

THE SINGLE CANDIDATE IN THE 2020 REGIONAL HEAD ELECTION IS VIEWED FROM THE PERSPECTIVE OF DEMOCRATIC PRINCIPLES ADOPTED BY THE INDONESIAN STATE

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ABSTRACT

The development of Indonesia's governance is currently quite rapidly developing. Indonesia is one of the countries that adheres to a democratic system. This understanding is elaborated constitutionally and fundamentally in the Preamble to the NRI Constitution of 1945 Alenia IV, which affirms one of the country's policies which reads: "Peoplehood led by wisdom in consultation/representation". The purpose of this study is to determine the legal consequences of having a single candidate in the general election when viewed from the perspective of democratic principles in Indonesia. This study uses normative research, which uses secondary data in analyzing the problems raised and supported by primary legal materials consisting of laws and regulations, court decisions, legal theories and legal principles recognized by civilized nations (*general theory recognized by civilized nations*), secondary legal materials such as journals, books, and other scholarly articles, and tertiary legal materials consisting of encyclopedias, and legal dictionaries. The legal framework for regional elections must be able to guarantee the holding of democratic elections. However, seeing the condition of a single candidate, it caused a reaction from elements of the community by submitting a judicial review to the Constitutional Court regarding the rules for nominating regional heads. As a result of this vacancy, it has an impact on postponing the regional elections until the next regional elections so that the regions that are postponed will be led by temporary officials appointed by the Ministry of Home Affairs. This circumstance was deemed by the plaintiff to be unfair to the spouse of a qualified candidate to run in the local election competition. The existence of a single candidate begins with a legal vacuum when the requirements for at least two pairs of candidates to be able to hold elections are not met, so that the legal vacuum results in the inability to hold regional elections.

Keywords: *Single candidate, democratic principles, elections*

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INTRODUCTION

When viewed from history, the nation's journey towards independence is not the result of engineering and assistance and gifts from colonizers, but is a form of struggle that considers the independence and freedom of the people and nation is the most essential and fundamental right for mankind. Its position is equal to other universal values such as humanity (humanism) and justice. This right also applies to the Indonesian nation, but because it is often violated by other nations, the Indonesian nation must strive hard to realize this right. The success of realizing the right to freedom and independence is marked by the declaration of independence (Ali & Bisri, 2009). Because the main mission of the struggle for independence is how to realize the values of freedom for the people and nation, the country that has been fought for should be committed to realizing these values.

Regional elections are one concrete proof that democracy works. One of the characteristics of democracy is equal rights, therefore with elections people have the same right, namely to vote and be elected. To understand a democratic system and its relevance to elections can be

seen in terms of the scope and intensity of public participation in taking part in making decisions on political policies.

In a democratic country, a democratic party is a way of changing leaders through elections is the most appropriate way to be carried out. The right to vote is the basic right of every individual or citizen that must be guaranteed fulfillment by the state. Furthermore, Indonesia is currently at the stage of democratic consolidation. According to Linz and Stephan, one of the reasons is that it is marked by the existence of a direct election process by the people and guaranteed in its implementation based on the principles of direct, public, free, and secret, as well as honest and fair which has implications for the legitimacy of power based on the people's vote (Satriawan & Mokhtar, 2020). This is in accordance with the principle of elections contained in Article 22 E paragraph (1) of the Law of the Republic of Indonesia Year 1945 ("Hereinafter referred to as UUD NRI 1945").

Elections become a forum to give people's votes in the context of changing power holders both in the executive branch and in the legislature which is carried out periodically every five years. This is also written as the basic rights of citizens guaranteed by the constitution, namely the right to vote and be elected in line with Article 28D paragraph (3) of the 1945 NRI Constitution. With this election, it gives birth to a new government that is legitimate, democratic, wise and truly represents the interests of the people and forms policies that prosper the people. Every citizen has the right to be elected and to vote. As a state of law, we need to know that law is a tool of social engineering. This is the opinion of Roscoe Pound who argues that, "law as a tool of social engineering". Therefore, law is closely related to political power. The state as a forum where the law is implemented regulates the lives of the people so that social changes can occur for the better. Therefore, to get an effective election must be carried out properly.

