

An Analysis of Defeated Single Candidate of Indonesia's Simultaneous Regional Elections 2018

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Abstract— Regional election which was held on 2018 has some uniqueness. First, there were many single candidates who compete with empty ballot. Second, there were single candidates in several regions. Third, empty ballot won over single candidates. The last phenomenon is the most interesting to the public because in 2015 and 2017 regional election, all single candidates were won. In 2018, of the 16 regions that hold the election with a single candidate, there was one region whose sole candidate defeated by empty ballot which was candidate for city mayor election in Makassar. Therefore, this research analyzed several problems which are: (1) why single candidates failed in 2018 regional election against the empty ballot? (2) what kind of legal actions that can be taken to avoid the existence of a single candidate in the administration of the elections? To address those questions, the authors used empirical legal method which carried out by collecting data related to 2018 simultaneous regional election, especially data related to the single candidates. Next, the author analyzed the legal frameworks of Indonesia regional election. Based on the results of the research, it is concluded that: (1) political party does not always represent the voice of the people; (2) political party mechanism did not work properly. Some legal actions that can be taken to prevent the emergence of single candidates in regional election are first, lowering the vote support requirements of political parties or a combination of political parties to at least 10% of the total DPRD seats or 15% of the accumulated legal vote in the DPRD members in the region. Second, giving an opportunity to the leaders of political parties in the region to choose and determine the best candidates who will lead the region. Third, revising the requirements for individual candidate in order to gain more individual candidates.

Keywords— elections, single candidates, empty ballot, democracy

I. INTRODUCTION

The standard of the success of democracy in a country is can be seen from the regional election which is free, honest, fair, dignified and with integrity. To achieve that goal, the government then made improvements to the administration of elections starting from the field of regulation to the technical matters for the implementation of the elections. General Election is a political necessity to form a democratic government.¹ Jimly Asshiddiqie said that the General Election must be conducted periodically and based on free and fair election principles.² Ria Casmi Arrsa³ said that the election is conducted in order to achieve a government which represented the will of all national elements and to continue the conception

of statehood. Elections are part of efforts to implement democracy and popular sovereignty.⁴

Improvement in the field of regional election regulation is one of the factors causing the birth of a single candidate, because Law Number 10 of 2016⁵ concerning the Election of Governors, Regents and Mayors (hereinafter referred to as the Election Law) explicitly stipulates that pairs of regional head candidates must be supported by political parties or party combinations politics that have a vote of at least 20% (twenty percent) of the total DPRD seats or 25% of the accumulated legitimate votes in the election of DPRD members in the area concerned. This number is of course too high, especially if the candidate pair will be faced with incumbents.

While the requirements for advancing to become a regional head through an independent candidates are even more difficult, this can be seen from Article 41 paragraph (1) of Law No. 10 of 2016 which stipulates that candidate pairs from independent must get support from the people by

¹ Harry Setya Nugraha, "Redesain Kewenangan Mahkamah Konstitusi Dalam Penyelesaian Sengketa Perselisihan Hasil Pemilihan Umum Presiden dan Wakil Presiden di Indonesia, *Jurnal Hukum Ius Quia Iustum*, Vol. 22 No. 3, 2015, hlm, 421.

² Jimly Assiddiqie, "Partai Politi dan Pemilu Sebagai Instrumen Demokrasi," *Jurnal Konstitusi*, Vol. 3, No. 4, 2006, hlm. 55.

³ Ria Casmi Arrsa, "Pemilu Serentak dan Masa Depan Konsolidasi Demokrasi," *Jurnal Konstitusi* Vol. 11, No. 3 September 2014, hlm. 527.

⁴ Sri Wahyu Ananingsih, "Tantangan Dalam Penanganan Dugaan Prkatik Politik Uang Pada Pilkada Serentak 2017," *Jurnal Masalah-Masalah Hukum*, Jilid 45 No. 1, Januari 2016, hlm. 49.

