

## **The Validity of Single Candidates in Regional Head Elections**

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### **Abstract**

Democracy is a system where the people as the holders of the highest power have the right in all decision-making that includes the interests of the people in a region. In this case, indirectly the people can also issue laws and regulations that are beneficial and also to protect their rights. The 1945 Constitution of the Republic of Indonesia, Article 1 paragraph (2) of the 1945 Constitution which reads "sovereignty is in the hands of the people and is implemented according to the Constitution". This study aims to answer two main problem formulations. First, What is the role of the Election Supervisory Body in supervising the nomination of regional heads? Second, What is the validity of a single candidate in the regional election from a democratic perspective? This study uses the Normative Juridical research method. While the approach used is the Legislation approach (statue approach). The results of the study show: First, Bawaslu has a role in supervising the nomination of regional heads, namely: Supervising registration, Verifying candidates, Preventing violations, Handling violations, Monitoring campaigns. Second, the validity of a single candidate in the regional elections from a democratic perspective, namely regulated in Article 54C and 54D of Law Number 10 of 2016 concerning the second amendment to Law Number 1 of 2015 concerning the stipulation of the Replacement of Law Number 1 of 2014 concerning the election of Governors, Regents, and Mayors.

**Keywords:** *Democracy, Election Supervisory Body, People, Supervision, Single Candidate*

## **Introduction**

Democracy is a system where the people as the holder of the highest power have the right in all decision-making that includes the interests of the people in a region. Democracy recognizes that the highest and highest power is in the hands of the people. In this case, the people will also indirectly issue laws and regulations that are beneficial and also to guard their rights.

Since the beginning of the reform era in 1998 in Indonesia, political developments have changed drastically, this period not only shows the government during the new order led by President Suharto, but also by building a direction in changing the political system and constitutional system in Indonesia. This change not only changed the structure of the people's lives, but also by changing the Indonesian constitutional system through the amendment of the Constitution of the Republic of Indonesia in 1945, Article I paragraph (2) of the 1945 Constitution which reads:

"sovereignty is in the hands of the people and is carried out according to the Constitution".

The principles of democracy are also stipulated in general elections in Indonesia, namely the principles of equal rights of citizens, transparency, accountability, secret and free elections, and people's sovereignty.<sup>1</sup>

One form of democracy is general elections in Indonesia, which are held every five years. Elections are an ideal and perfect representation of democratic governance in the contemporary era. In addition, the purpose of general elections as a democratic process, also known as elections as democratic

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<sup>1</sup> Cornelia and Priliska, *Implementation of Democratic Principles in Constitutional Law. Review of the General Election System in Indonesia*, Journal of Citizenship, Vol. 8 No. 1 (2024), p. 295-296

parties, is to create a system of state power with people's sovereignty and representative deliberations regulated by the constitution or the 1945 Constitution.<sup>2</sup>

BAWASLU is a state institution that is responsible for carrying out supervision in general elections and has the authority to encourage the growth and development of participatory supervision, including accreditation of election monitoring institutions.<sup>3</sup> The Election Supervisory Board has a strategic role in ensuring that the election in Indonesia runs in accordance with democratic principles, namely honest, fair, transparent, and accountable. Based on Law Number 7 of 2017 concerning elections, BAWASLU has roles, functions, and also authority in all stages of the election process, which begins with preparation, implementation, and result mapping.<sup>4</sup>

Supervision in general elections has been clearly explained in article 1 number (23) of Bawaslu Regulation Number 13 of 2012. In this regulation, election supervision is defined as activities that include observation, study, examination, and assessment of the process of organizing elections in accordance with the provisions of applicable law. The explanation of the elements in this regulation shows that election supervision is related to various actions to make observations along with monitoring, as well as carrying out the process of re-checking, giving value, and running based on the existence of positive legal sources in Indonesia.<sup>5</sup>

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<sup>2</sup> Munif Rochmawanto and Suisno, *Age limit for presidential and vicepresidential candidates in the constitutional court decision number 90/PUU-XXI 2023; Illegal approach*, Journal Independent, Vol.12 No.2 (2024), p. 189

<sup>3</sup> Kuntag and Romario Christian, *The Efforts of BAWASLU Supervisors (General Election Supervisory Agency) in eradicating money politics in Manado City*, lex Administratum, Vol. 11 No. 3 (2023), p. 2