With the enactment of Law Number 8 of 2015 concerning Amendments to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law, it does not accommodate the implementation of elections with candidate pairs of less than 2 (two) candidate pairs or 1 (one) candidate pair, so that the disruption or even inability to hold elections is caused by the existence of provisions of the above norms. Thus, in order to create constitutionality in regional elections with single candidate pairs which has recently increased the number of single candidate pairs, there needs to be a firm arrangement. The circumstances of the emergence of a "single candidate" are normative and unimaginable, unpredictable, even minus fabrications. So according to Nur Rohim Yunus, that democracy empirically in its implementation continues to develop and is influenced by the political system that occurs in the area.

In 2015, a single candidate emerged in the regional elections in Indonesia. Initially, the KPU extended the registration period for the blood head candidate. This is the KPU action in complying with regulations related to elections which must have at least 2 (two) pairs of candidates. Then the KPU did not give additional time to extend registration many times indefinitely because the consequences would exceed the deadline from the polling day set by the KPU.

Regarding the legality of the single candidate, it is a consequence of the Decision issued by the Constitutional Court (MK) Number 100 / PUUXIII / 2015. The verdict was born in the

simultaneous regional elections on December 9, 2015. The decision was the result of the granting of a request for judicial review of Law Number 8 of 2015 concerning Amendments to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law on September 29, 2015 requested by Efendi Gazali.

With the emergence of this single candidate, it began in 2015 with the existence of a pair of qualified candidates. In fact, when the KPU had extended the registration deadline in the hope that there were other candidates who participated in registering but it did not materialize either. This condition is a problem because according to Law Number 8 of 2015, it is regulated that regional elections can be held if there are at least two pairs of candidates. Therefore, the Constitutional Court (MK) Decision Number 100 / PUU-XIII / 2015 on the application of Effendi Ghazali became the legal basis for the phenomenon of a single candidate in Indonesia.

However, in fact, the phenomenon of a single candidate poses a problem for the Indonesian state which has entered a consolidated democracy. With this, the country seems to re-enter the order before the reform which indicates that the process of selecting leaders is only marked by one candidate. Mohammad Alexander said that as a product of local political dynamics, a single candidate in local elections provides an alternative to achieving participation in order to avoid losing the constitutional rights of citizens and candidates who run but on the other hand places local elections as uncontested elections where uncontested elections will degrade the element of participation in democracy. As a result, on the one hand it provides different political dynamics in Indonesia but on the other hand allegedly places regional elections as an electoral process that does not require choices so that it can degrade elements of public participation in democracy.

Therefore, the author views a single candidate to be a serious problem in the context of democratization in the era of decentralization. This condition indicates that the journey of post-Reformation democratic practice does not lead to democratic maturity (democratic consolidation), but instead is stuck in the anomaly of democratization. This assumption stems from the argument that democracy is a manifestation of popular sovereignty. This means that democracy can only be understood in the context of recognizing the constitutional rights of citizens while positioning the people as sovereign political subjects.

In das sollen, based on the law requires that regional elections be held must be held with a minimum of 2 pairs of candidates. However, in das sein, the law does not provide a position for regions that have only one pair of candidates, raising concerns about the implementation of simultaneous regional elections that will be held at that time. Even the debate related to this matter increasingly looks heated when the simultaneous regional elections are held. Since the Constitutional Court allowed single-candidate pairs to participate in elections, single-candidate election participants have been dominated by incumbent or incumbent candidates either as Regent or Vice Regent during the previous election period. In the 2015 regional elections there were only three single candidates in Tasikmalaya Regency, Blitar Regency, and North Central Timor Regency, then in the 2017 regional elections it increased to nine single candidates and in the 2018 regional elections it increased to reach 16 single candidates. Then, in the 2020 regional elections conducted in 270 regions in Indonesia, the number of regions that only had one candidate pair increased where there were 25 regions that only had one candidate pair. One

pair of candidates in this political contest seems to be a trend in Indonesia. The political dynamics that occur indicate an increase in the number of single candidates from three simultaneous regional election periods. Not only in terms of quantity, in the simultaneous regional elections in 2015, 2017 and 2018 it was also found that the background of single candidate pairs was dominated by incumbents, the distribution of single candidate elections was evenly distributed on all islands and the level of competition in previous regional elections.

In the context of a single candidate in regional elections, the reason political parties support one pair of candidates is often not based on ideological similarities but based on political-economic interests, furthermore, the main goal of these parties is to safeguard their interests and for that major parties regardless of ideological similarities and political platforms can form coalitions to perpetuate their common interests in order to maintain power, Which then established political party relations.

