

Recruitment and Regeneration Political Party: The Influence on Election of Regional Heads

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ABSTRACT--As a country that upholds democratic values, the Indonesian people periodically, every five years, elect leaders at the central, provincial and district / city levels. The crucial stage in the regional head election is the nomination. Candidate pairs of candidates must vote, through political parties or individuals. Construction of Law Number 1 of 2015 in conjunction with Law Number 10 of 2016 concerning Regional Head Elections related to the nomination, formulating candidate pairs in the elections is at least 2 (two) pairs of candidates, but this article is in a judicial review to the Constitutional Court. With decision No. 100 / PUU / XIII / 2015, the Constitutional Court allows a single candidate. A single candidate is indeed legal, but it destroys democracy, political competition to get a credible regional head candidate, because he has the support of the majority of seats holders in the DPRD. The controlling power to hold democracy accountable no longer exists. Political Parties should improve the regeneration and recruitment of regional head candidates so that prospective leaders are ready to compete. Voters can use their voting rights with alternative candidates in accordance with the wishes of the community. The method used in this research is normative juridical. Secondary data sources as main data. Data collection methods by means of library study. Analysis of the data qualitatively. Article 40 of Law Number 10 Year 2016 regulates the minimum requirements for support of candidate pairs from political parties. This article must be reconstructed by regulating the maximum limit for political parties to carry candidate pairs in the elections, which is 50 (fifty) percent of the accumulated number of seats or valid votes so that there will not be a "majority" of political parties supporting one pair of candidates, while the party the remaining politics cannot register because they don't meet the minimum seat requirement or a valid vote.

Keywords: democracy, regional head election, recruitment and regeneration of political parties

I. INTRODUCTION

Political Party as a pillar democracy constellation role is very important and fundamental, namely recruiting and preparing candidate to become a national leader. To carry out this function, political parties are required to carry out a good recruitment and regeneration process. The formulation of a political code of ethics and political parties compiled by the Center for Political Research (P2P) in collaboration with the Directorate of Education and Community Services Deputy for the Prevention of Corruption Eradication Commission that a political party is a public legal entity that has the function of selecting political leaders, making public policy, conducting political education, articulating

and aggregating public interests, as well as carrying out communication and political participation, both at national and regional levels. Functions recruitment are owned by political parties and executed with Correctly (in ideal) can be door entrance (*entry point*) as well as a driving factor (*factor-driven*) for a good democratic practice in the country. [1] Political recruitment and regeneration includes the selection and appointment of a person to carry out a role in government, including as a regional head. In fact, political parties have not been able to carry out the recruitment and regeneration process as expected, including there are still regional head candidates who are carried by the majority of parties in an area so that there is a single candidate. One of the important and crucial stages of the elections is the candidacy stage. In this stage the pairs of candidates for the election for the Governor and Deputy Governor, the Regent and the Deputy Regent as well as the Major and Deputy Major must prepare the requirements properly, whether through political party channels or through individual channels.

From the point of view of political parties, all parties must prepare their support, whether the number of seats or valid votes they have enough to carry their own pairs of candidates, or must join / coalition with other political parties. Of individual lane for be able to enroll as a candidate should be qualified support for the number of people who have the right to vote contained in the final voters list on election or previous election most recently in the areas concerned with the provision is supported by 6.5% to 10% of the population.

In reality, political parties are found in determining the candidate pairs to have their own considerations, whether they should carry their own candidates or form coalitions with other parties. Although basically the political party can register a candidate pair without having to coalition. This fact reinforces the adage that politics is not mathematical and mechanical, but politics is dynamic. Always changing according to the latest conditions.

Terms of candidacy are requirements that must be fulfilled by a candidate pair that is not directly related to the candidate pair's person. The requirements for a political party or a combination of political parties to be able to register a candidate pair is if it has the requirements of obtaining at least 20% (twenty percent) of the total seats of the House of Representatives or 25% (twenty-five percent) of the accumulation of valid votes in the general election DPRD members in the area concerned. In the event that a political party or a combination of political parties proposes a candidate pair

of at least 25% (two to five percent) of the accumulation of valid votes, that the provision applies only to the political parties that obtain the DPRD seats.

