous system of indirect elections, where regional heads were chosen by local legislative bodies (DPRD), direct elections give elected leaders a mandate directly from the people. This process ensures that the leadership is more in tune with the political power and interests of the electorate. As elected officials gain office through the majority vote, they are seen as legitimate representatives of the people, which strengthens their authority to govern. This legitimacy is crucial for effective governance, as leaders are more likely to act in ways that reflect the will of their constituents, knowing that their position is secure only if they maintain popular support.

Moreover, *direct regional elections help in minimizing manipulation and electoral fraud*. In the past, regional elections were often marred by transactional politics, corruption, and manipulation, with candidates and political elites engaging in vote-buying and other forms of malpractice. The shift to direct elections has reduced such practices by offering a more transparent and accountable election process. Although regional autonomy has decreased government interference, the problem of corruption within local legislatures remained, particularly in terms of the transactional nature of candidate selection. Direct elections, however, are designed to reduce the influence of such practices by making the process more open and public. As a result, the electoral system is better equipped to produce leaders who are genuinely committed to advancing regional autonomy and improving the welfare of the people.

Finally, *accountability* is a critical feature of the direct election system. In a system where regional heads are chosen by the people, the electorate has the power to hold these leaders accountable for their actions. If voters believe that their elected regional head is not fulfilling their responsibilities or is not acting in the public's best interest, they have the power to vote them out in subsequent elections. This creates a system of checks and balances, ensuring that leaders remain responsive to the needs and aspirations of their constituents. The direct link between electoral choices and political outcomes reinforces the principle that leaders must remain answerable to the people they serve. As a result,

accountability is strengthened, which helps foster better governance and more effective leadership at the regional level.

Furthermore, Regional Elections serve as a crucial platform for realizing the democratic election of regional heads, in line with the mandate of the 1945 Constitution. Local governments are granted the authority to regulate and manage their own affairs based on the principles of autonomy and assisted duties. This broad delegation of autonomy to the regions aims to accelerate the achievement of community welfare by enhancing services, empowering local populations, and promoting active citizen participation.²³ The expectation is that with this expanded autonomy, regions will be better equipped to foster increased competitiveness while upholding the principles of democracy, equity, justice, and regional distinctiveness. These principles, alongside attention to regional potential and diversity, fit within the framework of the Unitary State of the Republic of Indonesia.

The process of filling political positions through Regional Elections, as outlined in Law Number 32 of 2004, is designed to enable local governments to contribute to the accelerated welfare of their communities. This system allows the electorate, who are more familiar with the character and capabilities of local leaders, to make informed choices. In this context, the people of each region bear social responsibility for their electoral decisions, which are guided by the vision, mission, and programs put forward by their candidates. Through this social selection process, the community plays an active role in shaping the direction of local governance and the achievement of regional progress. Thus, the essence of Regional Elections lies in the competitive and political process through which local populations choose their leaders. The successful execution of this process ensures that the electorate accepts the outcome, contributing to the shared goal of communal prosperity.

Based on the above discussion, it is clear that direct Regional Elections provide a democratic mechanism that empowers the people to actively engage in selecting their regional leaders, distinguishing it from previous electoral systems. Under the laws enacted in 1974 (Law Number 5) and 1999 (Law Number 22), regional heads and deputy heads were not directly elected by the people. Instead, the selection process was primarily controlled by political parties, local elites, and the central government, often resulting in leaders who

²³ See Erb, Maribeth, and Priyambudi Sulistiyanto, eds. *Deepening democracy in Indonesia?: direct elections for local leaders (Pilkada)*. Institute of Southeast Asian Studies, 2009; Lay, Cornelis. "Democratic transition in local Indonesia: An overview of ten years democracy." *Jurnal Ilmu Sosial dan Ilmu Politik* 15, no. 3 (2012): 207-219; Raharusun, Anthon. "Local Election and Reinforcement Democracy in the Indonesian State System." *Papua Law Journal* 2, no. 1 (2017): 1-25.

were more representative of political interests than of the local population's needs. This system limited the public's role in the electoral process and contributed to a lack of transparency and accountability.

The direct election of regional heads, however, creates an opportunity for the people to directly choose the candidates they believe best represent their interests. This process fosters a deeper emotional connection between regional leaders and the electorate, as leaders are directly accountable to the people who have entrusted them with their mandate. The shift to direct elections instills greater optimism among the public regarding the potential for improved leadership. While concerns may still arise over specific issues, the belief that directly elected leaders are more accountable and responsive to the people is generally stronger than the confidence in the indirect election system that prevailed before the reform era.

Furthermore, direct regional elections offer valuable *political education* to local populations, empowering them to make informed decisions without external influence from central government authorities or political elites.²⁴ This process of choosing leaders directly contributes to the development of *leadership skills* among local elites, as they are required to formulate policies, address community problems, communicate effectively with the public, and represent community interests. This experience is crucial for producing skilled and competent leaders who can eventually compete at the national level. In addition, the direct election system introduces a *clearer recruitment pattern* for local leaders.²⁵ Unlike the previous system where leaders were often appointed from the central government, direct elections ensure that political leaders are selected from within the local community, making the process more rooted in regional needs and aspirations.

Ultimately, by involving the people in the election of their leaders, direct regional elections foster greater *democratization* at the local level, where citizens exercise their political sovereignty. The direct involvement of the people ensures that leaders are not only more accountable to their electorate but also more

²⁴ Direct regional elections contribute to *political education* by empowering citizens to make informed choices in selecting leaders. This process fosters awareness of democratic principles, enhances civic engagement, and encourages critical evaluation of candidates. It ultimately strengthens local democracy, enabling voters to hold leaders accountable and participate in governance more effectively.

²⁵ The direct election system establishes a clearer recruitment pattern for local leaders by enabling the electorate to choose candidates based on merit and local relevance, rather than political appointment. This system ensures that leadership is rooted in the community, allowing for the emergence of leaders who are more attuned to regional needs and aspirations.

attuned to the specific challenges and priorities of their region. This participatory process strengthens the foundation of democracy in Indonesia, creating a more inclusive and responsive political system.

Strengthening Local Leadership Through Direct Elections: A Merit-Based Recruitment System

The direct election system plays a crucial role in establishing a more transparent and merit-based recruitment pattern for local leaders. Unlike previous systems where leaders were often appointed through political connections or centralized power structures, the direct election mechanism empowers the electorate to select candidates based on their qualifications, competencies, and alignment with regional concerns. This shift from political appointment to democratic selection allows voters to have a direct influence on the leadership process, thereby ensuring that chosen leaders are more accountable to the public.

By enabling the public to elect candidates who reflect their local needs and aspirations, the direct election system strengthens the connection between leaders and their communities. Regional leaders elected through this system are more likely to possess a deeper understanding of the unique challenges facing their constituencies, as they have to engage directly with the electorate during the campaign process. This fosters a leadership style that is more responsive and sensitive to the specific demands of the local population, as the leaders must prioritize the interests of their constituents to secure electoral support.

Furthermore, the direct election process allows for greater diversity in leadership. Since candidates must compete based on their personal merit and regional relevance, there is greater opportunity for a wider range of individuals from various backgrounds to enter the political arena. This results in the emergence of leaders who are not only qualified but also reflective of the social, cultural, and economic dynamics of the region they represent. The electoral process thus encourages the development of local leaders who are both competent and connected to the communities they serve.

Ultimately, the direct election system fosters a more inclusive and democratic process for selecting local leaders. By prioritizing merit and local relevance, it ensures that the leadership is deeply embedded within the community and directly accountable to the people. This dynamic helps promote long-term political stability and development, as leaders are more inclined to focus on the needs of their constituents, which in turn contributes to the overall progress and prosperity of the region.

Simultaneous Regional Head Election

The direct regional head election (*Pilkada*) serves as both a mechanism and an effort to realize a comprehensive democratic system and ensure the sovereignty of the people. While the transition from indirect to direct democracy was expected to usher in better governance and accelerate regional autonomy, the results have often fallen short of these aspirations. Instead of achieving the anticipated improvements, widespread corruption among regional heads in various parts of the country has hindered the realization of the democratic ideals associated with local governance. As a result, the intended goal of regional autonomy—designed to accelerate the welfare of the people—has not materialized as expected.

One important form of community participation in the regional elections is through the exercise of voting rights to select their leaders. Increased public involvement in the electoral process signifies the strengthening of democracy within a nation. However, for this process to be truly effective, the electorate must engage as informed and discerning voters. It is crucial for voters to evaluate candidates based on their ability to listen to the public's needs, rather than selecting candidates driven by self-interest or those who solely represent particular groups. It is essential that voters choose leaders who remain committed to the promises made during the campaign and who will ensure that development is aligned with the public's aspirations. Voters should also be cautious not to waste their voting rights or be swayed by temporary incentives.

The implementation of Simultaneous Regional Elections aims to address, among other concerns, the issue of excessive election costs. Previously, organizing separate elections for regents/mayors and governors incurred high expenses. By holding these elections simultaneously, cost efficiency is expected to be achieved, with the combined expenses covered by the provincial and regional budgets. This financial efficiency is intended to reduce the political costs incurred by candidates, minimizing the likelihood of corruption. High election costs, in the past, have often led elected regional heads to seek ways to recover these expenses, which may result in unethical practices. By reducing these financial burdens, Simultaneous Regional Elections hope to curb such behavior, promoting a more transparent and accountable electoral process.

One of the important aspects is to get the awareness of community participation that quality elections are the extent to which the political attitudes and motivations of the community and the candidates can jointly build the essence of the goal of regional autonomy. Direct elections are not just a fight for regional head seats that have no implications for the welfare of the community. However, it must be a challenge in maintaining democracy for the

welfare of the people. The simultaneous implementation of regional head elections (*Pilkada*) must receive a portion of more attention from the government. The stages of the simultaneous regional elections require very careful preparation. We really hope that this simultaneous regional election can have a positive impact on improving the quality of government in the region and the government can run better to improve people's lives, the quality of candidates, the quality of organizers and the quality of results in accordance with the expectations of all of us.

All of this can be realized and run well with the support of political parties, election organizers, the community and other stakeholders. The first batch of simultaneous Regional Head Elections (*Pilkada*) was held on December 9, 2015. This election is to elect regional heads whose term of office ends in 2015 until the January-July 2016 range.

Simultaneous regional elections are a new thing in Indonesia's constitutional system. In practice, the simultaneous regional elections do not have a reference. On the other hand, the 2015 simultaneous regional elections are expected to be a barometer for the implementation of the next simultaneous regional elections, namely the simultaneous regional elections in 2017, 2018, 2020, 2022, 2023. Only in 2027, the regional elections are planned to be held simultaneously nationally.

The Rise of Single-Candidate Elections: A Threat to Democracy?

One of the most contentious issues in the democratic process during regional elections is the resurgence of the phenomenon of single candidate pairs, particularly evident in the 2019 regional elections. Mohammad Alexander noted that *"as a product of local political dynamics, a single candidate in regional elections presents an alternative to ensure citizen participation and prevent the erosion of constitutional rights for both citizens and potential candidates. However, this also transforms regional elections into uncontested races, undermining the core principles of democratic participation."*

The term *"single candidate"* is not explicitly defined in the Dictionary of Indonesian. However, if interpreted literally, a *"candidate"* refers to an individual who is trained and prepared to occupy a specific position or role, while *"single"* implies that there is only one contender. Thus, in the context of regional elections, the term *"single candidate"* refers to the sole individual vying for a particular position. This phenomenon, often seen as an anomaly, arises due to legal and regulatory frameworks governing regional elections, which,

despite requiring a minimum of two pairs of candidates, can still result in uncontested races under certain conditions.

Titi Anggraini, Executive Director of the Association for Elections and Democracy (Perludem), identifies two variations of the single candidate phenomenon in regional elections. The first variant involves incumbents running unopposed, while the second variant involves a family member or relative of an incumbent emerging as the only candidate. In terms of legal provisions, the single candidate scenario is addressed by Article 54C, paragraph (1) of Law Number 10 of 2016, which amended Law Number 1 of 2015 regarding the election of governors, regents, and mayors.

The emergence of a single candidate in simultaneous regional elections has sparked significant debate among various stakeholders regarding the future of regional head elections, particularly due to the lack of specific legal provisions addressing this issue. In light of this uncertainty, a request for a judicial review of Law Number 8 of 2015, which amended Law Number 1 of 2015 concerning the Election of Governors, Regents, and Mayors, was submitted to the Constitutional Court. The review sought to assess the constitutionality of the law in relation to the 1945 Constitution of the Republic of Indonesia. In response, the Constitutional Court (MK) issued Decision Number 100/PUU-XIII/2015, which affirmed that regions with only a single pair of regional head candidates are still eligible to participate in simultaneous regional elections (*Pemilukada*). This ruling has become a critical legal reference in addressing the issue of uncontested elections in Indonesia's regional electoral system.

In response to the Constitutional Court's ruling, the General Election Commission (KPU) issued the General Election Commission Regulation Number 14 of 2015, which addresses the election process for regions with only a single pair of candidates. Specifically, Article 14, paragraph (1) of the regulation outlines the voting procedure, stipulating that elections involving a single candidate pair will use a ballot that includes a photo and the names of the candidates, along with a column for voters to indicate whether they agree or disagree with the sole candidate pair. This regulation ensures that the democratic process remains intact, even in cases where only one pair of candidates is running for regional office.

In 2016, the Indonesian government amended Law Number 8 of 2015, which had previously modified Law Number 1 of 2015 regarding the election of regional heads. The amendment led to the enactment of Law Number 10 of 2016, which introduced explicit provisions concerning the possibility of a single candidate pair in regional elections. This regulation was integrated into Article 54C, which clearly outlines the conditions under which a single candidate pair may participate in the election.

According to Article 54C, the election of a single candidate pair may occur under several circumstances, including: (1) when, after a postponement and the registration extension period, only one candidate pair registers and is deemed eligible; (2) when multiple candidate pairs register but only one is eligible after the research and no further candidates register or meet eligibility criteria after a subsequent registration period; (3) if, after the candidate pair determination, one candidate becomes permanently disabled and no suitable replacement is proposed or found; (4) if, during the campaign period, a candidate becomes permanently disabled and no replacement is proposed or eligible; or (5) if a candidate pair is disqualified due to violations, resulting in only one remaining candidate pair.

The regulation also specifies that voting for a single candidate pair will be conducted using a ballot containing two columns: one with the photo and name of the candidate pair and the other left blank, providing a space for voters to indicate their agreement or disagreement with the candidate. This provision ensures that, even in the event of uncontested elections, the democratic process is preserved.

The provisions outlined in Article 14 paragraph (1) of the General Election Commission Regulation Number 13 of 2018, which amended Regulation Number 14 of 2015, further reinforce the process for conducting regional elections with a single candidate pair. Specifically, Article 14 stipulates that voting in such elections must be carried out using a ballot paper featuring two columns: one with the photo and name of the candidate pair, and the other left blank, providing voters with the option to indicate either agreement or disagreement with the candidate pair. This provision ensures transparency and allows the electorate to express their stance on the single candidate pair, maintaining the integrity of the electoral process even in uncontested situations.

Furthermore, Article 18 of the General Election Commission Regulation Number 13 of 2018, which amends the General Election Commission Regulation Number 14 of 2015, concerning the Election of Governors and Deputy Governors, Regents and Deputy Regents, and/or Mayors and Deputy Mayors with a Single Candidate Pair, emphasizes the voting process. The provision states: "*Voting for the election of one (1) candidate pair is done by casting one (1) vote in the column containing the photo of the candidate pair or in the blank column without a picture.*" This regulation clarifies that the ballot paper for elections with a single candidate pair consists of two columns: one containing the photo and name of the candidate pair, and another blank column. Voters are granted the freedom to choose between voting for the candidate pair, represented by the column with the photo, or for the blank column, referred to in the author's terms as the "*blank box.*" This mechanism ensures that voters

can express either their support or disapproval, even when there is only one candidate pair.

To determine whether or not a single candidate will be elected in the simultaneous elections, it refers to the provisions of Article 54D of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into a Law that confirms that:

- (1) The Provincial KPU or Regency/City KPU determines the selected candidate pairs in the Election of 1 (one) candidate pair as referred to in Article 54C, if it gets more than 50% (fifty percent) of the valid votes.
- (2) If the votes of the candidate pair are less than as intended in paragraph (1), the candidate pair who loses the election may nominate again in the next election.
- (3) The next election as referred to in paragraph (2) shall be repeated in the following year or carried out in accordance with the schedule contained in the laws and regulations.
- (4) In the event that there is no pair of elected candidates for the results of the Election as referred to in paragraphs (2) and (3), the Government assigns an acting Governor, Acting Regent, or Acting Mayor.
- (5) Further provisions regarding the procedure for the election of 1 (one) candidate pair are regulated by KPU Regulations.

Based on the provisions outlined, a single candidate pair will only be declared elected if it secures more than 50% of the valid votes. If this threshold is not met, the regional elections will be rescheduled and repeated in accordance with the relevant laws and regulations. In such cases, a single candidate who is not elected can participate in the next election cycle by following the same initial process, which may involve a different composition of supporting political parties. However, there is no assurance that political parties or their previous coalitions will continue to support the same candidate.

A notable example of this occurred in the 2018 Makassar mayoral election (*Pilwalkot*) in South Sulawesi, where the "empty box" won the election with 53% of the votes, while the single candidate pair, Munaffri Arifuddin-Rachmatika Dewi, only received 47%. As a result, the election did not produce an elected candidate pair, and the government appointed an interim official to lead until the next election cycle. This highlights the uncertainty and challenges faced by single candidates in securing political legitimacy and support in future electoral contests.