<sup>4</sup> Amelia and Vina, *The role of law office management in the legal audit process related to election supervision as a form of optimizing the role of Bawaslu*, Nusantara Scientific Journal, Vol. 2 No. 1 (2025), p. 518

<sup>5</sup> *Ibid*

The practice of running democracy sourced from Pancasila and the 1945 Constitution in the mechanism for electing regional heads resulted in profound changes when the phenomenon of a single candidate for regional head occurred. The meaning of a single candidate in this case is a pair of candidates who fight against the empty column because there are no opponents in the implementation of the political contestation for the regional head election. Blank columns are often considered an advantage for a single candidate who participates in the regional elections, but this is not the case.<sup>6</sup>

Regional head elections that are held directly or also commonly known as direct elections are a practice of the electoral democratic system that shows OPOVOV (*One Person One Vote One Value*). The implementation of direct regional head elections that are coveted to improve the quality of democracy is actually going backwards with the increase in the existence of single candidate pairs in each regional head election. The existence of a single candidate pair for the regional head election is already contained in article 54C paragraph (1) of Law Number 10 of 2016.<sup>7</sup>

### **Research Methods**

The legal research method used in the discussion of this issue is the normative juridical method. This type of normative legal research can also be referred to as doctrinal legal research or from literature research activities, where the analysis of this research is based on legal theories, legal principles, and related laws and regulations.<sup>8</sup>

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<sup>6</sup> Sabrina Sarah and Maramis, *Juridical analysis of the implementation of regional head elections with a single candidate*, Journal of Lex Administratum, Vol. 1 No. 4 (2023), p. 3

<sup>7</sup> Hartas and Dewi Erowati, *The behavior and political actors in the victory of empty boxes in eight villages in the 2020 Wonosobo election*, perspective, Vol. 12 No. 2 (2023), p. 730

<sup>8</sup> Peter Mahmud Marzuki, *Revised Legal Research*, Kencana, Jakarta, 2005, p. 60

The approach used in this study is the *Statue Approach*, this approach is carried out by examining and analyzing all laws and regulations that are related to the legal issue being studied, namely the validity of a single candidate in the election of regional heads from a democratic perspective.<sup>9</sup>

The legal materials used in this study are classified into two types, namely:

#### 1. Primary Legal Material

Primary legal materials are materials that have binding and authoritative properties, this legal framework includes laws and regulations, jurisprudence, and international agreements.<sup>10</sup> The primary legal materials used by the author are:

- a) Law No. 10 of 2016 concerning the second amendment to Law No. 1 of 2015 concerning the stipulation of regulations in lieu of Law No. 1 of 2014 concerning the Election of Governors, Regents, and Mayors
- b) Law Number 7 of 2017
- c) Perbawaslu Number 13 of 2012 concerning the code of ethics for general election organizers
- d) Perbawaslu Number 20 of 2018 concerning the prevention of violations and disputes in the general election process
- e) Constitutional Court Decision Number 100-PUU-XIII/2015 concerning the election of single candidates for simultaneous regional elections in Indonesia.

#### 2. Secondary Legal Materials

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<sup>9</sup> *Ibid*, p. 133

<sup>10</sup> *Ibid*, p. 184

Secondary legal materials are legal materials that provide explanations and analysis of primary legal materials, including textbooks, legal journals, scientific works, and accurate internet sources.

## **Results and Discussion**

1. The role of the Election Supervisory Agency in supervising the candidacy of regional heads.

In carrying out the supervision process in the nomination of regional heads, Bawaslu has a very important role in supervising the candidacy of regional heads in order to meet the requirements that have been regulated in such a way and also to prevent fraud in candidacy, here are some key aspects regarding the role of Bawaslu, namely:

- a) Supervision in the Registration Process

The requirements when you want to run and register as a candidate for a good regional head as a candidate for governor and deputy governor, candidate for regent and deputy regent, as well as candidate for mayor and deputy mayor have been regulated in Article 7 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, The Regent, and the Mayor became a Law, which states that:

"Every citizen has the right to have the same opportunity to run for and be nominated as a candidate for Governor and Deputy Governor candidate, a candidate for Regent and a candidate for Deputy Regent, as well as a candidate for Mayor and Deputy Mayor with the following provisions":