Political parties or a combination of political parties may only propose 1 (one) pair of candidates. In reality in several regions up to the deadline for registration of candidate pairs, the combined political parties only registered 1 (one) candidate pair or single candidate pair. On the other hand Konstruksi Law No. 1 of 2015 on local elections as already amended end with law No. 10 of 2016 relating to the nomination, formulating a candidate in the election is at least 2 (two) pairs of candidates, the Commission is delaying for 10 (ten) days. However, this article was a judicial review to the Constitutional Court. With decision No. 100 / PUU / XIII / 2015, the constitutional court allows a single candidate.

A single candidate is indeed legal, but it destroys democracy, political competition to get credible regional head candidates. It is worrying that Pasangan single candidate who was elected as the head of the region is difficult to control, as the majority holder of the chair in the Council, so it holds the majority of power controllers that are in the holder of the chair in Parliament. The controlling power to hold democracy accountable no longer exists. Such conditions cannot be allowed. The party should improve its regeneration so that candidates for leaders emerge who are ready to compete. Voters can use their voting rights with alternative candidates who are capable and in accordance with the wishes of the community.

II. RESEARCH METHOD

That this research uses a qualitative method, which is an analysis based on legal science which includes, among others, the principles of law, the legal system, doctrines, propositions and legal concepts. [2] The method used in this research is the normative juridical research method, [3] which includes research on the principles of law, legal systematics, legal synchronization, legal history, and legal comparison. The legal material used is the primary legal material consisting of the laws and regulations of the General Election Commission, which contains regulations regarding the election of the Regional Head and Deputy Regional Head. In addition, materials other laws both secondary and tertiary collected and used for analyzing the issue of law is the main problem in this study, that the document is authentic which includes the nomination, recruitment and cadres of political parties and the ruling of the Constitutional Court regarding the results of the testing materials and a legislative elections, and legal documents. Research activities are also carried out by observing the implementation of the Regional Head Election with a single candidate.

The data collection method in this study is by collecting secondary data as primary data, which are studied from books, literature, legislation relating to the simultaneous local elections with a single candidate,

namely the laws on elections and local elections, the decision of the Constitutional Court, Election Commission Regulations, Election Commission Circular and other related regulations, such as journals, newspapers, magazines.

Primary data, as supporting data, are obtained by conducting direct research on the object under study, namely observation of the simultaneous election with one candidate pair or a single candidate pair. All data are crystallized data collected, will thus reflect and reflect the various contents contained in the data collected from literature and the field.

Data Analysis Method is a method for finding conclusions from the results of research that has been collected. Secondary Data and Primary Data Obtained are grouped and classified According to Reviews their respective fields, then arranged systematically, then Analyzed qualitatively items, namely an analysis the which is based on the science of law, among others such as the principle of law, the legal system, the doctrine, the argument and legal concepts.

III. FINDINGS AND DISCUSSION

Elections are said to be successful not only seen from the implementation of all stages until the filling of elected positions, namely the DPR, DPRD, the President and the Regional Head and Deputy Regional Head. Cannot be said to be a successful election if they are elected through full ways of violations and cheating that are contrary to the principles of Luber and Jurdil. [4]

Democratic elections can only be achieved if all stages of the election also reflect the democratic character. The general electoral stage starts from the formation of legislation related to elections, the formation of an EMB, the implementation of elections ranging from registering electoral participants, updating voter data to determining results, and handling the handling and resolution of disputes over election results (PHPU).

After entering the reform era there are new developments related to the holding of elections, namely the birth of the Constitutional Court (MK). The existence of this constitutional court complements the components needed for democratic elections, especially related to the constitutionality of the law related to the implementation of elections and the resolution of election disputes.

Hans Kelsen states that in representative democracy, the function of government is transferred from citizens to state organs. To fill state organs through democratic nominations, namely general elections. [5] Elections are a democratic way to form and transfer power from the people to state authority, as formulated by the International Commission of Jurist in its conference in Bangkok in 1965 that: "*Representative government is a government deriving its power and authority from the people who power and authority are exercised through representatives freely chosen and responsible to them*" [6]

The International Commission of Jurist also determines that one of the conditions for representative

government under the rule of law is free elections. The conditions include: the existence of constitutional protection, a free and impartial trial, free elections, freedom of expression and association, the task of opposition, civic education.