Based on the explanation above, the eligibility criteria for a single candidate in the simultaneous regional elections scheduled for 2024 require

adherence to the provisions outlined in Article 54C of Law Number 10 of 2016, which is the second amendment to Law Number 1 of 2015. According to these provisions, regional elections in areas that meet the conditions specified may result in a single candidate running against an "empty box."

In this context, candidate pairs for regional head elections can be considered participants if they fulfill the criteria outlined in the General Election Commission Regulation (KPU Regulation) of the Republic of Indonesia, specifically Article 3 Number 3 of 2017. This regulation stipulates that election participants must meet one of the following qualifications:

1. Candidate pairs proposed by political parties or coalitions of political parties, who are qualified to be designated as election participants; and/or
2. Individual candidate pairs who have registered and met the necessary requirements to be recognized as eligible participants.

Thus, regions where only a single candidate pair meets the necessary criteria will likely have an election featuring that candidate against the "empty box," unless a valid challenger is able to register and meet the required standards in time. This process underscores the complexities and implications of single-candidate elections within Indonesia's regional electoral framework.

Furthermore, the provisions of Article 40, paragraph (1) of Law Number 10 of 2016, which amends Law Number 1 of 2015, further stipulate that:

"Political parties and coalitions of political parties may register candidate pairs if they have met the requirements of securing at least 20% (twenty percent) of the seats in the Regional People's Representative Council (DPRD), or 25% (twenty-five percent) of the accumulated valid votes obtained in the general election for members of the DPRD in the respective region."

This provision highlights the threshold that political parties or coalitions must meet in order to propose candidate pairs for regional head elections. It ensures that only those with substantial political support—either through representation in the DPRD or through popular votes—are eligible to participate in the candidate selection process, helping to maintain a level of legitimacy and democratic participation in the election of regional leaders.

Based on the provisions outlined above, political parties can submit candidate pairs for regional heads if they meet the necessary requirements, such as securing at least 20% of the seats in the Regional People's Representative Council (DPRD) or 25% of the accumulated valid votes in the general election for the DPRD in the respective region. In addition to political parties,

individuals are also allowed to run for regional head positions through an independent route. However, independent candidates must adhere to the provisions established by the applicable laws, particularly Law Number 10 of 2016, which amended Law Number 1 of 2015 concerning the Election of Governors, Regents, and Mayors. This ensures that both political parties and individual candidates are subject to the same legal framework for participating in regional elections, promoting fairness and consistency in the electoral process.

Factors Behind the Emergence of Single Candidates vs. Empty Boxes in Regional Elections

A closer examination reveals several key factors that contribute to the emergence of a single candidate, which are outlined by the author as follows:

1. Nomination process that requires high costs

To run as a candidate for regional head is not easy, because it requires high costs in the nomination process. In addition to demanding the cost of making various candidate identification properties through banners, stickers, and so on, if you do not also prepare a political dowry to a political party, it is certain that someone who wants to become a regional head will not be able to achieve his dream.

Political dowry seems to be commonplace, because it is considered a boat fare whose pretext will later be used as a financing fund to run the party's vehicles. The phenomenon of one pair of candidates being born because of the high dowry from the supporting party, then rationally, if there is a strong incumbent candidate, other candidates will definitely calculate rationally. Instead of losing everything, it is better to undo the intention to become a candidate, because just to become a candidate they have to pay a dowry.

Not to mention the funds that will be used for campaigns, funds to win voters' votes, funds to secure votes starting from the polling station level to securing votes at the KPU, Regency/City KPU, Provincial KPU, Central KPU and even at the Constitutional Court level in the event of a dispute. The practice of political dowry is a very difficult thing to prevent in practical politics in Indonesia. Political dowry seems to be mandatory to be given when the candidate pair wants to advance to become a bride in the process of candidacy for regional heads. If the political dowry is not paid, it is certain that the candidate pair will not be able to advance as candidates in the regional elections.

2. Candidates who buy parties to be their supporters

The trigger for the existence of one pair of candidates in Pemilukada is because the candidates who advance buy the support of all political parties, thus closing the opportunity for other regional sons to be able to advance to become mayoral candidates. This means that with a large amount of capital, the candidate for regional head locks the opportunity for other candidates to get support. Although this cannot also be blamed, because in fact Pemilukada is a gamble to be able to win and occupy power. However, what is wrong is the weak competitiveness and the lack of courage to compete in battle.

Opponents are defeated before advancing in battle. In fact, the appropriate word for this condition is the existence of power egoism. In fact, the true fight is when there is an opponent in front of you, so that if the victory achieved, or the defeat obtained, it is all a form of true toughness and courage. This happens because not every pair of candidates who advance as contestants in the election have good financial capabilities. Candidate pairs who have financial limitations will usually be eliminated by themselves.

3. Cadre regeneration that is not optimal in political parties

So far, the recruitment process tends to be *injury time* or not prepared based on mature regeneration. Where so far political parties have tended to rely on members of the DPR, DPD, or DPRD to become candidates in the Regional Elections. However, since there is a provision after the Constitutional Court's decision that members of the DPR, DPD, or DPRD who are advancing to the Regional Elections must resign, it is increasingly difficult for the party to find cadres to carry, because many legislators do not want to resign, especially if their chances of election are low.

Political parties have an important position in the constitution. One of the functions of political parties is to conduct political education. However, currently, political parties are considered to have not carried out political education optimally both to the public and within the party. Political parties have three functions, namely preparing cadres for national leadership both in the legislature and the executive, channeling people's aspirations, and conducting political education. Political education to internal political parties can be seen in the regeneration. However, this regeneration is not running optimally. As long as the regeneration of political parties is not optimal and the role of preparing the candidate for leader is not carried out

optimally, political parties will still have difficulty proposing their candidates in the election contest.

Based on the above, the phenomenon of one pair of candidates in the regional elections cannot be considered something ordinary, because the implementation of the regional elections requires considerable financing from the Regional Expenditure Budget (APBD) of each region. Although, currently the Government has initiated the simultaneous election of regional heads to reduce the budget. However, the Ministry of Home Affairs actually stated that the simultaneous implementation of regional head elections is more wasteful than the election of regional heads whose time is adjusted by each region.

Constitutionality of Single Candidate Against Empty Box

Modern nations govern based on the rule of law (*Rechtsstaat*), rather than relying solely on power (*Machtsstaat*). This shift reflects the global evolution of legal protection concepts and the diminishing influence of absolutism. A fundamental element of a rule-of-law state is the supremacy of the constitution.

This is logical, as constitutions typically contain provisions outlining the essential elements of a rule-of-law state. Upholding the supremacy of the constitution is not only a consequence of the rule-of-law concept but also a core principle. Furthermore, the democratic system of governance is widely adopted as the highest form of societal agreement. In Indonesia, one of the key juridical implications of a democratic legal system is the election of leaders through democratic processes. This includes the election of regional leaders, commonly referred to as regional heads.

The democratic election of regional heads is enshrined in Article 18, paragraph (4) of the 1945 Constitution of the Republic of Indonesia, which stipulates that "*Governors, Regents, and Mayors, as Heads of Provincial, Regency, and City Governments, are **democratically elected.***" However, the emergence of single candidates facing empty boxes in several regions during simultaneous regional elections is an ironic phenomenon, especially considering that Indonesia, as the third-largest democracy in the world, is home to a relatively large number of political parties.²⁶

²⁶ The problems related to Article 18, paragraph (4) of the 1945 Constitution, which mandates the democratic election of regional heads, primarily stem from the emergence of single candidates in some regions. This undermines the essence of democracy, as it eliminates meaningful competition and limits voters' choices. The lack of competition diminishes the opportunity for voters to evaluate different leadership options and policies,

The process of electing a single candidate who competes against an empty box presents a significant issue in the democratic election framework. In this situation, the single candidate is not engaging in a competitive election against another candidate but instead faces an empty box, which does not possess the status of a legal entity or subject within the electoral process. The empty box represents a passive option, allowing voters to express their dissatisfaction or refusal to vote for the sole candidate, but it does not receive the same legal recognition or support as the actual candidate.

While the single candidate is provided with state-regulated resources for campaigning, socialization, and voter engagement—such as advertisements and outreach facilitated by the General Election Commission (KPU)—the empty box does not have access to these essential tools. Crucially, campaign resources like witnesses during recapitulation, the ability to contest election results through the Constitutional Court, or any formal election-related support are not extended to the empty box.

The intent behind including the empty box is to preserve a semblance of contestation in the election process, offering voters an alternative to the single candidate. However, this fails to establish a truly equitable competition, as the single candidate is afforded comprehensive electoral facilities that the empty box is not. As a result, the structural imbalance between the two—one having access to state-backed campaigning mechanisms, and the other having none—undermines the fairness and legitimacy of the electoral process, rendering the concept of a meaningful contest invalid. The election outcome, therefore, may not genuinely reflect democratic principles, as the competition is not conducted on equal terms.

On the other hand, one of the fundamental principles of a democratic Regional Election is *based on justice*. However, the principle of fairness in the context of Regional Elections cannot be narrowly understood merely as ensuring justice for local residents—who, as sovereign holders, exercise their voting rights in the ballot box. Rather, the principle of fairness must be applied comprehensively throughout every stage of the election process, ensuring that all participants, including candidates and voters, are treated equitably.

which may lead to voter apathy or disillusionment. Furthermore, single-candidate elections can foster political monopolies, where political elites or powerful families dominate regional leadership, stifling new voices and political pluralism. These scenarios often reflect institutional and regulatory gaps, as the legal framework does not adequately address situations where only one candidate registers. This raises concerns about fairness, transparency, and legitimacy in the electoral process. Ultimately, these issues erode the democratic process, undermining public trust and the goals of regional autonomy.

This broader understanding of justice includes providing equal access to resources for all candidates, ensuring transparency and accountability in the election process, and safeguarding the integrity of the election results. It also means addressing any structural inequalities that may arise, such as the disparity in campaign resources between a single candidate and the empty box option. Without a fair distribution of electoral facilities and opportunities, the electoral process risks undermining the core democratic principle of justice, as it fails to offer all participants a level playing field. Thus, fairness in Regional Elections is not just about casting votes; it is about upholding a fair, transparent, and equitable process throughout the entire election cycle.

In the context of Regional Elections where a single candidate faces an empty box, a key question is how the principle of justice is upheld during the campaign stage, especially in relation to the campaign activities facilitated by the General Election Commission (KPU). This includes the dissemination of campaign materials, the installation of campaign props (APKs), and advertisements in both print and electronic mass media. These activities, facilitated by the KPU, present significant challenges in ensuring equal treatment for both the single candidate and the empty box, as the two “*contestants*” are not on equal footing.

For the single candidate, there are opportunities for campaign exposure and materials that may not be available for the empty box. The challenge for the KPU lies in balancing the campaign resources and visibility afforded to both entities. While the single candidate can utilize various media and promotional platforms, the empty box lacks the ability to campaign, making it a non-entity in practical terms.

For the election oversight body, Bawaslu, this becomes a complex issue of ensuring fairness in the process. The responsibility lies in ensuring that justice is reflected not only for the single candidate but also for the empty box, which serves as an alternative choice for voters. However, ensuring a level playing field is difficult since the blank box cannot participate in campaigning, leaving Bawaslu with the task of overseeing a process where equal opportunity is not inherent.

Therefore, the challenge is to ensure that the process remains fair and transparent, offering equal rights to both entities during the campaign period, despite the inherent disparities. This responsibility underscores the difficulties of ensuring justice in the election process, especially when one “*contestant*” lacks the resources and rights available to the other.

One of the most critical issues in the case of regional elections with a single candidate facing an empty box is the absence of candidate debates. Debates play a vital role in modern democratic campaigns as they provide a platform for

political education, the exchange of ideas, and dialogue between candidates, all of which are essential for informing and persuading voters. In the case of a single candidate running unopposed against an empty box, the absence of such debates diminishes the democratic essence of the election and deprives voters of the opportunity to critically assess candidates' platforms.

From an international perspective, a democratic election is often evaluated based on several criteria, one of which is the presence of a democratic campaign, including candidate debates. Without these exchanges, the election process may be seen as lacking substance, reducing democracy to a mere procedural formality rather than a meaningful exercise of choice and participation.

The core principles of democracy—contestation and competition—are vital elements that must be upheld for democracy to be substantive. If these principles are absent, the democratic process is not fully consolidated, and the purpose of democracy, which is to ensure the welfare and prosperity of the people, is undermined. When regions hold elections with only a single candidate running against an empty box, it raises concerns about the integrity of the electoral process. For instance, if multiple political parties exist within a region but fail to provide competitive candidates, it signals a breakdown in democratic competition, further weakening the system. In such a scenario, it is the people who ultimately suffer, as the core objectives of democracy—representation and accountability—are compromised, leading to a democratic system that does not serve its intended purpose of advancing public welfare.

Furthermore, it is essential to recognize that the blank box, unlike the regional head candidates and their deputies, is not a legal entity or subject in the context of the election. The blank box holds no legal status, as it does not have the right to vote or be elected in the electoral process. This distinction is critical because the legal framework surrounding elections, including the Constitution of Indonesia, is designed to ensure that the participants in the electoral contest are qualified legal subjects—individuals who possess the right to both participate in the election and be elected.

Given that the blank box does not meet these legal criteria, it cannot be considered a legitimate contestant in the election. As a result, an election in which a single candidate faces only an empty box cannot be fully aligned with constitutional principles. In a democracy, the essence of an election lies in the active participation of legal subjects—candidates who are eligible and can compete for the position in question. Therefore, the presence of only a single candidate against an empty box raises significant constitutional concerns, as the election process does not reflect the full participation of qualified candidates, undermining the democratic nature of the contest.

Legal Implications of the Presence of a Single Candidate Against an Empty Box in the Simultaneous Regional Head Election in Indonesia

The election of regional heads is very closely related to the implementation of people's sovereignty in a country. People's sovereignty means that the people are the ones who determine the style and way of government, and the people are the ones who determine what goals to be achieved. Harold J. Laski said that sovereignty is a legitimate power according to the highest law, the power includes all people and groups in the society it controls.²⁷ While, C.F. Strong in his book *Political Modern Constitution* states that sovereignty is the power to form laws and the power to impose its implementation.²⁸

In reality, theoretically, the election of regional heads is one of the types of general elections, according to the USA general elections are a means of implementing the principle of people's sovereignty, in essence, it is a recognition of the embodiment of the people's political rights and at the same time is the delegation of these rights by the people to their representatives to run the government.²⁹

In line with the above opinion, according to Moh Kusnardi and Harmaily, Ibrahim also said that elections are not everything about democracy³⁰. Elections are a basic means of implementing the principles of democracy and the joints of democracy do not only lie in elections, but nevertheless elections have a very important meaning in the process of national dynamics. In fact, whatever the reason, only a restrictive government is considered to have the legitimacy of the people to lead and regulate the government to become the manager of the rulers, so that through the election the claim of the government elite working for and on behalf of the interests of the people can be recognized, thus it can be said that the implementation of regional head elections which is one type of election related to the implementation of sovereign relations.

²⁷ Laski, Harold J. *Authority in the Modern State (Works of Harold J. Laski)*. (London: Routledge, 2014).

²⁸ Strong, Charles Frederick. *Modern Political Constitution: An Introduction to The Comparative Study of Their History and Existing Form*. (New York: Macmillan Company, 1950).

²⁹ Schofield, Norman, Gary Miller, and Andrew Martin. "Critical elections and political realignments in the USA: 1860–2000." *Political Studies* 51, no. 2 (2003): 217-240; Pinto, Sergio, et al. "Presidential elections, divided politics, and happiness in the USA." *Economica* 88, no. 349 (2021): 189-207.

³⁰ Held, David. *Models of Democracy*. (Jakarta: Akbar Tandjung Institute, 2007), pp. 34-35.

The purpose of the election should be measured by the goal of the independence of a country on the one hand, and the other by the functions of holding general elections. Under the control of democracy, elections become a vehicle for the use and struggle of political rights so that the people's sovereignty is realized as a counterweight and controller of state sovereignty derived from it. The mechanism for implementing elections and also regional elections as a vehicle for optimizing the people's political rights, requires support starting from implementation, process and supervision.

According to Austin Ranney³¹, there are three main criteria for a democratic election, including:

1. The existence of general voting rights (*active and passive*), which means that in executive and legislative elections, every citizen has the same opportunity in the public sphere to vote and be elected. Active voting rights are the rights of citizens who are eligible to elect their representatives in the House of Representatives, DPD, DPRD, President-Vice President, and Regional Heads-Deputy Regional Heads, namely 17 years old or have been/have been married, have not been impaired in memory, have not been deprived of their voting rights, are not serving prison sentences, are registered in the Permanent Voter List (*Daftar Pemilih Tetap*—DPT). The passive voting right is the right of citizens who are eligible to be elected as members of the House of Representatives and the House of Representatives.
2. Equality of vote weight, which means that there must be a guarantee that the votes of each voter are given the same weight in the election. All voters have the same percentage weight per person regardless of position and position.
3. The availability of candidates from different ideological backgrounds³².

The meaning of this criterion is the availability of a real election and a visible difference from other options where the essence does require more than one choice, then the choice can be very simple such as the difference between two or more candidates or a more complicated difference between two or more different political lines/work programs to the difference between two or more ideologies.

³¹ Ranney, Austin. "Turnout and representation in presidential primary elections." *American Political Science Review* 66, no. 1 (1972): 21-37.