- a. Fear of the One God
- b. Loyal to Pancasila, the 1945 Constitution, the ideals of the proclamation of independence on August 17, 1945, and the Unitary State of the Republic of Indonesia
- c. Minimum high school education/equivalent
- d. Minimum age of 30 (thirty) years for candidates for Governor and Deputy Governor candidates and 25

- (twenty-five) years for candidates for Regent and Deputy Regent candidates as well as candidates for Mayor and Deputy Mayor candidates
- e. Physically and spiritually capable and free from narcotics abuse based on the results of a thorough examination from the team
  - f. Never as a convict based on a court decision that has obtained permanent legal force or for a former convict has openly and honestly stated to the public that he is a former convict
  - g. Not being revoked based on a court decision that has permanent legal force
  - h. Never committed a reprehensible act as shown by a police record certificate
  - i. Submit a list of personal assets
  - j. Not currently having debt liability individually or as a legal entity that is his/her responsibility that is detrimental to the state
  - k. Not being declared bankrupt based on a court decision that has permanent legal force
  - l. Have an NPWP and have a personal tax report
  - m. Have never served as Governor, Deputy Governor, Regent, Deputy Regent of Mayor, and Deputy Mayor for two terms in the same term for Governor and Deputy Governor candidates, Regent and Deputy Regent candidates, as well as Mayor and Deputy Mayor candidates
  - n. Have never served as Governor, Deputy Governor, Regent, Deputy Regent, Mayor, and Deputy Mayor in the same area
  - o. Resignation from their positions for Governor, Deputy Governor, Regent, Deputy Regent Mayor, and Deputy Mayor who are running in other regions since their appointment as candidates
  - p. Not having the status of acting Governor, acting Regent, and acting Mayor
  - q. Declare in writing his resignation as a member of the House of Representatives, the House of Representatives, and members of the House of Representatives since being designated as a pair of candidates for election participants
  - r. Declare in writing his resignation as a member of the TNI, the National Police of the Republic of Indonesia and civil servants and village heads or other designations since being designated as a pair of candidates for the election

b) Verify Candidates

At the stage of verifying the general election peseta, it is explained in the General Election Commission Regulation (PKPU) Article 4 Number 4 of 2022 including:

- a. The stages in registration, verification, and determination of political parties participating in the election include:
  - 1) Registration
  - 2) Administrative verification
  - 3) Factual verification
  - 4) Determination
- b. Administrative verification as referred to in paragraph (1) b includes administrative verification and administrative verification of improvement
- c. Factual verification as intended in paragraph (1) c includes factual verification and factual verification of improvements.
- d. The determination as intended in paragraph (1) letter d includes the determination of the Political Party participating in the election and the determination of the results of the drawing of the serial number of the Political Party participating in the election

Factual verification is data owned by matched members and supporters of political parties given by political parties to districts/cities, factual verification is carried out by matching the truth and existing facts.

Factual verification is also carried out as proof of the validity and correct treatment of a political party candidate for general election participants described in article 7 paragraph 1 of PKPU Number 4 of 2022, including:

- a. Have the status of a legal entity as per the Law on Political Parties
- b. Have management in all provinces in Indonesia
- c. Have management in 75% of the number of districts/cities in the province as referred to in letter b
- d. Have management in 50% of the number of sub-districts in districts/cities as referred to in letter c
- e. Include at least 30% female representation in political party management at the central level
- f. Have at least 1000 members or 1/1,000 of the total population in the management of political parties as referred to in letter c as evidenced by KTA ownership
- g. Have a permanent office for the management of Political Parties at the central, provincial, district/city levels until the last stage of the election
- h. Submit the name, emblem and image of the Political Party to the KPU

- i. Submit account numbers on behalf of Political Parties at the central, provincial, district/city levels

c) Violation Prevention

As a supervisory institution, Bawaslu is tasked with preventing election violations through socialization programs and coaching to election organizers and the preparation of policy recommendations that aim to improve regulations in elections. In addition, the main function of Bawaslu is to supervise potential violations, be it in administrative, criminal, and even code of ethics violations, by supervising campaigns, the process of implementing voting and recapitulation of election results.<sup>11</sup>

d) Handling of Complaints

In dealing with complaints of fraud in elections, broadly in accordance with procedures, suppliers are required to have requirements that are in the form of content, while based on Article 15 of the Regulation of the Election Supervisory Agency Number 9 of 2020

"notification of the provisions of structured, systematic, and massive violations (TSM) is notified through the election committee in writing and recorded in Indonesian which includes";