Thus, one of the main features and requirements of a modern democratic state is the holding of elections. The democratic nature of elections is needed to maintain that elections as a democratic mechanism can realize the objectives to be achieved. Through elections, the people not only choose the people who will be their representatives in organizing the country, but also choose the desired program as a state policy in the next government. The purpose of the election is the election of the people's representatives and regional heads and the implementation of a government that is truly in accordance with the people's choices. Elections that are unable to achieve that goals will only be formalities as giving legitimacy to the holders of state power. Such elections are elections that lose the spirit of democracy. [7]

In general, democratic elections are elections that are held based on the principle of free, and honest and fair (free and fair election).[8] As Robert Dahl said that "two of the six features of political institutions required by large-scale democracy are related to general elections, namely elected officials and free, fair and periodic elections".

Embraced and practiced the principle of democracy or popular sovereignty that guarantees the participation of the community in the process of state decision making, so that each statutory regulation that is determined and enforced reflects the feeling of justice that lives in the community. Laws and legislation in force, may not be determined and applied unilaterally by and or only for the interests of the authorities in conflict with democratic principles. Because the law is not intended to only guarantee the interests of a handful of people in power, but rather to guarantee the interests of a sense of justice for all people without exception.

Thus, the developed rule of law (*rechtsstaat*) is not *absolute rechtsstaat*, but *demokratische rechtsstaat* or *democratic rule of law*. In other words, in every nomocratic rule of law a democracy must be guaranteed, just as in every democratic state it must be guaranteed that its administration is based on law.[9]

B. Arief Sidharta said that law is deliberate in the reality of compound correctionalism, which has many aspects, dimensions and phases. Law is rooted and formed in the process of interaction of various aspects of society (political, economic, social, cultural, technological, religious, etc.), formed and helped shape the social fabric. The form is determined by the community with its various characteristics, but at the same time it also determines the shape and nature of the community itself. In his dynamics the law is conditioned and conditions the community.[10]

At the most concrete level, legal science always interprets the law to the extent of positive norms in the legal system. Meaning of law beyond that, some people

are considered to deviate from the scientific tradition of the science of law itself. This view is not wrong, if the intended legal reasoning is indeed positive legal reasoning or dogmatic legal science. Even so, it must be realized that the activities of legal reasoning itself are not always in the dogmatic order. Theoretically, legal reasoning can be interpreted within the scope of such dimensions, but in practice it is impossible to be limited to such limited dimensions of space by using closed logic (*closed logical system*) as such.

Legal reasoning is an activity of thinking. The product of this reasoning is a decision that offers alternative solutions, which in turn are used to overcome a human problem. The problem is certainly not a problem in general. Legal reasoning focuses on problems in the legal field only. Therefore, the subject of reasoning must be legal.[11]

a. *Norma Terms Minimal Pairs Election Candidate Before Discharge of Constitutional Court Decision No. 100 / PUU-XIII / 2015*

The Norms of Law Number 1 Year 2015 as amended lastly with Law Number 10 of 2016 related to nominations, formulating candidate pairs in the Regional Head Election is at least 2 (two) candidate pairs. This means that the paradigm of the articles in Law Number 10 of 2016, that the election of the Governor-Deputy Governor, Regent-Deputy Regent and Mayor-Deputy Mayor can only be followed by at least 2 (two) pairs of candidates, so that if it reaches the stage the registration of candidate pairs is complete there are only 1 (one) candidate pair, then the General Election Commission postpones it for some time. This can be seen from several articles related to the process of registering pairs of candidates for regional heads and regional deputy heads as follows:

a. Article 49 paragraph 8; "In the case of the results of the research referred to in paragraph (7) In the event that the results of the study referred to in paragraph (7) produce candidates who meet the requirements of less than 2 (two) candidates, the stage of conducting the Election shall be postponed no longer than 10 (ten) days.

b. Article 49 paragraph (9); Provincial KPU reopens the registration of Candidates for Governor no later than 3 (three) days after the postponement of the stages as referred to in paragraph (8).

c. Article 50 paragraph (8); In the event that the results of the study referred to in paragraph (7) produce candidates who meet the requirements of less than 2 (two) candidates, the stage of conducting the election is postponed for a maximum of 10 (ten) days.