³² Mahardika, Ahmad Gelora, and Sun Fatayati. "Penerapan Pilkada Asimetris Sebagai Upaya Menciptakan Sistem Pemerintahan Daerah Yang Efektif." *Indonesian Journal of Humanities and Social Sciences* 1, no. 1 (2020): 50-67; Mahardika, Ahmad Gelora. "Fenomena Kotak Kosong dalam Pemilukada Serta Implikasinya dalam Sistem Ketatanegaraan Indonesia." *Jurnal Adhyasta Pemilu* 1, no. 2 (2018): 69-84.

The existence of a single candidate is certainly not in line with the concept conveyed by Austin Ramsey, because this phenomenon makes people have no alternative in determining their voting rights. On the other hand, people are also forced to vote for a candidate who (*maybe*) not in line with their ideology and desires. The empty box is the peak of the iceberg phenomenon that has been happening in political party institutions, political pragmatism, the failure of cadre regeneration and the poverty of ideology make political parties nothing more than vehicles. Political parties do not have the identity, ideology and quality to carry out their functions as political parties. Based on the above, the existence of a single candidate against an empty box in the simultaneous regional head election has implications for several things, including:

1. *Potential return to a centralized system of government*

One of the effects caused by the presence of a single candidate against an empty box is that if the empty box wins the Regional Election, it is certain that there is a potential absence of a definitive Regional Head in the area. When referring to KPU Regulation Number 13 of 2018 which is a technical reference of the Law on the Election of Regional Heads, the position will later be filled by a temporary official whose authority to fill it is given to the Minister of Home Affairs, who is a Central Government Official directly elected by the President.

In fact, as an excess of the constitutional amendment to Article 18 of the 1945 Constitution of the Republic of Indonesia, Regional Governments are given the authority to manage their own regions. Since then, the authority of the Central Government has only been limited to the authority of Foreign Policy, Defense and Security, Monetary, Fiscal, Justice and Religion. Beyond this authority, everything is the authority of the Regional Government.

Article 18

- (2) *Provincial, Regency, and City governments regulate and manage their own government affairs according to the principle of autonomy and assistance duties*
- (5) *Local governments exercise the widest possible autonomy, except for government affairs that are determined by law to be the affairs of the Central Government.*

Based on Article 18 paragraphs (2) and (5) of the 1945 Constitution of the Republic of Indonesia, it is very clear that the Regional Government has the authority to regulate and manage its own government affairs according

to the principle of autonomy and assistance duties. In addition, this provision is also affirmed in the provisions of paragraph (5) which states that local governments exercise the widest possible autonomy except for government affairs that are determined by law as affairs of the Central Government.

If we assume that if the Regional Election contest presents a single candidate facing an empty box, and the empty box wins the contest, then there will be a power vacuum for a long period of time even up to almost two years. However, the extension is threatened with the potential to be much longer if we have officially held simultaneous regional elections in 2027, which if this rule is still in effect, the Acting Regional Government can rule a region for 5 (five) years.

The legal basis is the provision in the Regional Election Law where the Acting Regional Head is elected by the Minister of Home Affairs until the next Regional Election. This article in terms of the constitutional system has violated the constitution in Article 18, where the Governor, Regent, and Mayor respectively as the heads of provincial, regency and city local governments are democratically elected, not by the Central Government.

The election of Acting Officers who have authority equivalent to the Minister of Home Affairs will slowly create centralization in a new face. Because Acting Heads at both the Provincial and Regency/City levels are Officials of the Ministry of Home Affairs who are appointed directly by the Minister of Home Affairs, and before taking strategic policies, the officials must first consult with the Minister of Home Affairs.

Indirectly, regional autonomy has moved backwards to the form of centralization as in the new order era. Currently, only the city of Makassar is a witness to the history of the victory of the empty box in the election contest, but in the future, this could happen in all regions, and it implies that all Regional Heads will be led by Acting Regional Heads elected by the Central Government. And if that condition is really going to happen, then it is a setback for our democracy

2. *The loss of the right of the community to be led by its chosen leader*

When there is no alternative candidate or there is only a single candidate, indeed the people are given a choice, namely between choosing a single candidate or an empty box. However, when the empty box wins the contest, the authority to appoint the Acting Officers is absolutely the authority of the Central Government.

Reflecting on the basic theory of democracy, according to Doorenspleet Renske, who said that there are five indicators of democracy, Renske sees

that democracy can be seen starting from the highest score to the lowest score. According to Renske, a region has the lowest democracy score if its leader is determined based on descent, fraudulent elections or elections that have no opponents. In this context, a single candidate facing an empty box is the lowest point of democracy, because in addition to the single candidate there is no opponent, the defeat of a single candidate also opens up the potential for the election of leaders who are not directly wanted by the people, this condition is like buying a cat in a sack, even though basically the people know that there is a cat in it but the people do not know how to behave, their gender to their skin color, even though the condition is the people's choice and the people already know and understand the consequences.³³

Conclusion

The election of regional heads in which only a single candidate faces an empty box can be deemed unconstitutional. This is because the empty box is not a legal subject with the right to vote or be elected, and therefore cannot participate in the democratic process. Furthermore, a single candidate opposing an empty box undermines the core principles of democracy, particularly the requirement for fair and just competition. Democracy relies on meaningful contestation, where citizens have a genuine choice between qualified candidates. The presence of only one candidate against an empty box diminishes this contestation, weakening democratic values.

Additionally, the emergence of a single candidate against an empty box in simultaneous regional elections raises serious implications. It may signal a potential shift towards a more centralized government, eroding the principle of local autonomy. Furthermore, it strips citizens of their fundamental right to choose their leader, thus compromising their sovereignty. Constitutionally, allowing such a scenario represents a step backward for Indonesian democracy, as it compromises the integrity of the electoral process.

³³ Doorenspleet, Renske. "Reassessing the three waves of democratization." *World Politics* 52, no. 3 (2000): 384-406. See also Doorenspleet, Renske. "Development and Democracy: Power and Problems of Empirical Research." *European Consortium on Political Research Joint Sessions of Workshops. Copenhagen*. 2000.

References

- Abdullah, Rozali. *Mewujudkan Pemilu Yang Lebih Berkualitas (Pemilu Legislatif)*. (Jakarta: Raja Grafindo Persada, 2009).
- Anggraeni, Tyas Dian. "Danger of Political Dowry in Indonesia: An Early Analysis of Corruption." *Indonesian Law Journal* 11, no. 1 (2018): 19-44.
- Aspinall, Edward. "Elections and the Normalization of Politics in Indonesia." *South East Asia Research* 13, no. 2 (2005): 117-156.
- Butt, Simon, and Fritz Siregar. "Multilayered oversight: Electoral administration in Indonesia." *Asian Journal of Comparative Law* 16, no. S1 (2021): S121-S135.
- Dahl, Robert A. "Robert A. Dahl—on Democracy." *Government and Opposition* 1, no. 4 (1966): 560-562. Online at <https://www.jstor.org/stable/44484211>.
- Dahl, Robert A. *Democracy and its Critics*. (Yale University Press, 2008); Huntington, Samuel P. "Democracy's third wave." *Journal of Democracy* 2, no. 2 (1991): 12-34.
- Doorenspleet, Renske. "Development and Democracy: Power and Problems of Empirical Research." *European Consortium on Political Research Joint Sessions of Workshops. Copenhagen*. 2000.
- Doorenspleet, Renske. "Reassessing the three waves of democratization." *World Politics* 52, no. 3 (2000): 384-406.
- Ekowati, Endah Yuli. "Pragmatisme Politik: Antara Koalisi, Pencalonan, dan Calon Tunggal Dalam Pilkada." *Jurnal Transformative* 5, no. 1 (2019): 16-37.
- Engkus, Engkus, et al. "Policy Implication of Single Candidates in Regional Head Election on Voter Participation in Tasikmalaya District." *Politicon* 1, no. 1 (2019): 1-23.
- Erb, Maribeth, and Priyambudi Sulistiyanto, eds. *Deepening democracy in Indonesia?: direct elections for local leaders (Pilkada)*. Institute of Southeast Asian Studies, 2009.
- Hamzah, Yusuf. "Reconstruction of Article 280 Section 1 Law Number 7 of 2017 concerning Election." *Dambhil Law Journal* 1, no. 2 (2021): 130-151.
- Harianto, Harianto, Wawan Budi Darmawan, and Muradi Muradi. "Kemenangan Kotak Kosong pada Pilkada Kota Makassar Tahun 2018." *Society* 8, no. 2 (2020): 546-556.
- Held, David. *Models of Democracy*. (Jakarta: Akbar Tandjung Institute, 2007), pp. 34-35.

- Hoessein, Bhenyamin, et al. *Naskah Akademik Tata Hubungan Kewenangan Pemerintah Pusat dan Daerah*. (Jakarta: Pusat Kajian Pembangunan Administrasi Daerah dan Kota, FISIP-Universitas Indonesia, 2005).
- Huda, Muhammad Wahyu Saiful, et al. "The Role of the Millennial Generation in the Creativity of the Anti-Money Politics Movement." *Journal of Creativity Student* 7, no. 2 (2022): 237-266.
- Jaya, Apriliani Kusuma, and Ilyas Ilyas. "Legal Re-Construction; The Impact of Empty Column Victory Over Single Candidates in Simultaneous Direct Elections of Regional Heads as A New Phenomenon of Legal Politics in Indonesia:(Case Study: Makassar City)." *International Journal of Business, Law, and Education* 5, no. 1 (2024): 367-385.
- Kambo, Gustiana. "Mobilisasi Massa Kemenangan Kolom Kosong pada Pemilihan Walikota Makassar Tahun 2018." *Jurnal Politik Profetik* 9, no. 2 (2021): 278-297.
- Laski, Harold J. *Authority in the Modern State (Works of Harold J. Laski)*. (London: Routledge, 2014).
- Lay, Cornelis. "Democratic transition in local Indonesia: An overview of ten years democracy." *Jurnal Ilmu Sosial dan Ilmu Politik* 15, no. 3 (2012): 207-219.
- Lestari, Ayu. "Kotak Kosong Memenangkan Pemilihan Umum Kepala Daerah." *Lex LATA* 1, no. 2 (2019).
- Lestari, Ayu. "Penyebab Kehadiran Calon Tunggal dalam Pemilihan Kepala Daerah." *Simbur Cahaya* 25, no. 2 (2019): 249-262.
- Mahardika, Ahmad Gelora, and Sun Fatayati. "Penerapan Pilkada Asimetris Sebagai Upaya Menciptakan Sistem Pemerintahan Daerah Yang Efektif." *Indonesian Journal of Humanities and Social Sciences* 1, no. 1 (2020): 50-67.
- Mahardika, Ahmad Gelora. "Fenomena Kotak Kosong dalam Pemilukada Serta Implikasinya dalam Sistem Ketatanegaraan Indonesia." *Jurnal Adhyasta Pemilu* 1, no. 2 (2018): 69-84.
- Marijan, Kacung. *Sistem Politik Indonesia, Konsolidasi Demokrasi Pasca-Orde Baru*. (Jakarta: Kencana, 2010).
- Mukti, Hagi Hutomo, and Rodiyah Rodiyah. "Dynasty Politics in Indonesia: Tradition or Democracy?." *Journal of Law and Legal Reform* 1, no. 3 (2020): 531-538.
- Mustika, Tiara, and Rodiyah Rodiyah. "Political Dowry in the Maelstrom of Political Practices in Indonesia: Legal and Political Aspects." *Journal of Law and Legal Reform* 4, no. 1 (2023): 45-62.

- Najamuddin, Najamuddin, et al. "The Birth of a Single Candidate at The Election Makassar City in 2018." *SHS Web of Conferences*. Vol. 149. EDP Sciences, 2022.
- Noor, Firman, and Lina Marlina. "Establishing Elections with Integrity in Indonesia: Purposes, Problems, and Solutions." *International Conference for Democracy and National Resilience (ICDNR 2023)*. Atlantis Press, 2023.
- Norris, Pippa, Richard W. Frank, and Ferran Martínez i Coma, eds. *Advancing Electoral Integrity*. (Oxford: Oxford University Press, 2014).
- Nugroho, Rahmat Muhajir, and Anom Wahyu Asmorojati. "Simultaneous local election in Indonesia: Is It really more effective and efficient?." *Jurnal Media Hukum* 26, no. 2 (2019): 213-222.
- Pinto, Sergio, et al. "Presidential elections, divided politics, and happiness in the USA." *Economica* 88, no. 349 (2021): 189-207.
- Powell Jr, G. Bingham. "The quality of democracy: The chain of responsiveness." *Journal of Democracy* 15, no. 4 (2004): 91-105.
- Purnamawati, Evi. "Perjalanan Demokrasi di Indonesia." *Solusi* 18, no. 2 (2020): 251-264.
- Purwaningsih, Titin, and Bambang Eka Cahya Widodo. "Democracy without contestation: the victory of the empty box in the local election of Makassar city, South Sulawesi Indonesia in 2018." *Sociología y tecnociencia* 11, no. 2 (2021): 48-71.
- Raharusun, Anthon. "Local Election and Reinforcement Democracy in the Indonesian State System." *Papua Law Journal* 2, no. 1 (2017): 1-25.
- Rahman, Rofi Aulia, Iwan Satriawan, and Marchethy Riwani Diaz. "Calon Tunggal Pilkada: Krisis Kepemimpinan dan Ancaman Bagi Demokrasi." *Jurnal Konstitusi* 19, no. 1 (2022): 47-72.
- Rahmawati, Liavita. "Formulasi Comprehensive Ballot Box Counting System Sebagai Upaya Mewujudkan Kepada Daerah Yang Berintegritas Dan Bermartabat." *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 1, no. 1 (2021): 56-64.
- Ranney, Austin. "Turnout and representation in presidential primary elections." *American Political Science Review* 66, no. 1 (1972): 21-37.
- Romli, Lili, and Efriza Efriza. "Single candidate and the dynamics of 2020 Indonesian Simultaneous Election: A perspective on internal contestation." *Politik Indonesia: Indonesian Political Science Review* 6, no. 3 (2021): 265-288.
- Romli, Lili. "Pilkada Langsung, Calon Tunggal, dan Masa Depan Demokrasi Lokal." *Jurnal Penelitian Politik* 15, no. 2 (2018): 143-160.

- Rosanti, Ratna. "Political Pragmatics in Indonesia: Candidates, the Coalition of Political Parties and Single Candidate for Local Elections." *Jurnal Bina Praja* 12, no. 2 (2020): 153-165.
- RS, Iza Rumesten, and Lusi Apriyani. "An analysis of defeated single candidate of Indonesia's simultaneous regional elections 2018." *2nd International Conference on Indonesian Legal Studies (ICILS 2019)*. Atlantis Press, 2019.
- Safa'at, Muchamad Ali. "Single candidates: Ensuring a path to victory in local elections." *Asian Journal of Comparative Politics* 7, no. 4 (2022): 1163-1176.
- Sahide, Ahmad, Adi Suryadi, and Ahdiana Yuni Lestari. "'Empty Box' Democracy: The Phenomenon of Democracy in Indonesia (Case Study of Makassar City, 2018)." *International Journal of Multicultural and Multireligious Understanding* 9, no. 8 (2022): 285-296.
- Schofield, Norman, Gary Miller, and Andrew Martin. "Critical elections and political realignments in the USA: 1860–2000." *Political Studies* 51, no. 2 (2003): 217-240.
- Smith, Brian C. "The measurement of decentralisation." *International Review of Administrative Sciences* 45, no. 3 (1979): 214-222.
- Smith, Brian C. *Decentralization: The Territorial Dimension of the State*. Taylor & Francis, 2023.
- Strong, Charles Frederick. *Modern Political Constitution: An Introduction to The Comparative Study of Their History and Existing Form*. (New York: Macmillan Company, 1950).
- Syahrial, Indra, and Dadan Herdiana. "Calon Tunggal dan Kemenangan Kotak Kosong sebagai Sebuah Realita Demokrasi di Tingkat Lokal." *Nagari Law Review* 3, no. 1 (2020): 13-26.
- Wuragil, Sarno, and Widayati Widayati. "Development of Democracy & Phenomenon of Single Candidate in Regional Election (Pilkada)." *Law Development Journal* 3, no. 1 (2021): 120-129.
- Yantomi, Ahmad. "Kajian Yuridis Kemenangan Kotak Kosong Pada Pemilihan Umum Kepala Daerah di Indonesia." *Jurnal Kepastian Hukum dan Keadilan* 3, no. 1 (2022): 14-26.
- Yunus, Nur Rohim. "Calon Tunggal Sebagai Wujud Disfungsi Partai Politik." *Jurnal Adalah: Buletin Hukum dan Keadilan* 1, no. 1 (2018): 31-32.

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Challenging Electoral Integrity: The Constitutionality of the 'Empty Box' Victory in the 2018 Makassar Mayoral Election

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Abstract

Single-candidate regional elections have recently attracted significant attention, as previous regulations did not adequately address scenarios where fewer than two candidate pairs were running. The 2018 Makassar mayoral election, where the "Empty Box" (*Kotak Kosong*) emerged victorious against a single candidate, highlights a critical constitutional issue: whether such an outcome is consistent with the principles of democratic electoral integrity. In elections featuring only one candidate pair, the ballot contains two columns—one with the candidate's photo and name, and the other left blank. The constitutionality of allowing the "Empty Box" to win in such circumstances poses significant questions about the fairness of the electoral process and the safeguarding of citizens' constitutional rights. This research critically examines the legal implications of this electoral anomaly and explores the necessity for clear legislative frameworks governing single-candidate elections. The case offers important lessons for Indonesia's political and electoral systems, emphasizing the need for constitutional and electoral reforms to protect citizens' rights—both the right to vote and the right to be elected—even when only one candidate is on the ballot. Furthermore, it underscores the urgency of political education for both political parties and the electorate to foster a more

informed political culture. By analyzing the legal precedents, constitutional principles, and broader implications, this study contributes to the discourse on electoral reform, ensuring that Indonesia's electoral system remains robust, fair, and reflective of democratic values.