⁵ UU No. 10 Tahun 2016 tentang Perubahan Kedua Atas Undang-Undang No. 1 Tahun 2015 Tentang Penetapan Peraturan Pemerintah Pengganti UU No. 1 Tahun 2014 Tentang Pemilihan Gubernur, Bupati dan Walikota Menjadi UU. Lembaran Negara RI Tahun 2016 No. 130. Tambahan Lembaran Negara RI No. 5898.

attaching proof of identity card (with a certain percentage of the total population registered from the previous election). Individual candidates must be able to present the potential supporters of the people to the PPS office no later than three days from the PPS unable to meet the support when administrative verification and factual verification are carried out (by census method and meet directly with each candidate supporter). If the candidate pair cannot present the candidate's supporters in factual verification, then the candidate's support is declared not fulfilling the requirements. This is what can then make individual candidates said to be unable to meet administrative requirements, so that they are canceled as candidates in the election process.

The trend of local elections with single candidates has increased since simultaneous local elections were held. Simultaneous local elections are a system of elections that hold several elections at one time simultaneously⁶. Benny Geys wrote that the Election system has simultaneously been implemented in countries that have long implemented democratic systems such as the United States and countries in the Western European region. Likewise in countries in the Latin American.⁷ Likewise in countries in the Latin American region,⁸ Eastern Europe and Western Europe have also implemented simultaneous elections.⁹ According to Schraunfagle et al., in the Southeast Asian region, the simultaneous election has been conducted in Philippine to vote for legislative members.¹⁰ In the 2015 simultaneous regional elections followed by 269 regions consisting of 9 provinces¹¹, 36 cities and 244 regencies, there were 3 regions which held the election process with a single candidate, and all the single candidates won. Simultaneous regional elections held in 2017 were followed by 7 provinces, 18 cities and 76 districts, there were 9 regions holding regional elections with a single candidate, from 9 regions all single candidates managed to win regional elections against empty ballots. The third wave of simultaneous regional elections was held in June 2018 involving 171 regions consisting of 17 provinces, 39 cities and 115 regencies, there were 16 regions¹² that had a single

candidate, from 16 regions, 15 regions defeated empty ballots; however, only single candidates who run for Mayor Election in Makassar suffered a defeat against an empty ballot.¹³

The success of the region that succeeded in winning the election with a single candidate apparently wanted to be repeated by other regions that held the simultaneous local election in the 2018 regional election. By 2018 the number of regions carrying out elections with single candidates has almost doubled to 16 regions. This trend is feared to increase again in the next simultaneous regional election which will be held in 2020, 2022 and in 2023 the simultaneous national elections covering the entire territory of Indonesia. Local elections are routinely become a national agenda that is carried out within 5 years.¹⁴

The defeat of a single candidate in the city of Makassar against an empty ballot certainly attracted the attention of many people, because it had never been predicted before, and if you see the results of a regional election with a single candidate in the election of single candidates in 2015 and 2017 and 2018 sole candidates always won votes with figures above 55% even Jaya Wijaya Regency in the 2018 regional election won a 99.13% result in defeating the empty ballot. While in Makassar, the single candidate with the status of incumbent was only able to get 46.77% votes while the empty ballot won the election with a vote of 53.23%.¹⁵

Regional election with a single candidate is actually a setback of democratic values, because a single candidate revokes the right of the other best prospective leaders to compete honestly, a single candidate is also an imposition of the will on the people indirectly, because a single candidate is just forcing people to vote candidates presented, alternatives offered only agreed or not. Such conditions will cause a single candidate who wins against an empty ballot to be apathetic and insensitive to people's aspirations.

In Makassar, Munafri Arifuddin-Andi Rahmatika Dewi (Appi-Cicu) lost from the empty ballot. Around 53% of voted foe empty ballot. Before becoming a single candidate, there was Muhammad Ramdan Pomanto-Indira Mulyasari Paramusi (DIAMI), who participated in running through an independent path. But in the nomination process, the pair lost the Regional Election dispute which caused the couple to be disqualified, so the Makassar City KPU announced that the Appi-Cicu was the sole candidate for the Mayor of Makassar.¹⁶

The plenary meeting of the votes of the Makassar Mayor election held on July 6, 2018, Makassar City KPU announced the Empty Ballot as the Winner in the Makassar City Election, defeating the single candidate Appi-Cicu, the Empty ballot won in 13 Subdistricts, while the Appi- Cicu

⁶ Benny Geys, "Explaining Voter Turnout: A review of Aggregate-Level Research", In *Electoral Studies*, Vol. 25, Issue 4, December 2006, hlm. 652.