d. Article 50 paragraph (9); Regency / City KPU reopens the registration of Regent Candidates and Mayor Candidates no later than 3 (three) days after the postponement of the stages as referred to in paragraph (8).

e. Article 51 paragraph (2); Based on the Official Report on the Determination as referred to in paragraph (1), Regency / City KPU shall determine at least 2 (two) pairs of Candidates for the Governor and Candidates for

Deputy Governor with the decision of the Provincial KPU.

f. Article 52 paragraph (2); Based on the Official Report on the Determination as referred to in paragraph (1), Regency / City KPU shall determine at least 2 (two) Regent Candidates and Major Candidates by Regency / City KPU Decree.

g. Article 54 paragraph (4); In the case of permanent absent candidates since the determination of the candidates until the start of the Campaign day so that the number of candidates is less than 2 (two) people, the Provincial KPU and Regency / City KPU reopen the registration of the candidate submission no later than 7 (seven) days.

h. Article 54 paragraph (6); In the event that the candidate is unable to remain at the start of the Campaign until the voting day of the candidate is less than 2 (two) people, the stage of the Election is postponed for a maximum of 14 (fourteen) days.

From these several articles, it is clear that the construction of the election law that the implementation of the election can only be carried out if there are at least 2 (two) pairs of candidates. However, the articles were submitted by a judicial review to the Constitutional Court by Effendy Gazalli.

b. The Norm of a Candidate Pair of Candidates in Constitutional Court Decision Number 100 / PUU-XIII / 2015

S Constitutional Court as a one of the perpetrators of the judicial authorities has the authority of the one against the law against the Constitution of 1945. The Constitutional Court conducts a judicial review of Law No. 8 of 2015 on the Amendment of Act No. 1 of 2015 concerning Establishment of Government Regulations in Lieu of Law Number 1 of 2014 concerning Elections of Governors, Regents and Mayors to become Laws.

The norms applied for testing are material norms from article 49 paragraphs (8) and (9), article 50 paragraphs (8) and (9), article 51 paragraphs (2), article 52 paragraphs (2) and article 54 paragraphs (4)), paragraph (5), paragraph (6) of Law Number 8 of 2015. Article 27 paragraph (1), article 27 ayat (2), article 28 C, Article 28 D paragraph (1), article 28H paragraph (1) , article 28 I paragraph (2) of the 1945 Constitution.

The reason given by the applicant is that citizens who live in regions with a regional head election only have one pair of candidates registered in the Regional Election Commission, experience discriminatory treatment and do not receive fair treatment, compared to citizens who live in an electoral area that more than one candidate pair is registered at the Election Commission. Residents suffer losses from voting rights, which can not only be responded to once, but can also be delayed many times in uncertain conditions. Delays in the election of regional heads result in nearly strategic and important decisions in regional development, given that the area is led by an executor of the task. This is not only detrimental to the area of concern, but also to other regions throughout the Unitary State of Indonesia.

The Constitutional Court (MK) has passed the verdict, even though there is only one pair of candidates / single candidates, the implementation of the 2015 Regional Head and Deputy Regional Head Elections will continue to be held. This was stated in the decision Number 100 / PUU-XIII / 2015 dated 29 September 2015 which stated that the articles proposed by the applicant were in conflict with the 1945 Constitution of the Republic of Indonesia.

The Constitutional Court's decision considers that the article which requires a minimum of two pairs of candidates, has made the election unable to be held. Therefore the Constitutional Court was decided, regions that have a pair of candidates for regional head and regional deputy head can participate in the implementation of the 2015 elections simultaneously.

In its ruling, the Constitutional Court stated that the election of regional heads is a form of the exercise of people's sovereignty, in terms of choosing and being elected. The articles in Law number 8 of 2015 which require the election of regional heads must be followed by more than one pair of candidates, if these conditions are not met, the potential for local elections to be responded to or failed to be held. This is considered to harm the constitutional rights of citizens.