KEYWORDS *Constitutional Rights, Empty Box, Single Candidate, Regional Head Election*

Introduction

Electoral integrity is a cornerstone of democracy¹, ensuring that public officeholders derive their legitimacy from the will of the people. However, this principle is increasingly tested by complex political and legal phenomena, particularly in the context of contested elections.² The Makassar mayoral election in Indonesia presents a unique case where the "empty box" option, symbolizing a vote against the sole candidate, won the majority of the votes.³ This unprecedented outcome raises pressing questions about electoral integrity⁴, voter autonomy, and the constitutional framework governing elections in Indonesia.

The power of the people continues to play a pivotal role in general elections, as demonstrated by the Regional Elections in the city of Makassar. In this election, political parties presented only a single candidate to face an unconventional opponent—the "empty box" option. Party elites, confident in their control, anticipated an easy victory for the sole candidate. However, the reality proved otherwise. Voters overwhelmingly chose the "empty box" over the single candidate, making it the de facto winner. This outcome defied the norm

¹ Norris, Pippa, Richard W. Frank, and Ferran Martínez i Coma, eds. *Advancing Electoral Integrity*. (Oxford: Oxford University Press, 2014); Noor, Firman, and Lina Marlina. "Establishing Elections with Integrity in Indonesia: Purposes, Problems, and Solutions." *International Conference for Democracy and National Resilience (ICDNR 2023)*. Atlantis Press, 2023.

² Aspinall, Edward. "Elections and the Normalization of Politics in Indonesia." *South East Asia Research* 13, no. 2 (2005): 117-156.

³ Harianto, Harianto, Wawan Budi Darmawan, and Muradi Muradi. "Kemenangan Kotak Kosong pada Pilkada Kota Makassar Tahun 2018." *Society* 8, no. 2 (2020): 546-556. *See also some related cases* Yantomi, Ahmad. "Kajian Yuridis Kemenangan Kotak Kosong Pada Pemilihan Umum Kepala Daerah di Indonesia." *Jurnal Kepastian Hukum dan Keadilan* 3, no. 1 (2022): 14-26; Syahril, Indra, and Dadan Herdiana. "Calon Tunggal dan Kemenangan Kotak Kosong sebagai Sebuah Realita Demokrasi di Tingkat Lokal." *Nagari Law Review* 3, no. 1 (2020): 13-26.

⁴ RS, Iza Rumesten, and Lusi Apriyani. "An analysis of defeated single candidate of Indonesia's simultaneous regional elections 2018." *2nd International Conference on Indonesian Legal Studies (ICILS 2019)*. Atlantis Press, 2019; Jaya, Apriliani Kusuma, and Ilyas Ilyas. "Legal Re-Construction; The Impact of Empty Column Victory Over Single Candidates in Simultaneous Direct Elections of Regional Heads as A New Phenomenon of Legal Politics in Indonesia:(Case Study: Makassar City)." *International Journal of Business, Law, and Education* 5, no. 1 (2024): 367-385.

observed in previous simultaneous regional elections, such as those in 2015 and 2017, where single candidates consistently emerged victorious.⁵

Despite a Constitutional Court challenge involving the single-candidate Regional Election in Tasikmalaya Regency, the outcomes in those cases upheld the victories of the sole candidates.⁶ The Makassar election, however, underscores a significant shift in voter behavior, reflecting dissatisfaction with the candidates put forward by political parties. This phenomenon reveals the growing disconnection between party elites and the electorate, challenging the assumption that political parties wield unchecked dominance in democratic processes.

While the presence of a single candidate in simultaneous regional elections can be seen as an empirical manifestation of democracy, it also highlights systemic vulnerabilities. The emergence of "*single candidates*" is normatively unanticipated, unpredictable, and seemingly devoid of strategic manipulation. This suggests that democracy, in practice, continues to evolve, shaped by the political systems and dynamics unique to each region. The Makassar election exemplifies the need to reexamine these dynamics to ensure that democratic practices align more closely with the aspirations and sovereignty of the people.⁷

The juridical basis for single-candidate elections is regulated in Law Number 10 of 2016 concerning Regional Elections, which outlines the mechanism for regional elections with only one candidate. Article 54D stipulates that a single-candidate election winner must obtain more than 50 percent of the valid votes. If this threshold is not met, the losing candidate pair may nominate again in the next election.⁸

Additionally, Article 25 paragraph (1) of PKPU Number 13 of 2018 states that if the "*empty box*" receives more votes than the single candidate, the General Election Commission (KPU) must schedule a re-election for the next regional election period. Paragraph (2) further specifies that the subsequent election may occur the following year or as scheduled under prevailing laws and regulations.

According to data from the General Election Commission (KPU) for the 2018 Regional Elections, there were 16 regions with only one candidate pair.

⁵ Purwaningsih, Titin, and Bambang Eka Cahya Widodo. "Democracy without contestation: the victory of the empty box in the local election of Makassar city, South Sulawesi Indonesia in 2018." *Sociología y tecnociencia* 11, no. 2 (2021): 48-71; Sahide, Ahmad, Adi Suryadi, and Ahdiana Yuni Lestari. "'Empty Box' Democracy: The Phenomenon of Democracy in Indonesia (Case Study of Makassar City, 2018)." *International Journal of Multicultural and Multireligious Understanding* 9, no. 8 (2022): 285-296.

⁶ Engkus, Engkus, et al. "Policy Implication of Single Candidates in Regional Head Election on Voter Participation in Tasikmalaya District." *Politicon* 1, no. 1 (2019): 1-23.

⁷ Najamuddin, Najamuddin, et al. "The Birth of a Single Candidate at The Election Makassar City in 2018." *SHS Web of Conferences*. Vol. 149. EDP Sciences, 2022.

⁸ See also Nugroho, Rahmat Muhajir, and Anom Wahyu Asmorojati. "Simultaneous local election in Indonesia: Is It really more effective and efficient?." *Jurnal Media Hukum* 26, no. 2 (2019): 213-222; Wuragil, Sarno, and Widayati Widayati. "Development of Democracy & Phenomenon of Single Candidate in Regional Election (Pilkada)." *Law Development Journal* 3, no. 1 (2021): 120-129.

These regions included North Padang Lawas Regency, Deli Serdang Regency, Prabumulih Regency, Lebak Regency, Tangerang Regency, Tangerang City, Pasuruan Regency, Tapin Regency, Southeast Minahasa Regency, Enrekang Regency, Bone Regency, Makassar City, Mamasa Regency, Jayawijaya Regency, Puncak Regency, and Central Membrano Regency.

Looking at the previous KPU data, the election of regional heads with only one pair of candidates occurred in the first wave of simultaneous regional head elections in 2015, where there were three regions: Blitar Regency (*East Java*), Tasikmalaya Regency (*West Java*), and North Central Timor Regency (*East Nusa Tenggara*). In the second wave of simultaneous regional head elections in 2017, the phenomenon expanded to include nine regions: Buton Regency (*Southeast Sulawesi*), Landak Regency (*West Kalimantan*), Central Maluku Regency (*Maluku*), Tambrau Regency (*West Papua*), Sorong City (*West Papua*), Jayapura City (*Papua*), Tebing Tinggi City (*North Sumatra*), Tulang Bawang Barat Regency (*Lampung*), and Pati Regency (*Central Java*).

From the data of single-candidate elections, it is evident that the number of regions holding elections with only one pair of candidates has increased over time. In 2015, there were three single-candidate elections, rising to nine in 2017, and then to sixteen in 2018 during the simultaneous regional elections. In the 2020 simultaneous regional elections, 270 regions participated. Of these, 25 regions across 12 provinces had only one pair of candidates contesting the elections. These regions included Humbang Hasundutan Regency, Gunung Sitoli City, Pematang Siantar, Pasaman Regency, Ogan Komering, Ogan Komering Ulu Selatan, North Bengkulu, Boyolali, Grobogan, Kebumen, Semarang City, Sragen, Wonosobo, Ngawi, Kediri, Badung Regency, West Sumbawa, Balikpapan City, Kutai Kartanegara, Gowa, Soppeng, Central Mamuju, South Manokwari, Arfak Mountains, and Raja Ampat.⁹

An intriguing phenomenon emerged during the 2018 Makassar mayoral election, where the single-candidate pair lost to the "empty box." The candidate

⁹ Furthermore, the risks associated with having only one candidate running for office, primarily focusing on the lack of genuine electoral contestation. In a functioning democracy, elections serve as a platform for the public to choose leaders through competitive processes. However, when there is only a single candidate running, the competitive aspect is lost, undermining the democratic process and potentially leading to voter disengagement. Moreover, the lack of political competition not only weakens democratic institutions but may also lead to a decline in leadership quality. The absence of alternatives or competition leaves voters with fewer choices and fails to challenge the incumbent candidate's governance, thus limiting the accountability of elected officials. See Rahman, Rofi Aulia, Iwan Satriawan, and Marchethy Riwani Diaz. "Calon Tunggal Pilkada: Krisis Kepemimpinan dan Ancaman Bagi Demokrasi." *Jurnal Konstitusi* 19, no. 1 (2022): 47-72; Ekowati, Endah Yuli. "Pragmatisme Politik: Antara Koalisi, Pencalonan, dan Calon Tunggal Dalam Pilkada." *Jurnal Transformatif* 5, no. 1 (2019): 16-37; Rosanti, Ratna. "Political Pragmatics in Indonesia: Candidates, the Coalition of Political Parties and Single Candidate for Local Elections." *Jurnal Bina Praja* 12, no. 2 (2020): 153-165; Romli, Lili, and Efriza Efriza. "Single candidate and the dynamics of 2020 Indonesian Simultaneous Election: A perspective on internal contestation." *Politik Indonesia: Indonesian Political Science Review* 6, no. 3 (2021): 265-288.

pair Munafri Arifuddin-Rachmatika Dewi (Appi-Cicu) garnered only 47 percent of the votes, while the "empty box" received 53 percent. Specifically, the Appi-Cicu pair secured 264,245 votes, while the "empty box" garnered 300,795 votes. This exceptional outcome highlights a critical turning point in Indonesia's electoral landscape, where voter dissatisfaction can decisively overturn expectations, emphasizing the need for further examination of electoral mechanisms and voter sovereignty to ensure democratic inclusivity and representation.¹⁰

The unique case of Makassar City, where voters opted for the "empty box," underscores the need for a comprehensive review of the legal and institutional frameworks governing single-candidate elections. Such cases highlight the tension between electoral mechanisms and voter sovereignty, emphasizing the necessity of reforms that ensure electoral processes remain democratic and inclusive.

In addition, the Makassar case is not an isolated incident but part of a broader trend of electoral controversies in Indonesia. As the world's third-largest democracy, Indonesia has made significant strides in organizing free and fair elections. However, challenges such as political dynasties, weak opposition, and voter disenfranchisement continue to undermine the electoral process. The victory of the "empty box" in Makassar illustrates a social gap where voters' dissatisfaction with the available political choices manifests through an unconventional mechanism. It also exposes a legal gap in addressing the implications of such outcomes within Indonesia's constitutional and electoral frameworks.¹¹

From a legal perspective, the "empty box" victory presents a conundrum. The Indonesian Constitution guarantees the right to participate in elections and emphasizes that public officials must be elected through democratic means. Yet, the election of a leader by default—without an opposing candidate—challenges traditional interpretations of democratic representation. The Constitutional Court has provided some clarity on the issue, but the absence of comprehensive regulations leaves significant ambiguities.¹²

Socially, the Makassar election reflects growing voter frustration with entrenched political practices. The "empty box" victory can be seen as a protest

¹⁰ Lestari, Ayu. "Kotak Kosong Memenangkan Pemilihan Umum Kepala Daerah." *Lex LATA* 1, no. 2 (2019); Kambo, Gustiana. "Mobilisasi Massa Kemenangan Kolom Kosong pada Pemilihan Walikota Makassar Tahun 2018." *Jurnal Politik Profetik* 9, no. 2 (2021): 278-297.

¹¹ Safa'at, Muchamad Ali. "Single candidates: Ensuring a path to victory in local elections." *Asian Journal of Comparative Politics* 7, no. 4 (2022): 1163-1176; Romli, Lili. "Pilkada Langsung, Calon Tunggal, dan Masa Depan Demokrasi Lokal." *Jurnal Penelitian Politik* 15, no. 2 (2018): 143-160.

¹² See also Rahmawati, Liavita. "Formulasi Comprehensive Ballot Box Counting System Sebagai Upaya Mewujudkan Kepada Daerah Yang Berintegritas Dan Bermartabat." *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 1, no. 1 (2021): 56-64; Butt, Simon, and Fritz Siregar. "Multilayered oversight: Electoral administration in Indonesia." *Asian Journal of Comparative Law* 16, no. S1 (2021): S121-S135.

against the perceived inadequacy of the sole candidate—a phenomenon that risks eroding public trust in the electoral system. Such outcomes necessitate a re-evaluation of the electoral process to ensure that it better reflects the aspirations and interests of the electorate.

This paper seeks to explore the constitutionality of the "empty box" victory in the Makassar mayoral election by examining the intersection of legal principles and social dynamics. It aims to address the legal gaps in Indonesia's electoral system and propose reforms that uphold electoral integrity while accommodating voter sentiment. By situating the Makassar case within the broader context of democratic theory and practice, this study contributes to ongoing discussions about the role of elections in promoting legitimate governance.

Legal Basis for Single Candidate Against Empty Box

The phenomenon of regional elections featuring a single pair of candidates first emerged during the 2015 regional elections. Prior to this, such elections were unheard of, until the landmark Constitutional Court Decision Number 100/PUU-XIII/2015, dated September 29, 2015. In this decision, the Court ruled that regions with only one pair of candidates for regional head elections could still participate in simultaneous regional elections. This decision effectively established the legal framework for single-candidate elections in Indonesia.

Subsequently, Article 14, paragraph (1) of the General Election Commission Regulation Number 14 of 2015 (PKPU 14/2015) concerning the Election of Governors and Deputy Governors, Regents and Deputy Regents, and/or Mayors and Deputy Mayors (State Gazette of the Republic of Indonesia Year 2015 Number 1567) stipulated the voting mechanism for such elections. It provided that the ballot for a single pair of candidates would include the candidates' photograph, their names, and a column for voters to express their agreement or disagreement.

This regulation was later amended through the General Election Commission Regulation Number 13 of 2018 (PKPU 13/2018), which introduced a new ballot format for single-candidate elections. Under Article 14, paragraph (1) of PKPU 13/2018 (State Gazette of the Republic of Indonesia Year 2018 Number 431), ballots were required to feature two columns: one containing the photograph of the candidate pair, and the other a blank column without an image. This revision underscored the evolving approach to ensure the legitimacy and inclusivity of electoral processes involving single-candidate contests.

The implementation of regional elections featuring a single pair of candidates is governed by Article 54C, paragraph (1) of Law Number 10 of 2016, which amended Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 on the Election of Governors, Regents, and Mayors into Law (Statute Book of the Republic of

Indonesia Number 130 of 2016, Supplement to Statute Book of the Republic of Indonesia Number 5898, hereinafter referred to as Law 10/2016). This provision stipulates the conditions under which elections involving only one candidate pair may proceed, as follows:

1. *Registration Limitation*: After the postponement and until the expiration of the registration extension period, only one candidate pair registers, and based on verification, this pair is declared eligible.
2. *Ineligibility of Other Candidates*: More than one candidate pair may register initially; however, based on verification, only one candidate pair is declared eligible. If, after the postponement and reopening of the registration period, no additional candidate pairs register or those who register are declared ineligible, only one candidate pair remains.
3. *Candidate Ineligibility During Determination Period*: After candidate pairs have been determined but before the campaign period begins, one or more pairs may become permanently disabled. If political parties or coalitions fail to propose replacements, or if replacements are declared ineligible, this may result in only one candidate pair remaining.
4. *Candidate Ineligibility During Campaign Period*: From the start of the campaign period to the voting day, candidate pairs may be permanently disabled, and if political parties or coalitions do not propose eligible replacements, only one candidate pair remains.
5. *Sanctions Leading to Disqualification*: If one or more candidate pairs are subject to cancellation as election participants, leading to the disqualification of all but one candidate pair, the election proceeds with only the remaining pair.

This legal framework underscores the procedural and regulatory safeguards for the conduct of elections with a single pair of candidates, ensuring clarity and adherence to democratic principles even in unique electoral circumstances.

Article 54C paragraph (2) of Law No. 10/2016 stipulates the procedures for electing a single pair of candidates, utilizing a ballot with two columns: one containing the photograph of the candidate pair and the other left blank. This provision is designed to streamline the electoral process by clearly distinguishing between candidates, while ensuring voter clarity. Further, Article 54D of the same law expands on the conditions under which the election results are determined, providing specific guidelines for when a candidate pair achieves or fails to achieve a majority of valid votes.