- a. Supplier Identity
- b. Identity of the Complainant
- c. Regarding administrative violations, the time of submission, the TSM election protocol is no more than the time of accompaniment of notifications, namely starting from the stage of determining election participants to counting votes

e) Campaign Monitoring

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<sup>11</sup> Kuntag and Romario Christian, *The Efforts of BAWASLU Supervisory Agency (General Election Supervisory Agency) in eradicating money politics in Manado City*, *lex Administratum*, Vol. 11 No. 3 (2023), p. 2

The election of Regional Heads is one of the manifestations of the course of democracy which must be carried out in accordance with the principles of LUBERJURDIL (Direct, General, Free, Secret, Honest, Fair). In the 2024 election yesterday, there were several districts/cities that only had one pair of candidates, which will be a very big challenge for Bawaslu. Especially in the face of money politics and the circulation of hoax news. One of the biggest challenges is money politics which causes injustice in competition, money politics is carried out in a stealthy way, so it is quite difficult to detect and prove its existence

. Intensive surveillance that is in vulnerable areas that have a high potential for money politics and voter intimidation needs special attention with more intensive surveillance. Anti-money politics campaigns can involve religious leaders, community leaders, and local organizations in anti-money politics campaigns can be an effective solution.<sup>12</sup>

The election supervisory body has a fairly important role in supervising the candidacy of regional heads in Indonesia. Integration in general elections is not only to maintain the legitimate electoral process, but also useful as a foundation for legitimacy in the implementation of democracy.

The main task of Bawaslu is to ensure that all election processes take place fairly, transparently, and in accordance with existing rules. In this

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<sup>12</sup> Ardhani Ahimsa Maulidan and Mega Dewi Ambarwati, *The Role of the East Java Provincial Bawaslu in Maintaining the Principle of Justice during the 2024 Regional Election Campaign*, Nusantara Scientific Journal, Vol.2 No.2, p 64

case, Bawaslu has a role in supervising candidacy, namely, supervising the registration process, verifying candidates, preventing violations, handling violations, and monitoring campaigns.<sup>13</sup>

2. The validity of a single candidate in the election of regional heads from a democratic perspective.

In the contemporary context, the application of government law is faced with various and complex challenges. There are several main challenges that are often faced including corruption and non-compliance with applicable legal regulations. When the government is involved in protracted political conflicts, the implementation of government law is often not implemented or used as a tool for certain political interests. Many countries often experience difficulties when adapting to international law and implementing the law consistently in the midst of world dynamics.<sup>14</sup>

In the process of electing regional heads, they must be appointed by undergoing an election process first. The Constitutional Court allows opportunities and opportunities for the implementation process in the election of regional heads where there is only one pair of candidates through the referendum process or method in order to maintain the constitutional rights of citizens so that they can still vote and be elected. In a copy of the Constitutional Court Decision Number 100/PUU-XIII/2015, the referendum process is carried out by providing opportunities for citizens as voters to give statements of agreement or disagreement

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<sup>13</sup> *Ibid*

<sup>14</sup> M. Yanto and Ahmad Royani, *Challenges dynamics of governance law implementation: A critical perspective in the contemporary contest*, Vol. 12 No. 1 (2024), p. 73

contained in the ballot papers that have been designed in such a way that it can allow the people as voters to make their choice.<sup>15</sup>

If the choice agrees to get the most total number of votes, the candidate pair will be appointed as the elected regional head and deputy regional head. But if you object to getting the most votes, then the election will be postponed until the next election.<sup>16</sup>

After the decision of the Constitutional Court Number 100/PUU-XIII/2015, the regulation on single-candidate elections is regulated in the latest Law on regional elections, namely in Article 54C and 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, which reads:

Article 54C

- (1) The selection of 1 (one) pair of candidates is carried out in terms 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) pair of candidates who register and based on the results of the research there is only 1 (one) pair of candidates who are declared eligible and after a delay until the end of the registration reopening period 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. From the determination of the candidate pair until the start of the campaign period, there are candidate pairs that are permanently obstructed, the Political Party or Coalition of Political Parties does not propose a candidate/replacement candidate pair or the proposed candidate/replacement candidate pair is declared ineligible resulting in only 1 (one) candidate pair