Based on this decision, a revision of Law Number 8 of 2015 was made into Law Number 10 of 2016, which stipulates the provisions of a single candidate. The provision is in article 54C of Law Number 10 Year 2016, that the selection of one pair of candidates / single candidate is carried out after fulfilling one of the five conditions. In accordance with article 54C that:

- (1) Selection of 1 (one) pair of candidates shall be carried out in terms of meeting the conditions of:
 - a. after a delay and until the end of the registration renewal period, there is only 1 (one) pair of candidates who are registered and based on the results of the research the said candidate was declared eligible;
 - b. there are more than 1 (one) pair of candidates who are registered and based on the results of the study there were only 1 (one) pair of candidates who were declared eligible and after a delay until the end of the reopening period there were no registering pairs of candidates or pairs of candidates who are registered based on the results of the study were declared ineligible which resulted in only 1 (one) pair of candidates;
 - c. since the determination of the candidate pairs until the start of the Campaign period there are candidates who are permanently absent, Political Parties or Combined Political Parties do not propose candidates / pairs of replacement candidates or proposed nominees / pairs of candidates are declared to be ineligible, resulting in only 1 (one) candidate pair;
 - d. since the start of the Campaign period until polling day there are pairs of candidates who are permanently absent, Political Parties or Combined Political Parties do not propose candidates / pairs of replacement candidates or proposed nominees / pairs of candidates

are declared to be ineligible which results in only 1 (one) pair candidate; or

- e. there are pairs of candidates who are subject to cancellation sanctions as election participants which results in only 1 (one) candidate pair.

(2) Voting is done by voting.

If one of these conditions occurs, voting with one candidate pair is carried out using a ballot containing two columns consisting of one column containing photos of the candidate pair and one blank column with no picture. Voters voted by choosing one of the two columns, not in agreement with the agreement or disagreement as happened in a single candidate in 2015 simultaneous local elections on June 27, 2018 is the third period of choice of the Regional Head simultaneously after December 9, 2015 and February 15, 2017 last. The 2015 Simultaneous Local Election was attended by 9 Provinces, 224 districts and 36 cities. While the Simultaneous Local Election 2017 was attended by 7 Provinces, 76 Regencies and 18 Cities.

The General Election Commission as the executor of the law will immediately issue KPU Regulation Number 14 Year 2015 concerning the Election of the Governor and Deputy Governor, the Regent and Deputy Regent, and / or the Major and Deputy Major with one pair of candidates. Election with one pair of candidates carries special consequences for the implementation stage. At the campaign stage, the debating method is carried out in the form of a presentation of the vision and mission of the pair of candidates who are guided by the moderator and deepened by the panelists. The community can also play an active role by proposing moderators and panelists and proposing questions to the Election Commission.

Voting is carried out by voting in an election with one candidate pair, using a ballot containing a photo of the candidate pair, the name of the candidate pair, and an empty column. The General Election Commission determines the selected candidate pairs if they get more than 50% of the valid votes. If the single candidate does not get more than 50% of the votes, the single candidate may nominate again in the next election. To fill the vacancy, the government appoints the acting governor or acting regent or acting major.

c. *P Flood protection sole candidate in the recruitment and regeneration of Political Parties*

In accordance with article 47 of Law Number 24 Year 2003 concerning the Constitutional Court, the Constitutional Court's decision has permanent legal force since it has been finished in open public hearing, is final and binding, meaning that it must be implemented. A single candidate is indeed legal, but damages democracy. Decision of the Constitutional Court (MK) which states a single candidate pair needs to be addressed proportionally.

Political Observer from Community Synergy for Indonesian Democracy (Sigma) Said Salahudin said, on the one hand, the Constitutional Court's decision must be obeyed, but academically it was also not forbidden to be

criticized. There are at least 10 things that should be criticized from the decision [12].

First, the Constitutional Court was less comprehensive in dissecting the problem of a single candidate pair (Paslon). MK tends to focus on the problem, but does not want to see what is really the root of the problem. The root cause of the problem with the emergency of a single Paslon was that the nomination requirements set by law were too heavy. Previously, the conditions for candidate pair support carried by political parties, for example, were at least 15% both for the acquisition of seats in the DPRD or for the votes obtained by parties in the general election. Now, the law raises the requirements to a minimum of 20% of DPRD seats or 25% of the electoral vote. As a result, only a few candidate pairs can be carried by political parties. Political parties are allowed to form coalitions, but this is not an easy matter. The severity of the nomination requirements is that the Court should play its role.