Therefore, this is considered not in a straight line with the desired nature of democracy. Given this, the space for democratic competition is not entirely visible in reality. Often behind a policy made by the government, there is an elite force that cuts off the path of popular participation and also makes candidates with kinship politics or political dynasties increase. The light of local democracy in local elections, which have quite a lot of candidate pairs, has dimmed since civil society participation actually saw red report cards. With the strengthening of one pair of candidates in the regional election, it can be categorized as a tragic incident in the Indonesian democratic system. The purpose of this study is to determine the legal consequences of having a single candidate in general elections when viewed from the perspective of democratic principles in Indonesia and to find out how to overcome the increase in the existence of a single candidate in regional head elections in Indonesia. The theoretical use of this is to provide additional knowledge of legal science, especially in the field of constitutional law and state institutions, in this case the studies analyzed are matters related to the single candidate in the 2020 regional head election in terms of the perspective of democratic principles adopted by the Indonesian state.

METHOD

Types of Research

In research, in general, there is a distinction between data obtained directly from the community and from library materials (Soekanto, 2007). This study uses normative research, which uses secondary data in analyzing the problems raised and supported by primary legal materials consisting of laws and regulations, court decisions, legal theories and legal principles recognized by civilized nations (general theory recognized by civilized nations), secondary legal materials such as journals, books, and other scholarly articles, and tertiary legal materials consisting of encyclopedias, and legal dictionaries (Johnny, 2005).

Nature of Research

This research is descriptive-analytical, namely research that provides as thorough data as possible about humans, conditions or other symptoms (Soekanto, 1986), which will describe the basis for judges' considerations related to the phenomenon of a single candidate in the 2022 Regional Head Election from the perspective of democratic principles adopted by Indonesia.

Data type

The type of data obtained from library materials is usually called secondary data. In legal research, secondary data include:

- A. Primary legal material, namely legal material consisting of:
 1. Basic norms
 2. Basic regulations, namely the Constitution of the Republic of Indonesia Year 1945.
 3. Laws and Regulations:
 - a. 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 became law.
 - b. Law Number 8 of 2015 concerning Amendments to Law Number 1 of 2015 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law.
 - c. Law Number 10 of 2016 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 became law.
- B. Secondary legal materials provide explanations of primary legal materials such as draft laws or works from legal circles.
- C. Tertiary legal materials are materials that provide instructions and explanations to primary and secondary legal materials; For example, dictionaries, encyclopedias, etc.

Data Collection Techniques

In this legal research using normative data analysis techniques. According to Soerjono Soekanto, in research there are usually three types of data collection tools, namely the study of documents or library materials, observation or observation, and interviews or interviews. In normative legal research or literature, data collection techniques in normative legal research are carried out by literature studies of legal materials, both primary legal materials, secondary legal materials, as well as tertiary legal materials and / or non-legal materials. The search for legal materials can be done by reading, seeing, listening, or now many searches for these legal materials are carried out through internet media.

Legal Material Analysis Techniques

The data analysis used in this study is qualitative data analysis, where the data collected is not in the form of numbers that can be measured. However, based on laws and regulations, as well as information views to answer this problem. Qualitative analysis produces descriptive data, by means of pulling data from inductive to deductive in from what is stated by the research target concerned in writing, oral and real behavior.

RESULTS AND DISCUSSION

The single candidate in the general election is viewed from the perspective of democratic principles

Starting in Law Number 8 of 2015 concerning the Election of Regional Heads and Deputy Regional Heads, which must be held elections with at least two pairs of candidates. This provision clearly does not provide room if there is a region where there is one pair of candidates (single candidate) so Law No. 8 of 2015 concerning the Election of Regional Heads and Deputy

Regional Heads, has not clearly regulated the single candidate in the 2015 regional head elections.

The legal framework for regional elections must be able to guarantee the holding of democratic elections. However, seeing the condition of a single candidate, it caused a reaction from elements of the community by submitting a judicial review to the Constitutional Court regarding the rules for nominating regional heads. Led by Effendi Gazali, a political communication expert from the University of Indonesia filed a lawsuit over Article 49 paragraph (9), Article 50 paragraph (9), Article 51 paragraph (2), and Article 52 paragraph (2) of Law Number 8 of 2015. The subject matter raised is that there is a legal vacuum (*rechtvacuum*) in the law in anticipation of the emergence of a single candidate.