⁷ *Ibid.*, pp 637-663.

⁸ David Samuels, "Concurrent Elections, Discordant Results: Presidentialism, Federalism, and Governance in Brazil", *Comparative Politics Journal*, October 2000, pp. 1-20

⁹ Tatiana Kostadinova and Timothy J. Power, "Does Democratization Depress Participation? Voter Turnout in the Latin American and Eastern European Transitional Democracies", *Journal Political Research Quarterly*, Vol. 60 Issue 3, September 2007, pp 363-377.

¹⁰ Schraunfagle Scott, Michael Buehler dan Maureen Lowry-Fritz, "Voter Turnout in Democratizing Southeast Asia: A Comparative Analysis of Electoral Participation in Five Countries", *Taiwan journal of Democracy*, Vol. 60 No. 1 July 2014, pp 1-22.

¹¹ In the second wave there were 9 regions that had a single candidate from a total of 101 regions that held the elections, namely Buton Regency (Southeast Sulawesi), Landak Regency (West Kalimantan), Central Maluku Regency (Maluku), Tambrauw Regency (West Papua), Sorong City (Papua West), Kota Jaya Pura (Papua), Tebing Tinggi City (North Sumatra), Tulang Bawang Barat Regency (Lampung), and Pati Regency (Central Java).

¹² In the third wave there were 16 single candidate pairs, namely North Padang Lawas Regency, Deli Serdang Regency, Prabumulih City, Lebak Regency, Tangerang Regency, Tangerang City, Pasuruan Regency, Tapin Regency, Southeast Minahasa Regency, Enrekang

Regency, Bone Regency, Makasar City, Regency Mamasa, Jayawijaya Regency, Puncak Regency, Central Membrano Regency. <http://infopemilu.kpu.go.id/pilkada2018>. Diakses pada tanggal 13 April 2019.

¹⁴ Achmad Arifulloh, (2015), "Pelaksanaan Pilkada Serentak yang Demokratis, Damai dan Bermartabat", *Jurnal Pembaharuan Hukum*, Vol. 2 No. 2, hlm. 302.

¹⁵ The Appi-Cicu pair was promoted by the Nasdem Party, Golkar Party, PDI-P Party, Gerindra Party, Hanura Party, PKB Party, PPP Party, PBB Party, PKS Party, and PKPI Party. This coalition controls 43 seats out of a total of 50 seats in the Makassar City DPRD.

¹⁶ <http://news.detik.com/berita/4087256/pilkada-2018-kotak-kosong-nyaring-bunyinya>. Accessed on 1 July 2018.

only won in 2 Districts. The Appi-Cicu got 264,245 (46.77%), while the empty ballot got 300,795 (53.23%).¹⁷ The vote difference between the empty ballot and the Appi-Cicu reached 36,898 votes. The Appi-Cicu which was supported by 10 major parties and has a majority voice in the Makassar City DPRD does not guarantee that the pair won the Pilkada in the City of Makassar.

Based on those backgrounds, the problems discussed in this article are:

1. Why is a single candidate experiencing a defeat against an empty ballot in the elections?
2. What kind of legal actions can be taken to avoid the existence of a single candidate in the administration of the elections?

II. RESEARCH METHOD

To answer the research questions, this study used empirical legal method.¹⁸ This legal research will examine and analyze the behavior of individual or community in relation to the law. The research approach¹⁹ used in this study is 1. The legal sociology approach, 2. The legal psychology approach. Mukti Fadjar said²⁰ the legal sociology approach was constructed as something that was steady, institutionalized and gaining social legitimacy. Data sources in empirical legal research come from field data directly from respondents. There are two research data in legal research, a. Primary data, b. Secondary data. Primary data is data originating from the field obtained directly from the respondent.²¹ Data collection techniques are

¹⁷ <http://regional.kompas.com/read/2018/07/07/06225871/kpu-tetapkan-kotak-kosong-sebagai-pememng-pilkada-makassar-2018>. Accessed on 1 July 2018.