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<sup>15</sup> Dwanda Sistyawan, *Pancasila Democracy in the Election of Single-Candidate Regional Heads in Indonesia*, CV Adamu Abimata, Indramayu, 2023, p. 65

<sup>16</sup> *Ibid*

- d. From the start of the campaign period until the day of voting, there are candidate pairs that are permanently unavailable, the Political Party or Coalition of Political Parties does not propose a candidate/pair of replacement candidates or the proposed candidate/pair of replacement candidates is declared ineligible resulting in only 1 (one) pair or
  - e. There are pairs of candidates who are subject to cancellation sanctions as election participants which results in only 1 (one) pair of candidates,
- (2) The election of 1 (one) pair of candidates is carried out using a ballot that contains 2 (two) columns consisting of 1 (one) column containing a photo of the candidate pair and 1 (one) blank column that does not have a picture.
  - (3) Vote by voting.

#### Article 54D

- (1) The Provincial KPU or Regency/City KPU determines the selected candidate pair 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 vote acquisition of the candidate pair is less than as intended in paragraph (1), the losing candidate pair may nominate again in the next election
- (3) The next election as intended in paragraph (2) shall be repeated in the following year or shall be held with the schedule contained in the laws and regulations
- (4) In the event that there is no candidate pair elected to the election results as referred to in paragraphs (2) and (3), the government assigns an acting Governor, acting Regent, or acting Mayor

There is also a regulation that explains that if the winner of the contest for the regional head election is a blank column, then another election will be held the following year. As explained in article 25 paragraph (1) of PKPU Number 13 of 2018, namely:

"If the votes in the blank column are more than the votes in the photo column of the candidate pair, the Provincial KPU/KIP Aceh or the KPU/KIP Regency/City determines the holding of the re-election in the next simultaneous election"

Meanwhile, in article 25 paragraph (2) of PKPU Number 13 of 2018 it is explained:

"The next simultaneous election as intended in paragraph (1) may be held in the following year"

## **Closing**

### **1. Conclusion**

- a. The Election Supervisory Agency has the authority regulated in the Law to supervise, investigate, and deal with election violations. As an independent institution, Bawalu also has a role in supervising candidacy, verifying candidates, preventing violations, and monitoring campaigns, as contained in Law Number 7 of 2017 concerning general elections.
- b. In a democracy, every citizen has the right to participate in the running of government, whether as a candidate for leader or a voter. The rules regarding the sole candidate for regional head are regulated in Articles 54C and 54D of Law Number 10 of 2016 concerning the election of Governors, Regents, and Mayors.

### **2. Suggestions**

- a. Bawaslu needs to improve in terms of human resources and carry out better collaboration with various related parties. Thus, Bawaslu can continue to play an effective role in maintaining democracy in Indonesia.
- b. There needs to be a more in-depth evaluation and discussion about the effects of a single candidate on community participation and the quality of democracy. Thus we can continue to strengthen the democratic system and ensure that the voice of every citizen is heard and valued

## **A. Reading List**

### **Books**

Marzuki, Peter Mahmud, *Revision Legal Research*, Kencana Publisher, Jakarta, Year 2005

Sistyawan, Dwanda, *Pancasila Democracy in the Election of Single-Candidate Regional Heads in Indonesia*, CV Adamu Abimata Publishers, Indramayu, 2023

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- Amelia and Vina, "The Role of Law Office Management in the Legal Audit Process Related to Election Supervision as a Form of Optimizing the Role of Bawaslu", *Nusantara Scientific Journal*, 2 No. 1 (2025): 518
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### **Laws and Regulations**

- Regulation of the Election Supervisory Agency Number 13 of 2012 concerning the code of ethics for general election organizers
- Regulation of the Election Supervisory Agency Number 20 of 2018 concerning the prevention of the implementation and disputes of the general election process
- Regulation of the Election Supervisory Agency Number 9 of 2024 concerning Amendments to the Regulation of the General Election Supervisory Agency Number 8 of 2020 concerning the handling of violations in the election of Governor and Deputy Governor, Regent and Deputy Regent, as well as Mayor and Deputy Mayor
- 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  
Constitutional Court Decision Number 100-PUU-XIII/2015 concerning the Election of Single Candidates for Simultaneous Regional Elections in Indonesia  
Law Number 10 of 2016 concerning the second amendment to Law Number 1 of 2015 concerning the stipulation of regulations in lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors  
Law Number 7 of 2017 concerning general elections