Secondly, the Constitutional Court did not stand on the provisions of Article 18 Paragraph (4) of the 1945 Constitution which emphasized the word 'elected' in filling the position of regional head. In the system of filling positions, the word chosen refers to a system called election (election). Conducted directly (direct election) or indirect (indirect election) is another matter. In the electoral system it is desirable to have more than one candidate. That is one of the characteristics of the electoral system. If there is only one candidate, that is a characteristic of the system of determination such as filling the position of the Governor and Deputy Governor of DIY that refers to Article 18B of the 1945 Constitution, or an application system such as filling the position of the regional head during the old and new order.

Third, the Constitutional Court's opinion is not true which states that there is a legal vacuum in the case of a single Candidate, because there is already a KPU Regulation (PKPU) governing the provisions in the case of a single Candidate. PKPU is part of the law but is considered not to exist by the MK.

Fourth, it is not true that the Constitutional Court's judgment that PKPU governs the extension of the registration period and the postponement of the elections in the event that there was still a single candidate pair did not solve the problem. Because the MK-style pilkada model also has the opportunity to cause delays in the case of people who say 'disagree' more than a single candidate pair.

Fifth, the MK-style election model has changed the meaning of the election to choose candidates or people, not to express an agreement or disagree. If what is wanted by the voters is a statement of agreement or disagreement, then there is no need to bother the voters to come to the polling station only to state they are disagree.

Sixth, the MK-style election model has the potential to cause an increase in the election budget. In the case of regional head elections having to be carried out twice or perhaps more due to more voting stating disagreement with a single candidate pair, of course the regional head

budget must also be multiplied, certainly not in accordance with one of the objectives of the simultaneous regional head elections, namely so that the country can do efficiency.

Seventh, technically MK-style elections will trouble voters. Because, if the elections still have to be responded to, then voters must go back and forth to the polling stations. He considered, this certainly made voters complicated.

Eighth, the consequences if the elections are forced to be carried out more than once, then the number of days off will also increase. Because the elections must be held on the day that is closed.

Ninth, there is a very serious impact of the permissibility of a single candidate pair in the election, when the Constitutional Court said the reason for saving people's rights, then under the same pretext it might be later that the Court would allow a single candidate in the Presidential Election.

Tenth, it is unfortunate that the Court's attitude did not provide an opportunity for the legislators to be present at the hearing to explain the intentions of the article being tested. The Court is not obliged to request information from the DPR and the president, but the Court actually feels it is important to invite the KPU. Though this is the Judicial Review (JR) norms of the law against the constitution, not the JR KPU regulations against the law. As a result of not hearing the statements of the House of Representatives and the president as the institution that knows best about the intentions and objectives of making the norms tested, he believes that at a certain level it must have an influence on what is then decided by the Court.

The Constitutional Court's decision is not a good solution in resolving the polemic over the existence of a single candidate in the elections, but it will kill democracy that is being built. In the future, it can be used as a mode for candidates not to fight. So the candidate would prefer to buy up the party to get a lot of support. This will have an impact on democracy in Indonesia, not developing, does not reflect a strong democracy that gave birth to dignified regional leaders. Although it is recognized that incumbent candidates who have high population, who have succeeded in advancing their area, have very strong support. Along with the regulation of a single candidate, it raises fears of clogging up spaces for people's political participation to vote and be elected, not giving rise to alternative choices, people's political rights being violated, violating democratic principles that require competition. Therefore, all regulations that have the potential to cause a single candidate pair must be reconstructed or rearranged.

The phenomenon of a single candidate should not be the case when a political party to meet its responsibilities in conducting political recruitment in order to set up a regional head candidate, karen a function of political parties to prepare the best Cadres for later promoted as candidates for regional head and deputy head of the affluent at any election implementation process. One of the tasks of political parties is to regenerate and prepare prospective

leaders. In addition, political parties are a legitimate and legitimate institution for carrying candidate pairs, in addition to individual candidate pairs. The regeneration of political party leadership is structured and regulated in the AD / ART of political parties, by preparing the young generation of parties to become leaders for the coming period, eliminating the 'comfort zone' thinking pattern.

Political parties have the obligation to nominate a candidate pair because they have the votes and seats.