¹⁸ Peter Mahmud Marzuki, (2009), *Penelitian Hukum*, Jakarta: Kencana, p. 35. Empirical legal research or socio legal research only places law as a social phenomenon. In this case, the law is only seen from the outside. Therefore, in socio legal research, law is always associated with social problems. Such studies are studies that focus on the behavior of individuals or society in relation to law.

¹⁹ Salim HS., (2016), *Penerapan Teori Hukum pada Penelitian Tesis dan Penelitian Disertasi*, Jakarta: Raja Grafindo Persada, p. 23. Salim HS. said there are three approaches that can be used in empirical legal research, namely: 1. The approach of legal sociology, 2. The approach of legal anthropology 3. The approach of legal psychology. The sociology of law approach is an approach that analyzes how reactions and interactions occur when the norm system works in the community. The anthropological approach to law is an approach that examines ways of dispute resolution, both in modern society and traditional society. The approach of legal psychology looks at the law in human psychology concerning compliance and public awareness about the law, namely the factors that people commit acts that violate the law.

²⁰ Mukti Fajar ND dan Yulianto Achmad, (2010), *Dualisme Penelitian Hukum Normatif dan Penelitian Hukum Empiris*, Yogyakarta: Pustaka Pelajar, pp. 47-49.

²¹ *Ibid.*, pp. 174-175. Respondents are people or the community directly related to the problem that provides answers to questions raised by researchers. Informant is a person or individual who provides information on the data needed by the researcher to the extent that he knows and the researcher cannot direct the answer as desired. Informants are needed to get data qualitatively. The resource person is the person who gives an opinion on the object under study, the resource person is not part of what is analyzed, but is placed as an observer. Population is a group or group of people who meet certain requirements related to research problems. Percentage of population, for example 10% of population.

carried out through interviews,²² and technical data analysis is carried out qualitatively.

III. RESULT AND DISCUSSION

A. ANALYSIS OF DEFEATED SINGLE CANDIDATES IN LOCAL ELECTION AGAINST EMPTY BALLOT

1. Political Parties did not Represent the People's Voice

The phenomenon of winning empty ballot in the Makassar Mayor Election hold in 2018 has given a new color in politics in Indonesia. This shows that the people as the highest sovereignty owners are smart in politics and have been able to determine the candidates for the regional head themselves according to their wishes. The people are not trapped in a situation that is deliberately created that the single candidate presented by the the elections committee is the best candidate, so it must be chosen by the people even the candidate should against an empty ballot.

The Appi-Cicu was supported by several political parties namely Golkar, Nasdem, Hanura, PAN, PBB, PKPI, PDIP, Gerindra, PKS, and PPP.²³ This means that all political parties in the Regional House of Representatives (DPRD) of the city of Makassar only carried one candidate. Logically, if all political parties in DPRD only support one candidate, the pair should win against an empty ballot. In fact, it turned out that the single candidate suffered defeat from an empty ballot. This fact proved that the DPRD's voice is not representative of the people's voice. Prospective regional heads in the future must be truly representative of the people's voices rather than representatives of institutionalized political parties in the DPRD because people will choose their leaders, not political parties. Political parties only nominate candidates, then the people will choose and determine who deserves to be their leader. Therefore political parties must look carefully at candidates who really have the character and can be well received by the community.

C.F Strong²⁴ said sovereignty when applied to the state means superiority in a special sense that implies the existence of power to make law (law making power). Jean Bodin said sovereignty is the essence of a country, sovereignty is the essence of every political entity called the state, without sovereignty there is no country.²⁵

People's sovereignty is the highest sovereignty in a country. The implementation of people's sovereignty is through direct regional elections. This is what is called true democracy, not a pseudo democracy which was happened

²² Interview by asking questions directly to respondents about the problem under study. Observations make direct observations on the subject of research. The questionnaire is a research instrument consisting of a series of written questions, which aim to get responses from selected groups of people through personal interviews or by post.