As a result of this vacancy, it has an impact on postponing the regional elections until the next regional elections so that the regions that are postponed will be led by temporary officials appointed by the Ministry of Home Affairs. This circumstance was deemed by the plaintiff to be unfair to the spouse of a qualified candidate to run in the local election competition. It is also considered unfair to people who want definitive leaders. On the other hand, interim officials have many limitations in taking strategic policies.

Through a systematic interpretation, the Constitutional Court concluded that there is a legal vacuum when the conditions of at least two pairs of candidates are not met. The legal vacuum resulted in the inability to hold regional elections. While regional elections are an exercise of people's sovereignty, so that such a legal vacuum threatens the rights of the people as holders of sovereignty, both the right to be elected and the right to vote because the people become unable to exercise their rights. That is the source of the law for electing regional heads with a single candidate. However, the ruling risks political liberalization (Habibi, 2018).

The election process by presenting a single candidate pair is basically to fulfill the sovereignty of people's rights through electoral instruments. From a democratic point of view, elections are a bridge that guarantees the right of individuals to be elected as well as to vote. Thus, the process that requires rules to be met makes elections run well, honestly, and fairly. In this regard, the constitution guarantees that the postponement for reasons of a single candidate being carried out, this confirms it violates the constitutional right of individuals to be elected. Thus, the right to vote and be elected is a constitutional mandate by upholding human rights which is the philosophical basis of the 1945 Constitution which is the ideological basis of the Unitary State of the Republic of Indonesia. In other words, the right to vote and be elected is a guarantee to uphold people's sovereignty through elections even with the presence of a single candidate (Purba et al., 2022).

Then, the emergence of the General Election Commission Regulation (KPU) did not solve the problem because the people's right to be elected and vote still could not be implemented. Article 54 paragraph (5) of KPU Regulation Number 12 of 2015 states, until the end of the reopening of the registration period there is only one pair of candidates or no pair of candidates who register as intended, the Provincial General Election Commission / KIP Aceh or the General Election Commission / KIP district/city determines the decision to postpone all stages and elections are held at the next simultaneous election.

The enactment of the rule *a quo* did not solve the problem because first, the postponement to the next simultaneous election actually deprived the people of the right to be elected and vote in simultaneous elections at that time. Secondly, delays can be justified but there is no

guarantee that at the next simultaneous elections the people's right to be elected and to vote will be fulfilled.

With the provision of a single candidate, it is not in line with the theory of popular sovereignty. People's sovereignty can be interpreted as the power of the people over a country. The basic idea of the theory of popular sovereignty is very simple, it is the people who should be the highest source of power in one country and not another. The people rule independently of themselves. The sovereignty of the people in a country can be seen by how big the role of the people in the country. The greater the role of the people in a country, the clearer there is also a form of people's sovereignty in that country.

In this popular sovereignty, the state gives freedom to each individual based on an agreement as a joint action in order to form a state. The people are involved in decision-making in the framework of statehood. In making laws and implementing laws, the state involves the people in exercising people's sovereignty. Jimly Asshidiqie stated that people's sovereignty with a representative system or ordinary democracy is also called a representative democracy system or indirect democracy (Asshiddiqie, 1994).

The presentation of the people's declaration of will through a representative system, and Rousseau's recommendation in his sovereignty teaching to implement popular sovereignty through a democratic system, shows the relationship between the doctrine of popular sovereignty and the democratic system in a unanimous series that cannot be separated from one another. Thus, the general election is nothing but a way organized to elect representatives of the people democratically.

Abraham Lincoln argued that the definition of democracy is government organized based on the principle "of the people by the people and for the people." In another view, democracy as a political idea is a universal understanding so that it contains the following elements:

1. The organizer of power comes from the people;
2. Every office holder elected by the people must be able to account for the wisdom he wants and has pursued;
3. Manifested directly or indirectly;
4. The rotation of power from one person or group to another, in a democracy the opportunity for a rotation of power must exist, and be carried out regularly and peacefully;
5. The existence of an electoral process, in a democratic country elections are carried out regularly in guaranteeing the political right of the people to vote and be elected; and
6. The existence of freedom as human rights, enjoying basic rights, in a democracy every citizen can enjoy basic rights freely, such as the right to express opinions, assembly and association and others.