According to article 40 of Law number 10 of 2016:

- 1) Political Parties or Combined Political Parties may register candidate pairs if they have the acquisition requirements of at least 20% (twenty percent) of the total seats of the Regional People's Legislative Assembly or 25% (twenty-five percent) of the accumulation of valid votes in the general election of members of the Regional House of Representatives in the area of concern.
- 2) In the case of a Political Party or a combination of Political Parties in proposing pairs of candidates to use the provisions, they must obtain at least 20% (twenty percent) of the total number of seats in the Regional Representative Council as referred to paragraph (1), if the share of the number of seats in the People's Representative Assembly is Regions produces fractions so the acquisition of the number of seats is calculated by rounding up.
- 3) In the event that a Political Party or a combination of Political Parties propose pairs of candidates to use the provisions of obtaining at least 25% (twenty-five percent) of the accumulation of valid votes as referred to in paragraph (1), that provision only applies to Political Parties who obtain seats in the Regional House of Representatives.
- 4) Political Parties or a combination of Political Parties as referred to in paragraph (1) may only propose 1 (one) pair of candidates.
- 5) Calculation of the percentage of the number of seats as referred to in paragraph (1) and paragraph (2), is excluded for seats for members of the Papua People's Representative Council and the West Papua People's Representative Council who are appointed.

The norm of this article sets a minimum limit for political parties to carry a pair of candidates, which is at least 20% (twenty percent) of the total number of seats in the Regional Representative Council or 25% (twenty-five percent) of the accumulation of valid votes in the general election of members of the Council Regional Representatives in the area of concern. As a result, political parties roll in favor of one candidate pair. Political parties tend to want to dominate the political process but are not ready to fill the process with reliable candidates. Party Pragmatism and weak policy orientation, if parties have different policy orientations, they will not be able to cooperate easily with other parties.

By the way that this article should us in the reset to set the maximum limit for political parties to nominate candidates in the election, which is 50 percent of the

number of seats or the valid votes, so it will not happen majority or "majority" political parties support one pair of candidates, on the other hand, remaining political parties cannot register because they don't meet the minimum limit of seats or valid votes.

In the long term, because the party holds a central role and position in the Indonesian political system, the solution to the problem of a single candidate pair must be comprehensively resolved, not only through the realm of law and / or legislation, but also through party reform and our membership system.

IV. CONCLUSION

Norm of Law Number 1 Year 2015 as amended lastly with Law Number 10 Year 2016 related to nomination, formulating candidate pairs in the Regional Head Election is at least 2 (two) pairs of candidates, so that if the registration process of the candidate pair is completed only there is 1 (one) pair of candidates, the General Election Commission has responded to it for some time. If it still does not meet the two pairs of candidates, postponed at the next stage of the regional head election. The Constitutional Court conducted a judicial review of Law Number 8 of 2015 concerning Amendment to Law Number 1 of 2015 concerning the Establishment of Government Regulations in lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents and Mayors to become Laws. In its ruling, the Constitutional Court stated that the election of regional heads is a form of the exercise of people's sovereignty, in terms of choosing and being elected. The articles in Law number 8 of 2015 which require the election of regional heads must be followed by more than one pair of candidates, if these conditions are not met, the potential for local elections to be responded to or failed to be held. This is considered to harm the constitutional rights of citizens. The phenomenon of a single candidate should not need to occur if a political party fulfills its responsibilities in conducting political recruitment to prepare regional head candidates, because the function of political parties is to prepare the best cadres and then be promoted as regional head candidates and deputies regional heads in each process of implementing the elections. One of the tasks of political parties is to regenerate and prepare prospective leaders. In addition, political parties are a legitimate and legitimate institution for carrying candidate pairs, in addition to individual candidate pairs. Political parties have the obligation to nominate a candidate pair because they have the votes and seats. The phenomenon of a single candidate should not need to occur if a political party fulfills its responsibilities in conducting political recruitment to prepare regional head candidates. One of the tasks of political parties is to regenerate and prepare prospective leaders. The regeneration of political party leadership is structured and regulated in the AD / ART of political parties, by preparing the young generation of parties to become leaders for the coming period. Article 40 of Law Number 10 Year 2016 regulates the minimum threshold of support for candidate pairs from political parties. P origin must be reset by setting the maximum

limit for political parties to nominate candidates in the election, which is 40 (forty) percent of the accumulated number of seats or the valid votes so that there will be no majority or "majority" political parties supporting one candidate pairs, while the remaining political parties cannot register because they do not meet the minimum restrictions on seats or valid votes.

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