²³ <http://makassar.tribunnews.com/2018/01/09/jelang-pendaftaran-appi-cicu-genggam-10-partai-pengusung>. accessed on 16 May 2019.

²⁴ C.F. Strong, (2004), *Konstitusi-Konstitusi Politik Modern; Kajian Tentang Sejarah dan Bentuk-Bentuk Konstitusi Dunia*, Bandung: Penerbit Nuansa dengan Penerbit Nusamedia, p. 9.

²⁵ F.I. Iswara, (1966), *Pengantar Ilmu Politik*, Bandung: Penerbit Bina Cipta, p. 94.

during the New Order regime. Direct democracy is a means for the people to prove that the highest sovereignty belongs to them. Siti Marwiyah²⁶ quoting Sri Soemantri's opinion said that sovereignty is the highest thing in the country.

Democracy comes from the words *demos* and *kratein*, *demos* which means people and *kratein* or *kratos* which means power or government. Thus it can be defined that democracy is a system of government that includes the people as a whole in the administration of government. Even Jhon Stuart Mill said that every citizen has a voice in the exercise of power and takes part in real terms. Riri Nazriyah²⁷ states that the idea of democratization of government and people sovereignty are increasingly since the emergence of direct election of regional leaders. Pilkada with single candidates closes the opportunity to implement responsive democracy, because prospective leaders to occupy public positions by competing fairly are closed by forcing people to vote in agreement and disagree.

2. Problems in Political Parties Mechanism

The elect people offered to the people as contestants to be chosen to fill certain political positions are nominated by political parties or a combination of political parties with a certain percentage and through individual channels after fulfilling certain conditions. This definition shows that political parties in this case have a very important position to look for the best party cadres who can be nominated to fill certain political positions. In addition to internal party cadres, political parties can also nominate cadres from other parties to occupy certain political positions by coalition.

In addition to finding the best cadres, political parties must also prepare future leaders. Pilkada with a single candidate is clear evidence that political party machines do not work well in attracting alternative candidate pairs that can be offered to the people as the owner of the highest sovereignty; whereas political parties are the most responsible institutions in carrying out political regeneration. This can be seen from the functions of political parties as stipulated in Article 11 of Law No. 2 of 2008 concerning Political Parties is as political education, the creation of a climate conducive to the unity and unity of the Indonesian nation, political aspirations of the people, political participation and political recruitment in the process of filling political positions through the mechanism of democracy.

Besides being an institution responsible for conducting political education, political parties are also obliged to conduct political recruitment to occupy political positions through the mechanism of elections and regional elections. However things that happened did not show such a thing. Conversely what happens is manipulation of regeneration in the name of money politics and momentary profits. According to Jhony

Lomulus²⁸, Money politics is the policy and / or act of giving a certain amount of money to voters or leaders of political parties to enter as a candidate for regional head who is definitive and or the voting community votes to the candidate concerned giving the payment or assistance.

Nomination through political parties is no longer an arena for contestation of capacity and capability, but also the fight (strength) of capital. With this nomination model, it is difficult to expect political parties to accommodate potential figures in the community, especially if they do not have sufficient capital. Political parties assume that with their single candidates their work becomes easy because they do not have to bother to campaign for the candidate pairs they are carrying out, the campaign is enough to only be done by the candidate pairs, so that campaign costs can be further suppressed. With a single candidate they believe that the people will definitely choose the candidates they submit because there are no other alternatives.

The loss of a single candidate against an empty ballot is a legal fact that was previously unimaginable would occur in a political battle on a very heterogeneous Indonesia. This shows that the Indonesian people have been politically literate and increasingly intelligent in democracy. This was not expected before, because political parties only carried one candidate in the belief that the single candidate would win a landslide, but it turned out that the people in Makassar City were more likely to choose empty ballot. Political parties claim their organizations have a strong dominance in organizing a democratic party. This is what makes them then ignore the role of people's participation as the highest owner of sovereignty.