In particular, Article 54D paragraph (1) establishes that the Provincial or Regency/City General Election Commission (KPU) shall declare a candidate pair as elected if they secure more than 50% of the valid votes. However, if no pair receives a majority, as outlined in paragraph (2), the losing candidate pair is permitted to re-enter the race in subsequent elections. This provision ensures that there is a mechanism for electoral retries, allowing for further opportunities for candidate pairs to succeed.

Moreover, paragraph (3) clarifies that the next election shall be held within the following year or according to the timeline set forth in other relevant laws

and regulations. This creates a structured and predictable schedule for re-election, ensuring electoral stability. In situations where no candidate pair is elected after multiple rounds, as indicated in paragraph (4), the government is empowered to appoint an acting Governor, Regent, or Mayor to temporarily assume office until a valid election outcome is achieved.

Additionally, the provision states that the procedural details regarding the election of a single pair of candidates will be further delineated in regulations issued by the KPU. These supplementary regulations are critical for ensuring the smooth implementation of the law, offering more specific guidance on the practicalities of the electoral process.

The provisions of Article 54C and 54D raise several pertinent issues, particularly in light of recent controversial cases. For example, in various regions, the failure to achieve a clear majority has led to delayed elections and confusion regarding the legitimacy of appointed acting officials. This has sparked debates on the effectiveness of the electoral system and the potential for reform, especially in terms of how quickly and efficiently election results can be determined. In some cases, the practice of appointing acting officials has been criticized for undermining democratic principles, as these officials are not elected by the public but are instead chosen by the government. Such controversies underscore the tension between the legal provisions aimed at ensuring electoral clarity and the practical challenges posed by electoral systems in Indonesia, particularly in more remote or politically complex regions.

These ongoing debates highlight the need for continued evaluation of electoral laws and procedures, especially concerning the balance between electoral fairness and administrative efficiency. As such, while the legal framework established in Law No. 10/2016 seeks to ensure democratic participation, its implementation has been fraught with challenges, necessitating further legal refinement and potential reform to address contemporary concerns surrounding electoral legitimacy and fairness.

Factors Contributing to the Emergence of Single-Candidate Elections

The emergence of single-candidate elections, particularly in regional head races, has become a notable issue in Indonesia's democratic landscape. While elections are meant to offer voters a clear choice between competing candidates, the prevalence of uncontested races has raised concerns about the health of the country's electoral system. This phenomenon is driven by a complex interplay of juridical, political, and economic factors that hinder genuine competition and undermine the democratic principles of free and fair elections. From the legal framework governing candidate nominations to the

influence of money politics and the strategic interests of political elites, these factors often limit the pool of candidates and stifle electoral contestation.¹³

Understanding the causes behind the rise of single-candidate elections is crucial for addressing the broader challenges facing Indonesia's democratic process. By examining the various elements that contribute to this trend—ranging from the high financial costs of candidacy to the consolidation of political power by incumbents—this analysis sheds light on the structural issues that hinder voter choice and competitive elections. Exploring these factors provides valuable insights into the reforms necessary to restore a more dynamic and inclusive political environment, where multiple candidates can participate, and voters can exercise their right to choose freely.

1. *Juridical Factors in the Existence of a Single Candidate*

The juridical framework governing the election of regional heads in Indonesia has evolved through a series of legal instruments, beginning with the Constitutional Court Decision Number 100/PUU-XIII/2015, which addressed issues surrounding the nomination of single candidate pairs in regional elections. This decision laid the groundwork for subsequent legislative developments, including Law No. 10/2016 on the Election of Governors, Regents, and Mayors, and the Indonesian General Election Commission Regulation (PKPU) No. 14/2015, later amended by PKPU No. 13/2018.

These legal provisions establish the procedures for regional head elections, particularly the circumstances under which a single candidate pair may be nominated. The juridical underpinnings provided by these laws aim to ensure orderly electoral processes and to regulate how such elections are to be conducted, including cases where only one candidate pair is presented. However, despite the legal provisions, the implementation of these rules has raised significant concerns regarding the democratic legitimacy and competitiveness of such elections, as the existence of a single candidate undermines the core principles of free and fair elections.

2. *Non-Juridical Factors: High Costs and Money Politics*

One of the most pressing non-juridical factors in the candidacy process is the pervasive practice of money politics, which places substantial financial burdens on prospective candidates. The “*high price of dowry*,” a term commonly used to refer to the financial obligations required

¹³ Lestari, Ayu. "Penyebab Kehadiran Calon Tunggal dalam Pemilihan Kepala Daerah." *Simbur Cahaya* 25, no. 2 (2019): 249-262. See also Yantomi, Ahmad. "Kajian Yuridis Kemenangan Kotak Kosong Pada Pemilihan Umum Kepala Daerah di Indonesia." *Jurnal Kepastian Hukum dan Keadilan* 3, no. 1 (2022): 14-26; Yunus, Nur Rohim. "Calon Tunggal Sebagai Wujud Disfungsi Partai Politik." *Jurnal Adalab: Buletin Hukum dan Keadilan* 1, no. 1 (2018): 31-32.

to secure political backing, often acts as a significant barrier for many potential candidates.¹⁴

Rationally, when an incumbent candidate has substantial financial resources and political support, other potential challengers may opt not to enter the race, as the costs associated with becoming a candidate may be insurmountable. These costs include not only the dowry paid to secure the backing of political parties but also extensive campaign expenses, which cover voter outreach, vote-buying efforts, and securing support at various levels—from polling stations to local, provincial, and even national electoral commissions, including the Constitutional Court in cases of disputes. This practice of political dowry, deeply ingrained in the political culture of Indonesia, is seen as a necessary, albeit problematic, prerequisite for running for office. The prevalence of money politics severely limits the accessibility of political candidacy, often resulting in a situation where only

¹⁴ The term "*high price of dowry*" in the context of Indonesian elections refers to the financial costs and political patronage required for a candidate to run for office, particularly in regional elections. This practice, often equated with *money politics*, involves substantial financial expenditures to secure political support from party elites, local power brokers, and influential figures. The "*dowry*" is not a literal bride price but rather the costs that a candidate must pay to secure the backing of political parties, endorsements from influential stakeholders, and other resources necessary to mount a viable electoral campaign. In Indonesia, this high price of dowry has become a significant barrier to entry for many prospective candidates, particularly those without strong financial backing or connections. Political parties often demand large sums of money or other forms of patronage in exchange for nominating a candidate, making it extremely difficult for individuals without substantial resources to compete in elections. This system distorts the democratic process by prioritizing wealth and political connections over merit, policy proposals, or popular support. As a result, only those who can afford to pay the "*dowry*"—often incumbent politicians or wealthy elites—are able to run for office, while others are effectively shut out of the electoral process. The high price of dowry also contributes to the emergence of single-candidate elections. When an incumbent or well-financed candidate dominates the political landscape, other potential challengers may decide not to run due to the prohibitive costs of entry. Faced with the prospect of losing everything—both in terms of financial investment and political capital—many prospective candidates choose to abandon their ambitions, further consolidating the power of incumbents and leading to uncontested elections. This practice not only undermines the principles of *luber* and *jurdil* but also weakens democratic competition and limits voters' choices, as the electoral system becomes more about financial resources and less about representing the will of the people. See Mustika, Tiara, and Rodiyah Rodiyah. "Political Dowry in the Maelstrom of Political Practices in Indonesia: Legal and Political Aspects." *Journal of Law and Legal Reform* 4, no. 1 (2023): 45-62; Anggraeni, Tyas Dian. "Danger of Political Dowry in Indonesia: An Early Analysis of Corruption." *Indonesian Law Journal* 11, no. 1 (2018): 19-44; Mukti, Hagi Hutomo, and Rodiyah Rodiyah. "Dynasty Politics in Indonesia: Tradition or Democracy?." *Journal of Law and Legal Reform* 1, no. 3 (2020): 531-538. See also Huda, Muhammad Wahyu Saiful, et al. "The Role of the Millennial Generation in the Creativity of the Anti-Money Politics Movement." *Journal of Creativity Student* 7, no. 2 (2022): 237-266; Hamzah, Yusuf. "Reconstruction of Article 280 Section 1 Law Number 7 of 2017 concerning Election." *Dambil Law Journal* 1, no. 2 (2021): 130-151.

the financially privileged or incumbent candidates have the means to participate in the electoral process, further entrenching political inequality.

3. *Non-Juridical Factors: Weak Competitiveness in Political Competition*

Another non-juridical factor contributing to the dominance of single candidate elections is the weak competitiveness among prospective candidates. This lack of competition can arise from the dominance of a single candidate who, through significant financial resources, secures the backing of all political parties, effectively closing the door for other potential challengers. By monopolizing political support, such candidates lock out others from the opportunity to compete, thereby undermining the diversity of choices available to voters.

This dynamic leads to a lack of genuine electoral competition, where prospective candidates, recognizing the overwhelming advantage of the incumbent or financially dominant candidate, may choose not to run altogether. In such cases, political competition is weakened, and the election becomes a mere formality, devoid of meaningful contestation. This phenomenon is indicative of what has been described as the "*egoism of power*," where political elites prioritize their own power consolidation over fostering a healthy, competitive democratic process.

4. *Non-Juridical Factors: Political Interests of the Political Elite*

The political interests of elite groups also play a significant role in the phenomenon of uncontested regional elections. Many political parties in Indonesia have struggled with the lack of effective cadre regeneration, leading to a leadership crisis at the regional level. In some cases, political parties, rather than fostering new leadership, have become vehicles for advancing the pragmatic interests of party elites, often driven by short-term political calculations.

These elites may prioritize securing power for themselves or their allies, sometimes at the expense of democratic principles. This practice of "*practical politics*" often involves the nomination of candidate pairs that are not based on ideological alignment but rather on the strategic objectives of the party elite.¹⁵ As a result, party ideologies and long-term policy

¹⁵ Dahl, Robert A. "Robert A. Dahl—on Democracy." *Government and Opposition* 1, no. 4 (1966): 560-562. Online at <https://www.jstor.org/stable/44484211>. Theoretically, democracy is defined by the presence of competition and participation, where citizens have the right to engage in elections and political processes. However, real-world democratic systems cannot be confined to static frameworks, as they evolve with changing political, social, and economic contexts. True democracy is not only about competition among candidates or political parties but also requires effective mechanisms of checks and balances. These processes ensure that power is distributed across different branches or levels of government to prevent any single entity from accumulating too much control. Without such safeguards, the risk of power abuse and tyranny increases. Therefore, a

visions are often sidelined in favor of immediate political gain. In such a context, regional elections may be reduced to mechanisms for advancing the personal and factional interests of political elites, rather than providing voters with genuine choices.

5. *Impact on Democratic Principles*

The existence of uncontested regional elections, where only a single candidate is presented to voters, undermines the fundamental principles of *Luber* (*langsung, umum, bebas, dan rabasia*—direct, fair, and open elections)¹⁶ and *Jurdil* (*jujur dan adil*—just and honest elections)¹⁷. The right to vote and the right to be elected are both compromised in such circumstances, as voters are effectively left with no real choice. Rather than choosing between competing candidates, voters are faced with an artificial and uncompetitive election process, where the only available option is a candidate unopposed by any serious contenders. This lack of contestation reduces voter engagement and diminishes the legitimacy of the electoral process, as the essence of democracy—genuine competition—is effectively eliminated. Thus, the presence of a single candidate in regional elections poses a significant challenge to the vibrancy and legitimacy of Indonesia’s democratic system, highlighting the need for reforms to ensure more competitive and inclusive electoral processes.

The election of regional heads without contestation fundamentally undermines the principles of *luber* (direct, general, free, and secret) and *jurdil* (honest and fair) in the electoral process. When a single candidate is presented, the rights to vote and to be elected are diminished, as voters are left with no real choice. Instead of a genuine electoral contest, they face a superficial, artificial decision—essentially a choice between the candidate and an empty box. This lack of competition erodes the democratic value of elections, reducing them to a mere procedural formality, rather than an authentic exercise of popular will.

high-quality democracy must include structures that allow for power-sharing, accountability, and transparency. These mechanisms help maintain fairness and prevent the exploitation of authority, ensuring that government actions align with the interests of the people rather than the desires of a powerful few.

¹⁶ This principle emphasizes that elections must be conducted directly by the people, without discrimination (general), with freedom of choice (free), and in a manner that ensures the confidentiality of voters' choices (secret). In other words, every citizen has the right to vote and be elected without barriers, and their vote should remain private.

¹⁷ This principle highlights that the election process must be conducted with integrity, free from fraud or manipulation. The election must be fair, ensuring that every candidate has an equal opportunity and that the people's votes are counted transparently and accurately.

The Concept of Regional Head Elections: Unpacking the Fundamentals

The Regional Head Election represents a significant political event at the local level, specifically the process of selecting regional leaders through direct election. This method of direct election, introduced in post-reform Indonesia, marked a shift from the previous system in which regional heads were elected by the local legislative bodies (DPRD) behind closed doors. Prior to the 1998 reform, the electoral process was widely regarded as opaque, prone to manipulation, and far removed from democratic ideals.¹⁸

The momentum for reform began with the fall of the New Order regime and was followed by significant amendments to the 1945 Constitution of the Republic of Indonesia, particularly concerning provisions on local government. One of the key changes was the revision of Article 18, which was expanded to include Articles 18A and 18B, marking a new era for local governance. Article 18, paragraph (4) of the amended Constitution states that the Governor, Regent, and Mayor—representing the heads of provincial, regency, and city governments—are to be elected democratically. While this provision does not explicitly mandate that regional heads be elected through direct elections, legal scholars such as Rozali Abdullah argue that, as integral parts of the Republic of Indonesia, regional head elections should align with the presidential and vice-presidential elections, thus necessitating direct elections.¹⁹ This view is supported by Article 56, paragraph 1 of Law No. 12/2008 on local government, which stipulates that regional heads and deputy regional heads are elected in pairs, through a process that is direct, public, free, secret, honest, and fair.

This shift has profound implications, signaling a broader paradigm change in the structure of local governance, from centralization to decentralization. As Bhenyamin Hoessein notes, decentralization involves the establishment of autonomous regions and the delegation of certain powers from the central government to regional authorities. The move toward regional autonomy in Indonesia is a direct result of the decentralization process, representing a fundamental transformation in the political and administrative landscape of the country.²⁰

B.C. Smith argues that decentralization involves the delegation of power to subordinate governments and the distribution of authority to regional entities. For decentralization to be effective, the central government must transfer powers to local governments, allowing them to govern autonomously.

¹⁸ Marijan, Kacung. *Sistem Politik Indonesia, Konsolidasi Demokrasi Pasca-Orde Baru*. (Jakarta: Kencana, 2010). See also Purnamawati, Evi. "Perjalanan Demokrasi di Indonesia." *Solusi* 18, no. 2 (2020): 251-264.

¹⁹ Abdullah, Rozali. *Menzjudkan Pemilu Yang Lebih Berkualitas (Pemilu Legislatif)*. (Jakarta: Raja Grafindo Persada, 2009).

²⁰ Hoessein, Bhenyamin, et al. *Naskah Akademik Tata Hubungan Kewenangan Pemerintah Pusat dan Daerah*. (Jakarta: Pusat Kajian Pembangunan Administrasi Daerah dan Kota, FISIP-Universitas Indonesia, 2005).

In this context, direct regional elections serve as a political manifestation of decentralization, representing a shift in the locus of power from the central government to regional authorities, enabling them to regulate their own affairs more independently.²¹

A central issue surrounding the election of regional heads lies in the interpretation of the term "*democratic*." The debate centers around whether direct elections can be considered inherently democratic, or if indirect elections, as long as they are conducted in a democratic manner, can also be deemed democratic. The mechanism for electing regional heads can be regarded as democratic if it fulfills several key criteria. Scholars such as Robert Dahl, Samuel Huntington, and Bingham Powell, suggest that the parameters for assessing the realization of democracy include: general elections, power rotation, open recruitment, and public accountability.²² These criteria provide a framework for evaluating whether an electoral system truly reflects democratic principles, regardless of whether the election is direct or indirect.

The implementation of direct regional elections in Indonesia has had a profound impact on the country's democratic development, offering several significant benefits that have strengthened the political system. One of the most important outcomes of direct elections is the enhancement of *political participation*. In this system, citizens are directly involved in the selection of their regional leaders, a process that has deepened their awareness of their role as the true holders of political sovereignty. Voters are now more conscious of the power they possess in shaping their local government, which encourages greater civic engagement. The process also promotes more thoughtful decision-making, as voters understand the consequences of their choices. By choosing regional heads who are credible, capable, and responsive to their needs, voters help ensure that public servants truly represent their aspirations. This active participation fosters a more informed electorate that can demand accountability from its leaders.

In addition to encouraging political engagement, *direct regional elections* foster *local political competition*. The election process opens up space for various candidates to compete on a more equal footing, as it reduces the dominance of any single political faction or candidate pair. Prior to the introduction of direct elections, political power was often concentrated within certain political elites or parties, which could suppress competition and limit opportunities for new candidates to emerge. Direct elections break this barrier, ensuring that all political groups have a fair chance to participate. This shift has led to a more diverse and dynamic electoral field, where the electorate can select candidates

²¹ Smith, Brian C. *Decentralization: The Territorial Dimension of the State*. Taylor & Francis, 2023. See also Smith, Brian C. "The measurement of decentralisation." *International Review of Administrative Sciences* 45, no. 3 (1979): 214-222.

²² Dahl, Robert A. *Democracy and its Critics*. (Yale University Press, 2008); Huntington, Samuel P. "Democracy's third wave." *Journal of Democracy* 2, no. 2 (1991): 12-34; Powell Jr, G. Bingham. "The quality of democracy: The chain of responsiveness." *Journal of Democracy* 15, no. 4 (2004): 91-105.

based on their capabilities and vision, rather than being limited to a few established figures. As a result, direct elections help ensure that regional leadership reflects the diversity of political thought and the needs of the local population.