The defeat of the single candidate in the election contestation also shows that the political party mechanism still has to work well to provide education to the public so that they can participate in the election process. The Pilkada in the City of Makassar provided a lesson that there was no guarantee of certainty of winning for a single candidate despite fighting an empty ballot. The people as direct voters have absolute and complete sovereignty and determine who will be elected and become their leader.

B. LEGAL ACTION TO PREVENT THE EMERGENCE OF SINGLE CANDIDATE IN REGIONAL ELECTION

Local elections with a single candidate seem to be a trend for local governments. This can be seen from the increase in the number of regions holding simultaneous regional elections starting from 2015, 2017 and 2018. Although actually seen from democratic values this is actually an initial step in the decline of democracy itself. It is said as a setback of democratic values because the presence of a single candidate shows the failure of political parties to carry out their functions to provide political education to the public to be able to play an active role in every stage and process of government administration, including the nomination process in regional head elections.

²⁶ Siti Marwiyah, "Kewenangan Konstitusional Presiden Terhadap Hal Ihwal Kegentingan Yang Memaksa," *Jurnal Masalah-Masalah Hukum* Jilid 44, No. 3, Juli 2015, p. 298.

²⁷ Riri Nazriyah, "Pengaturan Pelaksanaan Pemilihan Kepala Daerah Serentak," *Jurnal Hukum Ius Quia Iustum*, Vol. 22 No. 1 Januari 2015, pp 116-141.

²⁸ Jhony Lomulus, "Sikap Pemilih Terhadap Pasangan Calon Menjelang Pilkada Langsung di Kota Bitung Dalam demokrasi Mati Suri." *Jurnal Penelitian Politik*, Vol. 4 No. 1. 2007, P. 97.

There are several opinions that researchers have summarized about the factors that led to the appearance of a single candidate in the elections. *First*, the influence of strong people. The group has a role in the area of formal governance which has an influence on regional policies. The developing practice is political reciprocity which is intertwined with clientelism, cronyism, and friendship.²⁹ In organizing elections, strong people play an important role in influencing local political actors, because they have a background as landlords or capital owners. But the main factor of strong local people is the strength of economic capital is the dominant indicator.³⁰

Second Coalition of political parties. Coalitions carried out by political parties are carried out to gain power in all fields, both in the executive legislative and even judicial fields. In the context of a single candidate in a regional election, the tendency of political parties to support one candidate is often not based on ideological similarities, but rather based on political economic interests. The main aim of the party to carry out the coalition is to safeguard their interests by ignoring ideological similarities and political platforms in order to gain an interest in remaining in power. Widya Setiabudi³¹ said that in reality political parties should ideally prioritize the objectives of actual political parties, namely coalition based on ideology (policy-seeking). In terms of political idealism, power is a tool to achieve political ideological goals. Ideology is then translated into concrete programs (platforms). The similarity of this platform is what directs Political Parties to coalition. But the coalition today is no longer based on ideology, platforms and programs, but is based on pragmatics, and opportunists.

Third, the high cost of political dowry³² that must be purchased by a candidate pair to get a boat so that they can advance as brides in the contestation of post-conflict local election. Political justice is like a stealth that is very difficult to prove by the election organizers, but its role cannot be denied to determine whether or not a candidate pair can become a bride in contestation.

Fourth, the legal provisions of the elections. The emergence of a single candidate because he did not succeed in cooperating with the support of political parties or a combination of political parties, and support from voters for individual candidates. Requirements for nominating regional heads are regulated in Law No. 10 of 2016 on Pilkada, Article 39 Chapter VII concerning Candidate Registration for Deputy Governors, Candidates for Regents and Candidates for Deputy Mayor stated that the election participants are a. Candidates for the Governor and Candidates for the Deputy Governor, candidates for the Regent and Candidates for the Deputy Regent, candidates for the Mayor and candidates for the