Another key benefit of direct regional elections is the *enhanced political legitimacy* of elected officials. Unlike the previous system of indirect elections, where regional heads were chosen by local legislative bodies (DPRD), direct elections give elected leaders a mandate directly from the people. This process ensures that the leadership is more in tune with the political power and interests of the electorate. As elected officials gain office through the majority vote, they are seen as legitimate representatives of the people, which strengthens their authority to govern. This legitimacy is crucial for effective governance, as leaders are more likely to act in ways that reflect the will of their constituents, knowing that their position is secure only if they maintain popular support.

Moreover, *direct regional elections help in minimizing manipulation and electoral fraud*. In the past, regional elections were often marred by transactional politics, corruption, and manipulation, with candidates and political elites engaging in vote-buying and other forms of malpractice. The shift to direct elections has reduced such practices by offering a more transparent and accountable election process. Although regional autonomy has decreased government interference, the problem of corruption within local legislatures remained, particularly in terms of the transactional nature of candidate selection. Direct elections, however, are designed to reduce the influence of such practices by making the process more open and public. As a result, the electoral system is better equipped to produce leaders who are genuinely committed to advancing regional autonomy and improving the welfare of the people.

Finally, *accountability* is a critical feature of the direct election system. In a system where regional heads are chosen by the people, the electorate has the power to hold these leaders accountable for their actions. If voters believe that their elected regional head is not fulfilling their responsibilities or is not acting in the public's best interest, they have the power to vote them out in subsequent elections. This creates a system of checks and balances, ensuring that leaders remain responsive to the needs and aspirations of their constituents. The direct link between electoral choices and political outcomes reinforces the principle that leaders must remain answerable to the people they serve. As a result, accountability is strengthened, which helps foster better governance and more effective leadership at the regional level.

Furthermore, Regional Elections serve as a crucial platform for realizing the democratic election of regional heads, in line with the mandate of the 1945 Constitution. Local governments are granted the authority to regulate and manage their own affairs based on the principles of autonomy and assisted duties. This broad delegation of autonomy to the regions aims to accelerate the achievement of community welfare by enhancing services, empowering local

populations, and promoting active citizen participation.²³ The expectation is that with this expanded autonomy, regions will be better equipped to foster increased competitiveness while upholding the principles of democracy, equity, justice, and regional distinctiveness. These principles, alongside attention to regional potential and diversity, fit within the framework of the Unitary State of the Republic of Indonesia.

The process of filling political positions through Regional Elections, as outlined in Law Number 32 of 2004, is designed to enable local governments to contribute to the accelerated welfare of their communities. This system allows the electorate, who are more familiar with the character and capabilities of local leaders, to make informed choices. In this context, the people of each region bear social responsibility for their electoral decisions, which are guided by the vision, mission, and programs put forward by their candidates. Through this social selection process, the community plays an active role in shaping the direction of local governance and the achievement of regional progress. Thus, the essence of Regional Elections lies in the competitive and political process through which local populations choose their leaders. The successful execution of this process ensures that the electorate accepts the outcome, contributing to the shared goal of communal prosperity.

Based on the above discussion, it is clear that direct Regional Elections provide a democratic mechanism that empowers the people to actively engage in selecting their regional leaders, distinguishing it from previous electoral systems. Under the laws enacted in 1974 (Law Number 5) and 1999 (Law Number 22), regional heads and deputy heads were not directly elected by the people. Instead, the selection process was primarily controlled by political parties, local elites, and the central government, often resulting in leaders who were more representative of political interests than of the local population's needs. This system limited the public's role in the electoral process and contributed to a lack of transparency and accountability.

The direct election of regional heads, however, creates an opportunity for the people to directly choose the candidates they believe best represent their interests. This process fosters a deeper emotional connection between regional leaders and the electorate, as leaders are directly accountable to the people who have entrusted them with their mandate. The shift to direct elections instills greater optimism among the public regarding the potential for improved leadership. While concerns may still arise over specific issues, the belief that directly elected leaders are more accountable and responsive to the people is generally stronger than the confidence in the indirect election system that prevailed before the reform era.

²³ See Erb, Maribeth, and Priyambudi Sulistiyanto, eds. *Deepening democracy in Indonesia?: direct elections for local leaders (Pilkada)*. Institute of Southeast Asian Studies, 2009; Lay, Cornelis. "Democratic transition in local Indonesia: An overview of ten years democracy." *Jurnal Ilmu Sosial dan Ilmu Politik* 15, no. 3 (2012): 207-219; Raharusun, Anthon. "Local Election and Reinforcement Democracy in the Indonesian State System." *Papua Law Journal* 2, no. 1 (2017): 1-25.

Furthermore, direct regional elections offer valuable *political education* to local populations, empowering them to make informed decisions without external influence from central government authorities or political elites.²⁴ This process of choosing leaders directly contributes to the development of *leadership skills* among local elites, as they are required to formulate policies, address community problems, communicate effectively with the public, and represent community interests. This experience is crucial for producing skilled and competent leaders who can eventually compete at the national level. In addition, the direct election system introduces a *clearer recruitment pattern* for local leaders.²⁵ Unlike the previous system where leaders were often appointed from the central government, direct elections ensure that political leaders are selected from within the local community, making the process more rooted in regional needs and aspirations.

Ultimately, by involving the people in the election of their leaders, direct regional elections foster greater *democratization* at the local level, where citizens exercise their political sovereignty. The direct involvement of the people ensures that leaders are not only more accountable to their electorate but also more attuned to the specific challenges and priorities of their region. This participatory process strengthens the foundation of democracy in Indonesia, creating a more inclusive and responsive political system.

Strengthening Local Leadership Through Direct Elections: A Merit-Based Recruitment System

The direct election system plays a crucial role in establishing a more transparent and merit-based recruitment pattern for local leaders. Unlike previous systems where leaders were often appointed through political connections or centralized power structures, the direct election mechanism empowers the electorate to select candidates based on their qualifications, competencies, and alignment with regional concerns. This shift from political appointment to democratic selection allows voters to have a direct influence on the leadership process, thereby ensuring that chosen leaders are more accountable to the public.

By enabling the public to elect candidates who reflect their local needs and aspirations, the direct election system strengthens the connection between leaders and their communities. Regional leaders elected through this system are

²⁴ Direct regional elections contribute to *political education* by empowering citizens to make informed choices in selecting leaders. This process fosters awareness of democratic principles, enhances civic engagement, and encourages critical evaluation of candidates. It ultimately strengthens local democracy, enabling voters to hold leaders accountable and participate in governance more effectively.

²⁵ The direct election system establishes a clearer recruitment pattern for local leaders by enabling the electorate to choose candidates based on merit and local relevance, rather than political appointment. This system ensures that leadership is rooted in the community, allowing for the emergence of leaders who are more attuned to regional needs and aspirations.

more likely to possess a deeper understanding of the unique challenges facing their constituencies, as they have to engage directly with the electorate during the campaign process. This fosters a leadership style that is more responsive and sensitive to the specific demands of the local population, as the leaders must prioritize the interests of their constituents to secure electoral support.

Furthermore, the direct election process allows for greater diversity in leadership. Since candidates must compete based on their personal merit and regional relevance, there is greater opportunity for a wider range of individuals from various backgrounds to enter the political arena. This results in the emergence of leaders who are not only qualified but also reflective of the social, cultural, and economic dynamics of the region they represent. The electoral process thus encourages the development of local leaders who are both competent and connected to the communities they serve.

Ultimately, the direct election system fosters a more inclusive and democratic process for selecting local leaders. By prioritizing merit and local relevance, it ensures that the leadership is deeply embedded within the community and directly accountable to the people. This dynamic helps promote long-term political stability and development, as leaders are more inclined to focus on the needs of their constituents, which in turn contributes to the overall progress and prosperity of the region.

Simultaneous Regional Head Election

The direct regional head election (*Pilkada*) serves as both a mechanism and an effort to realize a comprehensive democratic system and ensure the sovereignty of the people. While the transition from indirect to direct democracy was expected to usher in better governance and accelerate regional autonomy, the results have often fallen short of these aspirations. Instead of achieving the anticipated improvements, widespread corruption among regional heads in various parts of the country has hindered the realization of the democratic ideals associated with local governance. As a result, the intended goal of regional autonomy—designed to accelerate the welfare of the people—has not materialized as expected.

One important form of community participation in the regional elections is through the exercise of voting rights to select their leaders. Increased public involvement in the electoral process signifies the strengthening of democracy within a nation. However, for this process to be truly effective, the electorate must engage as informed and discerning voters. It is crucial for voters to evaluate candidates based on their ability to listen to the public's needs, rather than selecting candidates driven by self-interest or those who solely represent particular groups. It is essential that voters choose leaders who remain committed to the promises made during the campaign and who will ensure that development is aligned with the public's aspirations. Voters should also be cautious not to waste their voting rights or be swayed by temporary incentives.

The implementation of Simultaneous Regional Elections aims to address, among other concerns, the issue of excessive election costs. Previously, organizing separate elections for regents/mayors and governors incurred high expenses. By holding these elections simultaneously, cost efficiency is expected to be achieved, with the combined expenses covered by the provincial and regional budgets. This financial efficiency is intended to reduce the political costs incurred by candidates, minimizing the likelihood of corruption. High election costs, in the past, have often led elected regional heads to seek ways to recover these expenses, which may result in unethical practices. By reducing these financial burdens, Simultaneous Regional Elections hope to curb such behavior, promoting a more transparent and accountable electoral process.

One of the important aspects is to get the awareness of community participation that quality elections are the extent to which the political attitudes and motivations of the community and the candidates can jointly build the essence of the goal of regional autonomy. Direct elections are not just a fight for regional head seats that have no implications for the welfare of the community. However, it must be a challenge in maintaining democracy for the welfare of the people. The simultaneous implementation of regional head elections (*Pilkada*) must receive a portion of more attention from the government. The stages of the simultaneous regional elections require very careful preparation. We really hope that this simultaneous regional election can have a positive impact on improving the quality of government in the region and the government can run better to improve people's lives, the quality of candidates, the quality of organizers and the quality of results in accordance with the expectations of all of us.

All of this can be realized and run well with the support of political parties, election organizers, the community and other stakeholders. The first batch of simultaneous Regional Head Elections (*Pilkada*) was held on December 9, 2015. This election is to elect regional heads whose term of office ends in 2015 until the January-July 2016 range.

Simultaneous regional elections are a new thing in Indonesia's constitutional system. In practice, the simultaneous regional elections do not have a reference. On the other hand, the 2015 simultaneous regional elections are expected to be a barometer for the implementation of the next simultaneous regional elections, namely the simultaneous regional elections in 2017, 2018, 2020, 2022, 2023. Only in 2027, the regional elections are planned to be held simultaneously nationally.

The Rise of Single-Candidate Elections: A Threat to Democracy?

One of the most contentious issues in the democratic process during regional elections is the resurgence of the phenomenon of single candidate pairs, particularly evident in the 2019 regional elections. Mohammad Alexander noted that "*as a product of local political dynamics, a single candidate in regional elections*

presents an alternative to ensure citizen participation and prevent the erosion of constitutional rights for both citizens and potential candidates. However, this also transforms regional elections into uncontested races, undermining the core principles of democratic participation."

The term "*single candidate*" is not explicitly defined in the Dictionary of Indonesian. However, if interpreted literally, a "*candidate*" refers to an individual who is trained and prepared to occupy a specific position or role, while "*single*" implies that there is only one contender. Thus, in the context of regional elections, the term "*single candidate*" refers to the sole individual vying for a particular position. This phenomenon, often seen as an anomaly, arises due to legal and regulatory frameworks governing regional elections, which, despite requiring a minimum of two pairs of candidates, can still result in uncontested races under certain conditions.

Titi Anggraini, Executive Director of the Association for Elections and Democracy (Perludem), identifies two variations of the single candidate phenomenon in regional elections. The first variant involves incumbents running unopposed, while the second variant involves a family member or relative of an incumbent emerging as the only candidate. In terms of legal provisions, the single candidate scenario is addressed by Article 54C, paragraph (1) of Law Number 10 of 2016, which amended Law Number 1 of 2015 regarding the election of governors, regents, and mayors.

The emergence of a single candidate in simultaneous regional elections has sparked significant debate among various stakeholders regarding the future of regional head elections, particularly due to the lack of specific legal provisions addressing this issue. In light of this uncertainty, a request for a judicial review of Law Number 8 of 2015, which amended Law Number 1 of 2015 concerning the Election of Governors, Regents, and Mayors, was submitted to the Constitutional Court. The review sought to assess the constitutionality of the law in relation to the 1945 Constitution of the Republic of Indonesia. In response, the Constitutional Court (MK) issued Decision Number 100/PUU-XIII/2015, which affirmed that regions with only a single pair of regional head candidates are still eligible to participate in simultaneous regional elections (*Pemilukada*). This ruling has become a critical legal reference in addressing the issue of uncontested elections in Indonesia's regional electoral system.

In response to the Constitutional Court's ruling, the General Election Commission (KPU) issued the General Election Commission Regulation Number 14 of 2015, which addresses the election process for regions with only a single pair of candidates. Specifically, Article 14, paragraph (1) of the regulation outlines the voting procedure, stipulating that elections involving a single candidate pair will use a ballot that includes a photo and the names of the candidates, along with a column for voters to indicate whether they agree or disagree with the sole candidate pair. This regulation ensures that the democratic process remains intact, even in cases where only one pair of candidates is running for regional office.

In 2016, the Indonesian government amended Law Number 8 of 2015, which had previously modified Law Number 1 of 2015 regarding the election

of regional heads. The amendment led to the enactment of Law Number 10 of 2016, which introduced explicit provisions concerning the possibility of a single candidate pair in regional elections. This regulation was integrated into Article 54C, which clearly outlines the conditions under which a single candidate pair may participate in the election.

According to Article 54C, the election of a single candidate pair may occur under several circumstances, including: (1) when, after a postponement and the registration extension period, only one candidate pair registers and is deemed eligible; (2) when multiple candidate pairs register but only one is eligible after the research and no further candidates register or meet eligibility criteria after a subsequent registration period; (3) if, after the candidate pair determination, one candidate becomes permanently disabled and no suitable replacement is proposed or found; (4) if, during the campaign period, a candidate becomes permanently disabled and no replacement is proposed or eligible; or (5) if a candidate pair is disqualified due to violations, resulting in only one remaining candidate pair.

The regulation also specifies that voting for a single candidate pair will be conducted using a ballot containing two columns: one with the photo and name of the candidate pair and the other left blank, providing a space for voters to indicate their agreement or disagreement with the candidate. This provision ensures that, even in the event of uncontested elections, the democratic process is preserved.

The provisions outlined in Article 14 paragraph (1) of the General Election Commission Regulation Number 13 of 2018, which amended Regulation Number 14 of 2015, further reinforce the process for conducting regional elections with a single candidate pair. Specifically, Article 14 stipulates that voting in such elections must be carried out using a ballot paper featuring two columns: one with the photo and name of the candidate pair, and the other left blank, providing voters with the option to indicate either agreement or disagreement with the candidate pair. This provision ensures transparency and allows the electorate to express their stance on the single candidate pair, maintaining the integrity of the electoral process even in uncontested situations.

Furthermore, Article 18 of the General Election Commission Regulation Number 13 of 2018, which amends the General Election Commission Regulation Number 14 of 2015, concerning the Election of Governors and Deputy Governors, Regents and Deputy Regents, and/or Mayors and Deputy Mayors with a Single Candidate Pair, emphasizes the voting process. The provision states: "*Voting for the election of one (1) candidate pair is done by casting one (1) vote in the column containing the photo of the candidate pair or in the blank column without a picture.*" This regulation clarifies that the ballot paper for elections with a single candidate pair consists of two columns: one containing the photo and name of the candidate pair, and another blank column. Voters are granted the freedom to choose between voting for the candidate pair, represented by the column with the photo, or for the blank column, referred to in the author's

terms as the "*blank box*." This mechanism ensures that voters can express either their support or disapproval, even when there is only one candidate pair.

To determine whether or not a single candidate will be elected in the simultaneous elections, it refers to the provisions of Article 54D of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into a Law that confirms that:

- (1) The Provincial KPU or Regency/City KPU determines the selected candidate pairs in the Election of 1 (one) candidate pair as referred to in Article 54C, if it gets more than 50% (fifty percent) of the valid votes.
- (2) If the votes of the candidate pair are less than as intended in paragraph (1), the candidate pair who loses the election may nominate again in the next election.
- (3) The next election as referred to in paragraph (2) shall be repeated in the following year or carried out in accordance with the schedule contained in the laws and regulations.
- (4) In the event that there is no pair of elected candidates for the results of the Election as referred to in paragraphs (2) and (3), the Government assigns an acting Governor, Acting Regent, or Acting Mayor.
- (5) Further provisions regarding the procedure for the election of 1 (one) candidate pair are regulated by KPU Regulations.

Based on the provisions outlined, a single candidate pair will only be declared elected if it secures more than 50% of the valid votes. If this threshold is not met, the regional elections will be rescheduled and repeated in accordance with the relevant laws and regulations. In such cases, a single candidate who is not elected can participate in the next election cycle by following the same initial process, which may involve a different composition of supporting political parties. However, there is no assurance that political parties or their previous coalitions will continue to support the same candidate.