Deputy Mayor proposed by political parties or a combination of political parties; and or b. Individual candidate pairs supported by a number of people. Pair of candidates supported by political parties and a combination of political parties are required in Article 40 of Law No. 10 of 2016 that the candidate pairs must obtain 20% of the number of seats in the DPRD or 25% of the accumulated valid votes in the election of DPRD members in the region concerned. Candidates through individual candidates must meet certain conditions in the form of support for residents who have the right to vote and are included in the election list in the area concerned.³³

A single candidate in the regional head election will reduce the competitive value (healthy competition) for the candidate pairs, because the people as voters will only be faced with the choice of agreeing or not to the pair of candidates who are promoted by the post-conflict local election organizers. Agree or not in the post-conflict local election contestation will reduce the quality of the competition itself. A competition will be even better if the number of alternative candidates offered to the people is increasing. This competition aims to test the ability of the candidate pair and strengthen the commitment of the candidate pair to their constituents, through debate and campaign.

The phenomenon of the presence of a single candidate in the implementation of the elections is as if deliberately designed to realize the political desires of certain groups to get power. Single candidate politics will close the opportunity for the emergence of contestants with integrity and can be accepted by the community, but have little capital. While it has become a kind of tradition that is very difficult to be abolished to eliminate dowry money that must be deposited by candidates who want to get support from political parties or a combination of political parties to get support to become a candidate pair.

Pilkada with a single candidate is a quasi-democracy (indirect democracy) because a single candidate is not an embodiment of a truly democratic process that reflects public participation. Single candidate pairs make people not given the space to participate and contest in a fair and competitive manner.

Concrete legal steps are needed to prevent the presence of single candidates for regional head elections to be held in the future. The legal steps, first, reduce the requirements of political party support to 10% of the total DPRD seats or 15% of the accumulated legitimate votes in the DPRD members' elections in the area concerned. Article 40 paragraph (1) of Law Number 10 Year 2016 concerning the Election of Governors, Regents and Mayors (hereinafter referred to as the Election Law) explicitly stipulates that political parties or a combination of political parties can register pairs of candidates if they have fulfilled the minimum requirement of 20% (two twenty percent) of the total DPRD seats or 25% of the accumulated valid votes in the DPRD member elections in the area concerned.

This number is of course very high, from the 2004, 2009 and 2014 elections there were no political parties that

²⁹ Leo Agustino, (2009), *Pilkada dan Dinamika Politik Lokal*, Yogyakarta: Pustaka Pelajar, pp. 222-223.

³⁰ Leo Agustino, (2010), "Politik Lokal di Indonesia dari Otokratik ke Reformasi Politik", *Jurnal Ilmu Politik*, Edisi 21, p. 12.

³¹ R. Widya Setiabudi Sumadinat, (2016), "Dinamika Koalisi Partai-Partai Politik di Indonesia Menjelang dan Setelah Pemilihan Presiden Tahun 2014", Departemen Hubungan Internasional, UNPAD, *Jurnal Wacana Politik*, Vol. 1 No. 2. p. 56.

³² Iza Rumesten RS, (2016), "Fenomena Calon Tunggal Dalam Pesta Demokrasi", *Jurnal Konstitusi, Mahkamah Konstitusi*, Vol. 13 No. 1, pp. 63-80.

³³ UU No. 10 of 2016 Article 41 number 1 and 2. Support accompanied by a photo of ID card holder, family card, passport or other identity, and such support can only be given to one pair of candidates

received a national vote percentage of more than 20%. If a political party or a combination of political parties in Law No. 10 of 2016 requires a figure of 20% of the total DPRD seats or 25% of the accumulated legal votes, this means that this law closes the opportunity and the possibility for small parties that get a minority vote to be able to nominate pairs of regional heads. This small party must coalition with other parties to be able to advance the candidates.

Such regulation opens up opportunities for political parties that have a majority voice in the DPRD to dominate and drive small parties to obey the wishes of the party that has a majority vote. Small parties will only be forced to participate because if they dare to disagree with large parties, they may not be included and cannot take part in the democratic party that will take place. This condition makes the opportunity for a single candidate to become a contestant who will be faced with an empty ballot.