A notable example of this occurred in the 2018 Makassar mayoral election (*Pilwalkot*) in South Sulawesi, where the "*empty box*" won the election with 53% of the votes, while the single candidate pair, Munaffri Arifuddin-Rachmatika Dewi, only received 47%. As a result, the election did not produce an elected candidate pair, and the government appointed an interim official to lead until the next election cycle. This highlights the uncertainty and challenges faced by single candidates in securing political legitimacy and support in future electoral contests.

Based on the explanation above, the eligibility criteria for a single candidate in the simultaneous regional elections scheduled for 2024 require adherence to the provisions outlined in Article 54C of Law Number 10 of 2016, which is the second amendment to Law Number 1 of 2015. According to these provisions, regional elections in areas that meet the conditions specified may result in a single candidate running against an "*empty box*."

In this context, candidate pairs for regional head elections can be considered participants if they fulfill the criteria outlined in the General Election Commission Regulation (KPU Regulation) of the Republic of Indonesia, specifically Article 3 Number 3 of 2017. This regulation stipulates that election participants must meet one of the following qualifications:

1. Candidate pairs proposed by political parties or coalitions of political parties, who are qualified to be designated as election participants; and/or
2. Individual candidate pairs who have registered and met the necessary requirements to be recognized as eligible participants.

Thus, regions where only a single candidate pair meets the necessary criteria will likely have an election featuring that candidate against the "empty box," unless a valid challenger is able to register and meet the required standards in time. This process underscores the complexities and implications of single-candidate elections within Indonesia's regional electoral framework.

Furthermore, the provisions of Article 40, paragraph (1) of Law Number 10 of 2016, which amends Law Number 1 of 2015, further stipulate that:

"Political parties and coalitions of political parties may register candidate pairs if they have met the requirements of securing at least 20% (twenty percent) of the seats in the Regional People's Representative Council (DPRD), or 25% (twenty-five percent) of the accumulated valid votes obtained in the general election for members of the DPRD in the respective region."

This provision highlights the threshold that political parties or coalitions must meet in order to propose candidate pairs for regional head elections. It ensures that only those with substantial political support—either through representation in the DPRD or through popular votes—are eligible to participate in the candidate selection process, helping to maintain a level of legitimacy and democratic participation in the election of regional leaders.

Based on the provisions outlined above, political parties can submit candidate pairs for regional heads if they meet the necessary requirements, such as securing at least 20% of the seats in the Regional People's Representative Council (DPRD) or 25% of the accumulated valid votes in the general election for the DPRD in the respective region. In addition to political parties, individuals are also allowed to run for regional head positions through an independent route. However, independent candidates must adhere to the provisions established by the applicable laws, particularly Law Number 10 of 2016, which amended Law Number 1 of 2015 concerning the Election of Governors, Regents, and Mayors. This ensures that both political parties and individual candidates are subject to the same legal framework for participating in regional elections, promoting fairness and consistency in the electoral process.

Factors Behind the Emergence of Single Candidates *vs.* Empty Boxes in Regional Elections

A closer examination reveals several key factors that contribute to the emergence of a single candidate, which are outlined by the author as follows:

1. *Nomination process that requires high costs*

To run as a candidate for regional head is not easy, because it requires high costs in the nomination process. In addition to demanding the cost of making various candidate identification properties through banners, stickers, and so on, if you do not also prepare a political dowry to a political party, it is certain that someone who wants to become a regional head will not be able to achieve his dream.

Political dowry seems to be commonplace, because it is considered a boat fare whose pretext will later be used as a financing fund to run the party's vehicles. The phenomenon of one pair of candidates being born because of the high dowry from the supporting party, then rationally, if there is a strong incumbent candidate, other candidates will definitely calculate rationally. Instead of losing everything, it is better to undo the intention to become a candidate, because just to become a candidate they have to pay a dowry.

Not to mention the funds that will be used for campaigns, funds to win voters' votes, funds to secure votes starting from the polling station level to securing votes at the KPU, Regency/City KPU, Provincial KPU, Central KPU and even at the Constitutional Court level in the event of a dispute. The practice of political dowry is a very difficult thing to prevent in practical politics in Indonesia. Political dowry seems to be mandatory to be given when the candidate pair wants to advance to become a bride in the process of candidacy for regional heads. If the political dowry is not paid, it is certain that the candidate pair will not be able to advance as candidates in the regional elections.

2. *Candidates who buy parties to be their supporters*

The trigger for the existence of one pair of candidates in *Pemilukada* is because the candidates who advance buy the support of all political parties, thus closing the opportunity for other regional sons to be able to advance to become mayoral candidates. This means that with a large amount of capital, the candidate for regional head locks the opportunity for other candidates to get support. Although this cannot also be blamed, because in fact *Pemilukada* is a gamble to be able to win and occupy power. However, what is wrong is the weak competitiveness and the lack of courage to compete in battle.

Opponents are defeated before advancing in battle. In fact, the appropriate word for this condition is the existence of power egoism. In fact, the true fight is when there is an opponent in front of you, so that if the victory achieved, or the defeat obtained, it is all a form of true toughness and

courage. This happens because not every pair of candidates who advance as contestants in the election have good financial capabilities. Candidate pairs who have financial limitations will usually be eliminated by themselves.

3. *Cadre regeneration that is not optimal in political parties*

So far, the recruitment process tends to be *injury time* or not prepared based on mature regeneration. Where so far political parties have tended to rely on members of the DPR, DPD, or DPRD to become candidates in the Regional Elections. However, since there is a provision after the Constitutional Court's decision that members of the DPR, DPD, or DPRD who are advancing to the Regional Elections must resign, it is increasingly difficult for the party to find cadres to carry, because many legislators do not want to resign, especially if their chances of election are low.

Political parties have an important position in the constitution. One of the functions of political parties is to conduct political education. However, currently, political parties are considered to have not carried out political education optimally both to the public and within the party. Political parties have three functions, namely preparing cadres for national leadership both in the legislature and the executive, channeling people's aspirations, and conducting political education. Political education to internal political parties can be seen in the regeneration. However, this regeneration is not running optimally. As long as the regeneration of political parties is not optimal and the role of preparing the candidate for leader is not carried out optimally, political parties will still have difficulty proposing their candidates in the election contest.

Based on the above, the phenomenon of one pair of candidates in the regional elections cannot be considered something ordinary, because the implementation of the regional elections requires considerable financing from the Regional Expenditure Budget (APBD) of each region. Although, currently the Government has initiated the simultaneous election of regional heads to reduce the budget. However, the Ministry of Home Affairs actually stated that the simultaneous implementation of regional head elections is more wasteful than the election of regional heads whose time is adjusted by each region.

Constitutionality of Single Candidate Against Empty Box

Modern nations govern based on the rule of law (*Rechtsstaat*), rather than relying solely on power (*Machtsstaat*). This shift reflects the global evolution of legal protection concepts and the diminishing influence of absolutism. A fundamental element of a rule-of-law state is the supremacy of the constitution.

This is logical, as constitutions typically contain provisions outlining the essential elements of a rule-of-law state. Upholding the supremacy of the constitution is not only a consequence of the rule-of-law concept but also a core principle. Furthermore, the democratic system of governance is widely adopted as the highest form of societal agreement. In Indonesia, one of the key juridical implications of a democratic legal system is the election of leaders through democratic processes. This includes the election of regional leaders, commonly referred to as regional heads.

The democratic election of regional heads is enshrined in Article 18, paragraph (4) of the 1945 Constitution of the Republic of Indonesia, which stipulates that "*Governors, Regents, and Mayors, as Heads of Provincial, Regency, and City Governments, are **democratically elected.***" However, the emergence of single candidates facing empty boxes in several regions during simultaneous regional elections is an ironic phenomenon, especially considering that Indonesia, as the third-largest democracy in the world, is home to a relatively large number of political parties.²⁶

The process of electing a single candidate who competes against an empty box presents a significant issue in the democratic election framework. In this situation, the single candidate is not engaging in a competitive election against another candidate but instead faces an empty box, which does not possess the status of a legal entity or subject within the electoral process. The empty box represents a passive option, allowing voters to express their dissatisfaction or refusal to vote for the sole candidate, but it does not receive the same legal recognition or support as the actual candidate.

While the single candidate is provided with state-regulated resources for campaigning, socialization, and voter engagement—such as advertisements and outreach facilitated by the General Election Commission (KPU)—the empty box does not have access to these essential tools. Crucially, campaign resources like witnesses during recapitulation, the ability to contest election results through the Constitutional Court, or any formal election-related support are not extended to the empty box.

The intent behind including the empty box is to preserve a semblance of contestation in the election process, offering voters an alternative to the single candidate. However, this fails to establish a truly equitable competition, as the

²⁶ The problems related to Article 18, paragraph (4) of the 1945 Constitution, which mandates the democratic election of regional heads, primarily stem from the emergence of single candidates in some regions. This undermines the essence of democracy, as it eliminates meaningful competition and limits voters' choices. The lack of competition diminishes the opportunity for voters to evaluate different leadership options and policies, which may lead to voter apathy or disillusionment. Furthermore, single-candidate elections can foster political monopolies, where political elites or powerful families dominate regional leadership, stifling new voices and political pluralism. These scenarios often reflect institutional and regulatory gaps, as the legal framework does not adequately address situations where only one candidate registers. This raises concerns about fairness, transparency, and legitimacy in the electoral process. Ultimately, these issues erode the democratic process, undermining public trust and the goals of regional autonomy.

single candidate is afforded comprehensive electoral facilities that the empty box is not. As a result, the structural imbalance between the two—one having access to state-backed campaigning mechanisms, and the other having none—undermines the fairness and legitimacy of the electoral process, rendering the concept of a meaningful contest invalid. The election outcome, therefore, may not genuinely reflect democratic principles, as the competition is not conducted on equal terms.

On the other hand, one of the fundamental principles of a democratic Regional Election is *based on justice*. However, the principle of fairness in the context of Regional Elections cannot be narrowly understood merely as ensuring justice for local residents—who, as sovereign holders, exercise their voting rights in the ballot box. Rather, the principle of fairness must be applied comprehensively throughout every stage of the election process, ensuring that all participants, including candidates and voters, are treated equitably.

This broader understanding of justice includes providing equal access to resources for all candidates, ensuring transparency and accountability in the election process, and safeguarding the integrity of the election results. It also means addressing any structural inequalities that may arise, such as the disparity in campaign resources between a single candidate and the empty box option. Without a fair distribution of electoral facilities and opportunities, the electoral process risks undermining the core democratic principle of justice, as it fails to offer all participants a level playing field. Thus, fairness in Regional Elections is not just about casting votes; it is about upholding a fair, transparent, and equitable process throughout the entire election cycle.

In the context of Regional Elections where a single candidate faces an empty box, a key question is how the principle of justice is upheld during the campaign stage, especially in relation to the campaign activities facilitated by the General Election Commission (KPU). This includes the dissemination of campaign materials, the installation of campaign props (APKs), and advertisements in both print and electronic mass media. These activities, facilitated by the KPU, present significant challenges in ensuring equal treatment for both the single candidate and the empty box, as the two “*contestants*” are not on equal footing.

For the single candidate, there are opportunities for campaign exposure and materials that may not be available for the empty box. The challenge for the KPU lies in balancing the campaign resources and visibility afforded to both entities. While the single candidate can utilize various media and promotional platforms, the empty box lacks the ability to campaign, making it a non-entity in practical terms.

For the election oversight body, Bawaslu, this becomes a complex issue of ensuring fairness in the process. The responsibility lies in ensuring that justice is reflected not only for the single candidate but also for the empty box, which serves as an alternative choice for voters. However, ensuring a level playing field is difficult since the blank box cannot participate in campaigning, leaving

Bawaslu with the task of overseeing a process where equal opportunity is not inherent.

Therefore, the challenge is to ensure that the process remains fair and transparent, offering equal rights to both entities during the campaign period, despite the inherent disparities. This responsibility underscores the difficulties of ensuring justice in the election process, especially when one "*contestant*" lacks the resources and rights available to the other.

One of the most critical issues in the case of regional elections with a single candidate facing an empty box is the absence of candidate debates. Debates play a vital role in modern democratic campaigns as they provide a platform for political education, the exchange of ideas, and dialogue between candidates, all of which are essential for informing and persuading voters. In the case of a single candidate running unopposed against an empty box, the absence of such debates diminishes the democratic essence of the election and deprives voters of the opportunity to critically assess candidates' platforms.

From an international perspective, a democratic election is often evaluated based on several criteria, one of which is the presence of a democratic campaign, including candidate debates. Without these exchanges, the election process may be seen as lacking substance, reducing democracy to a mere procedural formality rather than a meaningful exercise of choice and participation.

The core principles of democracy—contestation and competition—are vital elements that must be upheld for democracy to be substantive. If these principles are absent, the democratic process is not fully consolidated, and the purpose of democracy, which is to ensure the welfare and prosperity of the people, is undermined. When regions hold elections with only a single candidate running against an empty box, it raises concerns about the integrity of the electoral process. For instance, if multiple political parties exist within a region but fail to provide competitive candidates, it signals a breakdown in democratic competition, further weakening the system. In such a scenario, it is the people who ultimately suffer, as the core objectives of democracy—representation and accountability—are compromised, leading to a democratic system that does not serve its intended purpose of advancing public welfare.

Furthermore, it is essential to recognize that the blank box, unlike the regional head candidates and their deputies, is not a legal entity or subject in the context of the election. The blank box holds no legal status, as it does not have the right to vote or be elected in the electoral process. This distinction is critical because the legal framework surrounding elections, including the Constitution of Indonesia, is designed to ensure that the participants in the electoral contest are qualified legal subjects—individuals who possess the right to both participate in the election and be elected.

Given that the blank box does not meet these legal criteria, it cannot be considered a legitimate contestant in the election. As a result, an election in which a single candidate faces only an empty box cannot be fully aligned with constitutional principles. In a democracy, the essence of an election lies in the

active participation of legal subjects—candidates who are eligible and can compete for the position in question. Therefore, the presence of only a single candidate against an empty box raises significant constitutional concerns, as the election process does not reflect the full participation of qualified candidates, undermining the democratic nature of the contest.

Legal Implications of the Presence of a Single Candidate Against an Empty Box in the Simultaneous Regional Head Election in Indonesia

The election of regional heads is very closely related to the implementation of people's sovereignty in a country. People's sovereignty means that the people are the ones who determine the style and way of government, and the people are the ones who determine what goals to be achieved. Harold J. Laski said that sovereignty is a legitimate power according to the highest law, the power includes all people and groups in the society it controls.²⁷ While, C.F. Strong in his book *Political Modern Constitution* states that sovereignty is the power to form laws and the power to impose its implementation.²⁸

In reality, theoretically, the election of regional heads is one of the types of general elections, according to the USA general elections are a means of implementing the principle of people's sovereignty, in essence, it is a recognition of the embodiment of the people's political rights and at the same time is the delegation of these rights by the people to their representatives to run the government.²⁹

In line with the above opinion, according to Moh Kusnardi and Harmaily, Ibrahim also said that elections are not everything about democracy³⁰. Elections are a basic means of implementing the principles of democracy and the joints of democracy do not only lie in elections, but nevertheless elections have a very important meaning in the process of national dynamics. In fact, whatever the reason, only a restrictive government is considered to have the legitimacy of the people to lead and regulate the government to become the manager of the rulers, so that through the election the claim of the government elite working for and on behalf of the interests of the people can be recognized, thus it can be said that the implementation of regional head elections which is one type of election related to the implementation of sovereign relations.

²⁷ Laski, Harold J. *Authority in the Modern State (Works of Harold J. Laski)*. (London: Routledge, 2014).

²⁸ Strong, Charles Frederick. *Modern Political Constitution: An Introduction to The Comparative Study of Their History and Existing Form*. (New York: Macmillan Company, 1950).

²⁹ Schofield, Norman, Gary Miller, and Andrew Martin. "Critical elections and political realignments in the USA: 1860–2000." *Political Studies* 51, no. 2 (2003): 217-240; Pinto, Sergio, et al. "Presidential elections, divided politics, and happiness in the USA." *Economica* 88, no. 349 (2021): 189-207.

³⁰ Held, David. *Models of Democracy*. (Jakarta: Akbar Tandjung Institute, 2007), pp. 34-35.

The purpose of the election should be measured by the goal of the independence of a country on the one hand, and the other by the functions of holding general elections. Under the control of democracy, elections become a vehicle for the use and struggle of political rights so that the people's sovereignty is realized as a counterweight and controller of state sovereignty derived from it. The mechanism for implementing elections and also regional elections as a vehicle for optimizing the people's political rights, requires support starting from implementation, process and supervision.

According to Austin Ranney³¹, there are three main criteria for a democratic election, including:

1. The existence of general voting rights (*active and passive*), which means that in executive and legislative elections, every citizen has the same opportunity in the public sphere to vote and be elected. Active voting rights are the rights of citizens who are eligible to elect their representatives in the House of Representatives, DPD, DPRD, President-Vice President, and Regional Heads-Deputy Regional Heads, namely 17 years old or have been/have been married, have not been impaired in memory, have not been deprived of their voting rights, are not serving prison sentences, are registered in the Permanent Voter List (*Daftar Pemilih Tetap—DPT*). The passive voting right is the right of citizens who are eligible to be elected as members of the House of Representatives and the House of Representatives.
2. Equality of vote weight, which means that there must be a guarantee that the votes of each voter are given the same weight in the election. All voters have the same percentage weight per person regardless of position and position.
3. The availability of candidates from different ideological backgrounds³².