Second, giving the opportunity to the leaders of political parties in the regions to choose and determine the best candidates who will lead the region. UU no. 10 of 2016 is too centralized by explicitly regulating that the nomination of regional heads must get approval from the central leadership of political parties. This can be seen from Article 42 paragraph 4, paragraph 4a, paragraph 5, and paragraph 5a of Law No. 10 of 2016.

Political parties must carry out their functions to present qualified and desired pairs of candidates in the elections. This is of course only known by political parties in the regions, not elites who are political at the central level. Provide space for elite political parties at the regional level to translate the needs of the people in the regions by recruiting candidates for regional heads who are indeed in demand and gain public trust.

Third, revise the terms of individual candidates as stipulated in Article 41 paragraph (1) of Law No. 10 of 2016. Article 41 paragraph (1) expressly stipulates that individual candidates can register themselves as candidates for Governor and Candidate for Deputy Governor if they fulfill the conditions of supporting the number of people who have the right to vote and are included in the final voter list in the last election or last election in the relevant area provided that: a. provinces with a population of 2 million must be supported at least 10%. b. provinces with a population that is included in the final voter list of more than 2 million to 6 million must be supported at least 8.5% c. provinces with a population that is included in the final voter list of more than 6 million up to 12 million must be supported at least 7.5%. d. provinces with a population of more than 12 million people must be supported by at least 6.5% and e. the amount of support must be spread in 50% of the number of districts / cities in the province.

Article 41 paragraph (2) Law No. 10 of 2016 explicitly stipulates that individual candidates can register themselves as candidates for Regent and Candidate for Deputy Regent and candidates for Mayor and Candidate for Deputy Mayor if they fulfill the conditions for supporting the number of residents who have the right to vote and are included in the final voter list in the relevant region in the previous election or election the most recent in the area concerned, with provisions: a. districts / cities with a total population of up to 250,000 must be supported at least 10%. b. districts / cities with a population

that is included in the permanent voter list of more than 250,000 up to 500,000 people must be supported at least 8.5% c. regencies / cities with a population of more than 500,000 people up to 1,000,000 must be supported by at least 7.5% d. districts / cities with a population of more than 1,000,000 in the final voter list must be supported at least 6.5%, and, e. the amount of support must be spread in more than 50% of the number of sub-districts in the said regency / city.

To fulfill administrative requirements as stipulated in Article 41 paragraph (1 and 2) results in the initial political costs that must be incurred by a pair of individual candidates from the independent pathway to advance to become contestants in the regional election is very high. Because the pairs of candidates from the independent track must get support from the people by attaching proof of identity cards and must be able to bring the prospective supporters to the PPS office no later than three days from the PPS unable to meet the supporters when administrative verification and factual verification are carried out (by census method). and meet directly with each candidate supporter. If the candidate pair cannot present the candidate's supporters in factual verification, then the candidate's support is declared not fulfilling the requirements. This is what can then make individual candidates said to be unable to meet administrative requirements, so that they are canceled as candidates in the election process. Such a strict and rigid arrangement in Law No. 10 of 2016 seems to have been designed to prevent many contestants from being able to compete fairly.

IV. CONCLUSION

Pilkada with a single candidate is actually a setback of democratic values. Because the single candidate of the people seems to be forced to choose a candidate who has been determined by the organizers of the election, by only offering an alternative to agree or disagree with the candidate pair presented. Election of regional heads will be more democratic and competitive if the people as the owner of the highest sovereignty are given a variety of alternative choices. From these diverse choices, the people can choose which candidate pairs of regional heads are more appropriate (according to the community, not according to DPRD members) to lead their area. Single candidates have lost against empty boxes due to several things, namely 1). The voice of political parties is not always a representative of the people's voice, 2) No party machinery is running. The legal steps that can be taken to prevent a single candidate from organizing a regional election are first, lowering the vote support requirements of political parties or a combination of political parties to at least 10% of the total DPRD seats or 15% of the accumulated legal vote in the DPRD members in the region. The second gives an opportunity to the leaders of political parties in the region to choose and determine the best candidates who will lead the region. Third, revise the requirements for individual candidates, which aim to net more individual candidates, if the political parties in the DPRD have coalition, they will only run one candidate pair.

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