The meaning of this criterion is the availability of a real election and a visible difference from other options where the essence does require more than one choice, then the choice can be very simple such as the difference between two or more candidates or a more complicated difference between two or more different political lines/work programs to the difference between two or more ideologies.

The existence of a single candidate is certainly not in line with the concept conveyed by Austin Ramsey, because this phenomenon makes people have no alternative in determining their voting rights. On the other hand, people are also forced to vote for a candidate who (*maybe*) not in line with their ideology and desires. The empty box is the peak of the iceberg phenomenon that has

³¹ Ranney, Austin. "Turnout and representation in presidential primary elections." *American Political Science Review* 66, no. 1 (1972): 21-37.

³² Mahardika, Ahmad Gelora, and Sun Fatayati. "Penerapan Pilkada Asimetris Sebagai Upaya Menciptakan Sistem Pemerintahan Daerah Yang Efektif." *Indonesian Journal of Humanities and Social Sciences* 1, no. 1 (2020): 50-67; Mahardika, Ahmad Gelora. "Fenomena Kotak Kosong dalam Pemilukada Serta Implikasinya dalam Sistem Ketatanegaraan Indonesia." *Jurnal Adhyasta Pemilu* 1, no. 2 (2018): 69-84.

been happening in political party institutions, political pragmatism, the failure of cadre regeneration and the poverty of ideology make political parties nothing more than vehicles. Political parties do not have the identity, ideology and quality to carry out their functions as political parties. Based on the above, the existence of a single candidate against an empty box in the simultaneous regional head election has implications for several things, including:

1. *Potential return to a centralized system of government*

One of the effects caused by the presence of a single candidate against an empty box is that if the empty box wins the Regional Election, it is certain that there is a potential absence of a definitive Regional Head in the area. When referring to KPU Regulation Number 13 of 2018 which is a technical reference of the Law on the Election of Regional Heads, the position will later be filled by a temporary official whose authority to fill it is given to the Minister of Home Affairs, who is a Central Government Official directly elected by the President.

In fact, as an excess of the constitutional amendment to Article 18 of the 1945 Constitution of the Republic of Indonesia, Regional Governments are given the authority to manage their own regions. Since then, the authority of the Central Government has only been limited to the authority of Foreign Policy, Defense and Security, Monetary, Fiscal, Justice and Religion. Beyond this authority, everything is the authority of the Regional Government.

Article 18

- (2) *Provincial, Regency, and City governments regulate and manage their own government affairs according to the principle of autonomy and assistance duties*
- (5) *Local governments exercise the widest possible autonomy, except for government affairs that are determined by law to be the affairs of the Central Government.*

Based on Article 18 paragraphs (2) and (5) of the 1945 Constitution of the Republic of Indonesia, it is very clear that the Regional Government has the authority to regulate and manage its own government affairs according to the principle of autonomy and assistance duties. In addition, this provision is also affirmed in the provisions of paragraph (5) which states that local governments exercise the widest possible autonomy except for government affairs that are determined by law as affairs of the Central Government.

If we assume that if the Regional Election contest presents a single candidate facing an empty box, and the empty box wins the contest, then there will be a power vacuum for a long period of time even up to almost two years. However, the extension is threatened with the potential to be much longer if we have officially held simultaneous regional elections in

2027, which if this rule is still in effect, the Acting Regional Government can rule a region for 5 (five) years.

The legal basis is the provision in the Regional Election Law where the Acting Regional Head is elected by the Minister of Home Affairs until the next Regional Election. This article in terms of the constitutional system has violated the constitution in Article 18, where the Governor, Regent, and Mayor respectively as the heads of provincial, regency and city local governments are democratically elected, not by the Central Government.

The election of Acting Officers who have authority equivalent to the Minister of Home Affairs will slowly create centralization in a new face. Because Acting Heads at both the Provincial and Regency/City levels are Officials of the Ministry of Home Affairs who are appointed directly by the Minister of Home Affairs, and before taking strategic policies, the officials must first consult with the Minister of Home Affairs.

Indirectly, regional autonomy has moved backwards to the form of centralization as in the new order era. Currently, only the city of Makassar is a witness to the history of the victory of the empty box in the election contest, but in the future, this could happen in all regions, and it implies that all Regional Heads will be led by Acting Regional Heads elected by the Central Government. And if that condition is really going to happen, then it is a setback for our democracy

2. *The loss of the right of the community to be led by its chosen leader*

When there is no alternative candidate or there is only a single candidate, indeed the people are given a choice, namely between choosing a single candidate or an empty box. However, when the empty box wins the contest, the authority to appoint the Acting Officers is absolutely the authority of the Central Government.

Reflecting on the basic theory of democracy, according to Doorenspleet Renske, who said that there are five indicators of democracy, Renske sees that democracy can be seen starting from the highest score to the lowest score. According to Renske, a region has the lowest democracy score if its leader is determined based on descent, fraudulent elections or elections that have no opponents. In this context, a single candidate facing an empty box is the lowest point of democracy, because in addition to the single candidate there is no opponent, the defeat of a single candidate also opens up the potential for the election of leaders who are not directly wanted by the people, this condition is like buying a cat in a sack, even though basically the people know that there is a cat in it but the people do not know how to behave, their gender to their skin color, even though the condition is the people's choice and the people already know and understand the consequences.³³

³³ Doorenspleet, Renske. "Reassessing the three waves of democratization." *World Politics* 52, no. 3 (2000): 384-406. See also Doorenspleet, Renske. "Development and

Conclusion

The election of regional heads in which only a single candidate faces an empty box can be deemed unconstitutional. This is because the empty box is not a legal subject with the right to vote or be elected, and therefore cannot participate in the democratic process. Furthermore, a single candidate opposing an empty box undermines the core principles of democracy, particularly the requirement for fair and just competition. Democracy relies on meaningful contestation, where citizens have a genuine choice between qualified candidates. The presence of only one candidate against an empty box diminishes this contestation, weakening democratic values.

Additionally, the emergence of a single candidate against an empty box in simultaneous regional elections raises serious implications. It may signal a potential shift towards a more centralized government, eroding the principle of local autonomy. Furthermore, it strips citizens of their fundamental right to choose their leader, thus compromising their sovereignty. Constitutionally, allowing such a scenario represents a step backward for Indonesian democracy, as it compromises the integrity of the electoral process.

References

- Abdullah, Rozali. *Mempromosikan Pemilu Yang Lebih Berkualitas (Pemilu Legislatif)*. (Jakarta: Raja Grafindo Persada, 2009).
- Anggraeni, Tyas Dian. "Danger of Political Dowry in Indonesia: An Early Analysis of Corruption." *Indonesian Law Journal* 11, no. 1 (2018): 19-44.
- Aspinall, Edward. "Elections and the Normalization of Politics in Indonesia." *South East Asia Research* 13, no. 2 (2005): 117-156.
- Butt, Simon, and Fritz Siregar. "Multilayered oversight: Electoral administration in Indonesia." *Asian Journal of Comparative Law* 16, no. S1 (2021): S121-S135.
- Dahl, Robert A. "Robert A. Dahl—on Democracy." *Government and Opposition* 1, no. 4 (1966): 560-562. Online at <https://www.jstor.org/stable/44484211>.
- Dahl, Robert A. *Democracy and its Critics*. (Yale University Press, 2008); Huntington, Samuel P. "Democracy's third wave." *Journal of Democracy* 2, no. 2 (1991): 12-34.
- Doorenspleet, Renske. "Development and Democracy: Power and Problems of Empirical Research." *European Consortium on Political Research Joint Sessions of Workshops*. Copenhagen. 2000.

Democracy: Power and Problems of Empirical Research." *European Consortium on Political Research Joint Sessions of Workshops*. Copenhagen. 2000.

- Doorenspleet, Renske. "Reassessing the three waves of democratization." *World Politics* 52, no. 3 (2000): 384-406.
- Ekowati, Endah Yuli. "Pragmatisme Politik: Antara Koalisi, Pencalonan, dan Calon Tunggal Dalam Pilkada." *Jurnal Transformatif* 5, no. 1 (2019): 16-37.
- Engkus, Engkus, et al. "Policy Implication of Single Candidates in Regional Head Election on Voter Participation in Tasikmalaya District." *Politicon* 1, no. 1 (2019): 1-23.
- Erb, Maribeth, and Priyambudi Sulistiyanto, eds. *Deepening democracy in Indonesia?: direct elections for local leaders (Pilkada)*. Institute of Southeast Asian Studies, 2009.
- Hamzah, Yusuf. "Reconstruction of Article 280 Section 1 Law Number 7 of 2017 concerning Election." *Dambil Law Journal* 1, no. 2 (2021): 130-151.
- Harianto, Harianto, Wawan Budi Darmawan, and Muradi Muradi. "Kemenangan Kotak Kosong pada Pilkada Kota Makassar Tahun 2018." *Society* 8, no. 2 (2020): 546-556.
- Held, David. *Models of Democracy*. (Jakarta: Akbar Tandjung Institute, 2007), pp. 34-35.
- Hoessein, Bhenyamin, et al. *Naskah Akademik Tata Hubungan Kewenangan Pemerintah Pusat dan Daerah*. (Jakarta: Pusat Kajian Pembangunan Administrasi Daerah dan Kota, FISIP-Universitas Indonesia, 2005).
- Huda, Muhammad Wahyu Saiful, et al. "The Role of the Millennial Generation in the Creativity of the Anti-Money Politics Movement." *Journal of Creativity Student* 7, no. 2 (2022): 237-266.
- Jaya, Apriliani Kusuma, and Ilyas Ilyas. "Legal Re-Construction; The Impact of Empty Column Victory Over Single Candidates in Simultaneous Direct Elections of Regional Heads as A New Phenomenon of Legal Politics in Indonesia:(Case Study: Makassar City)." *International Journal of Business, Law, and Education* 5, no. 1 (2024): 367-385.
- Kambo, Gustiana. "Mobilisasi Massa Kemenangan Kolom Kosong pada Pemilihan Walikota Makassar Tahun 2018." *Jurnal Politik Profetik* 9, no. 2 (2021): 278-297.
- Laski, Harold J. *Authority in the Modern State (Works of Harold J. Laski)*. (London: Routledge, 2014).
- Lay, Cornelis. "Democratic transition in local Indonesia: An overview of ten years democracy." *Jurnal Ilmu Sosial dan Ilmu Politik* 15, no. 3 (2012): 207-219.
- Lestari, Ayu. "Kotak Kosong Memenangkan Pemilihan Umum Kepala Daerah." *Lex LATA* 1, no. 2 (2019).
- Lestari, Ayu. "Penyebab Kehadiran Calon Tunggal dalam Pemilihan Kepala Daerah." *Simbur Cabaya* 25, no. 2 (2019): 249-262.
- Mahardika, Ahmad Gelora, and Sun Fatayati. "Penerapan Pilkada Asimetris Sebagai Upaya Menciptakan Sistem Pemerintahan Daerah Yang Efektif." *Indonesian Journal of Humanities and Social Sciences* 1, no. 1 (2020): 50-67.

- Mahardika, Ahmad Gelora. "Fenomena Kotak Kosong dalam Pemilukada Serta Implikasinya dalam Sistem Ketatanegaraan Indonesia." *Jurnal Adhyasta Pemilu* 1, no. 2 (2018): 69-84.
- Marijan, Kacung. *Sistem Politik Indonesia, Konsolidasi Demokrasi Pasca-Orde Baru*. (Jakarta: Kencana, 2010).
- Mukti, Hagi Hutomo, and Rodiyah Rodiyah. "Dynasty Politics in Indonesia: Tradition or Democracy?." *Journal of Law and Legal Reform* 1, no. 3 (2020): 531-538.
- Mustika, Tiara, and Rodiyah Rodiyah. "Political Dowry in the Maelstrom of Political Practices in Indonesia: Legal and Political Aspects." *Journal of Law and Legal Reform* 4, no. 1 (2023): 45-62.
- Najamuddin, Najamuddin, et al. "The Birth of a Single Candidate at The Election Makassar City in 2018." *SHS Web of Conferences*. Vol. 149. EDP Sciences, 2022.
- Noor, Firman, and Lina Marlina. "Establishing Elections with Integrity in Indonesia: Purposes, Problems, and Solutions." *International Conference for Democracy and National Resilience (ICDNR 2023)*. Atlantis Press, 2023.
- Norris, Pippa, Richard W. Frank, and Ferran Martínez i Coma, eds. *Advancing Electoral Integrity*. (Oxford: Oxford University Press, 2014).
- Nugroho, Rahmat Muhajir, and Anom Wahyu Asmorojati. "Simultaneous local election in Indonesia: Is It really more effective and efficient?." *Jurnal Media Hukum* 26, no. 2 (2019): 213-222.
- Pinto, Sergio, et al. "Presidential elections, divided politics, and happiness in the USA." *Economica* 88, no. 349 (2021): 189-207.
- Powell Jr, G. Bingham. "The quality of democracy: The chain of responsiveness." *Journal of Democracy* 15, no. 4 (2004): 91-105.
- Purnamawati, Evi. "Perjalanan Demokrasi di Indonesia." *Solusi* 18, no. 2 (2020): 251-264.
- Purwaningsih, Titin, and Bambang Eka Cahya Widodo. "Democracy without contestation: the victory of the empty box in the local election of Makassar city, South Sulawesi Indonesia in 2018." *Sociología y tecnociencia* 11, no. 2 (2021): 48-71.
- Raharusun, Anthon. "Local Election and Reinforcement Democracy in the Indonesian State System." *Papua Law Journal* 2, no. 1 (2017): 1-25.
- Rahman, Rofi Aulia, Iwan Satriawan, and Marchethy Riwani Diaz. "Calon Tunggal Pilkada: Krisis Kepemimpinan dan Ancaman Bagi Demokrasi." *Jurnal Konstitusi* 19, no. 1 (2022): 47-72.
- Rahmawati, Liavita. "Formulasi Comprehensive Ballot Box Counting System Sebagai Upaya Mewujudkan Kepada Daerah Yang Berintegritas Dan Bermartabat." *Ikatan Penulis Mahasiswa Hukum Indonesia Law Journal* 1, no. 1 (2021): 56-64.
- Ranney, Austin. "Turnout and representation in presidential primary elections." *American Political Science Review* 66, no. 1 (1972): 21-37.
- Romli, Lili, and Efriza Efriza. "Single candidate and the dynamics of 2020 Indonesian Simultaneous Election: A perspective on internal

- contestation." *Politik Indonesia: Indonesian Political Science Review* 6, no. 3 (2021): 265-288.
- Romli, Lili. "Pilkada Langsung, Calon Tunggal, dan Masa Depan Demokrasi Lokal." *Jurnal Penelitian Politik* 15, no. 2 (2018): 143-160.
- Rosanti, Ratna. "Political Pragmatics in Indonesia: Candidates, the Coalition of Political Parties and Single Candidate for Local Elections." *Jurnal Bina Praja* 12, no. 2 (2020): 153-165.
- RS, Iza Rumesten, and Lusi Apriyani. "An analysis of defeated single candidate of Indonesia's simultaneous regional elections 2018." *2nd International Conference on Indonesian Legal Studies (ICILS 2019)*. Atlantis Press, 2019.
- Safa'at, Muchamad Ali. "Single candidates: Ensuring a path to victory in local elections." *Asian Journal of Comparative Politics* 7, no. 4 (2022): 1163-1176.
- Sahide, Ahmad, Adi Suryadi, and Ahdiana Yuni Lestari. "'Empty Box' Democracy: The Phenomenon of Democracy in Indonesia (Case Study of Makassar City, 2018)." *International Journal of Multicultural and Multireligious Understanding* 9, no. 8 (2022): 285-296.
- Schofield, Norman, Gary Miller, and Andrew Martin. "Critical elections and political realignments in the USA: 1860–2000." *Political Studies* 51, no. 2 (2003): 217-240.
- Smith, Brian C. "The measurement of decentralisation." *International Review of Administrative Sciences* 45, no. 3 (1979): 214-222.
- Smith, Brian C. *Decentralization: The Territorial Dimension of the State*. Taylor & Francis, 2023.
- Strong, Charles Frederick. *Modern Political Constitution: An Introduction to The Comparative Study of Their History and Existing Form*. (New York: Macmillan Company, 1950).
- Syahrial, Indra, and Dadan Herdiana. "Calon Tunggal dan Kemenangan Kotak Kosong sebagai Sebuah Realita Demokrasi di Tingkat Lokal." *Nagari Law Review* 3, no. 1 (2020): 13-26.
- Wuragil, Sarno, and Widayati Widayati. "Development of Democracy & Phenomenon of Single Candidate in Regional Election (Pilkada)." *Law Development Journal* 3, no. 1 (2021): 120-129.
- Yantomi, Ahmad. "Kajian Yuridis Kemenangan Kotak Kosong Pada Pemilihan Umum Kepala Daerah di Indonesia." *Jurnal Kepastian Hukum dan Keadilan* 3, no. 1 (2022): 14-26.
- Yunus, Nur Rohim. "Calon Tunggal Sebagai Wujud Disfungsi Partai Politik." *Jurnal Adalab: Buletin Hukum dan Keadilan* 1, no. 1 (2018): 31-32.

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PAGE 9

PAGE 10

PAGE 11

PAGE 12

PAGE 13

PAGE 14

PAGE 15

PAGE 16

PAGE 17

PAGE 18

PAGE 19

PAGE 20

PAGE 21

PAGE 22

PAGE 23

PAGE 24

PAGE 25

PAGE 26

PAGE 27

PAGE 28

PAGE 29

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PAGE 31

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