Furthermore, through the General Election system (Election) it implements the concept of people's sovereignty, which requires a public official as a representative or representative of the people (S. Hadi, 2013). General elections are an important feature that must be held periodically at certain times. Elections become a means for the people to negotiate and aggregate their aspirations and interests (Eddyono, 2017). Elections are not just participation but the implementation of the principle of popular sovereignty.

With this single candidate, the people seem to only be prioritized to participate in the people's party but do not fully exercise the sovereignty of the people themselves. Many people

think it is better to choose a single candidate than to vacate a regional head. This leaves doubt as to whether the single candidate chosen is truly qualified or just a last resort. Therefore, the existence of such a single candidate proves that the regulation is contrary to the theory of people's sovereignty because the postponement to the next simultaneous election has actually eliminated the people's right to be elected and vote in simultaneous elections at that time.

General elections are a sign where the people exercise their sovereignty freely and freely in choosing whoever they want, because the people do not want to make the existing regime always entrenched to maintain its status quo in government positions so that it becomes a concern for the people who want to build a democratic system and then change their orientation to a feudal government.

With this single candidate, it can be attributed to the theory of legal value initiated by Gustav Radbruch. Gustav Radbruch suggests that three legal values, namely (Djojarahardjo, 2019):

1. The principle of legal certainty (*rechmatigheid*) which is viewed from a juridical angle;
2. The principle of legal justice (*gerechtigheit*) which is viewed from a philosophical angle, where justice is defined as equal rights for all people before the court;
3. The principle of legal expediency (*zwechmatigheid* or *doelmatigheid* or utility).

Expediency is interpreted as an effort to serve the diverse desires of various parties. This effort can be fulfilled relatively because various parties have a variety of views that cannot be united, which can lead to endless differences in views

Gustav Radbruch said legal certainty is "*Scherkeit des Rechts selbst*" (legal certainty about the law itself). There are four things that have a relationship with the meaning of legal certainty, including:

1. That law is positive, which means that it is legislation (*gesetzliches Recht*).
2. The law is based on facts (*Tatsachen*), not on a formulation of judgment that will be made by judges, such as good faith and decency.
3. That the fact must be clearly formulated in order to avoid errors in interpretation, but that it is also easy to carry out.
4. Positive laws should not be changed frequently.

Such legal certainty demands the ratification and maintenance of a positive and binding legal order by the state. Without legal certainty, people will not know what to do, do not know what to do right or wrong, prohibited or not prohibited by law and eventually unrest arises. This legal certainty can be realized through good and clear explanations in a law and it will also be clear to the applicant. With this regulation, it contradicts the principle of legal certainty because it can be said that delays can be justified but there is no guarantee that at the next simultaneous elections the people's right to be elected and vote will be fulfilled.

Political parties and combinations of political parties do not propose pairs of candidates, giving rise to one pair of candidates. Political parties and political party combinations agree to propose a pair of candidates. This is done with the intention of monopolizing the nomination process carried by a political party or a combination of political parties and proving that the incumbent with his resources and power is a benchmark for his political opponents whether or not they can defeat the incumbent. What's more, incumbents who have good performance and image before the public. Democracy is about political equality and giving everyone an equal voice to determine how a country should be governed or run. When that happens, democracy is threatened. The Constitution became powerless against the fiction that took place.

A single candidate in regional elections requires proper legal construction (not left unchallenged) to ensure democracy runs democratically after Constitutional Court Decision Number 100/PUUXIII/2015. Changes to the law are in the form of limiting the maximum support for seats of regional head candidates carried by parties or combinations of political parties, reducing the percentage of valid vote support for parties or combinations of political parties, simplifying and reducing the number of support and distribution of pairs of individual candidates, and making a socialization model for regional head elections with a single candidate in order to maintain democratic regional head elections.

Even though it has obtained the basis of the law, the phenomenon of single-candidate couples still receives various criticisms from various parties. Various kinds of analysis are carried out based on different perspectives to see the causes of the emergence of a single candidate in the regional elections, including:

1. The emergence of a single couple is caused by too high an electability of a candidate or candidate partner. This condition results in candidates or other candidates who feel their electability has not been able to outperform candidates who have the electability do not want to lose because of the high cost of regional elections. As explained earlier, through this direct election process requires considerable costs both in terms of the government which must provide facilities for the body that organizes it, incurring costs for socialization to the community about how important it is for the community to elect their regional heads so that justice can be achieved as it should. Then, the considerable cost for someone who wants to run for a regional head cannot be free. Based on Law No. 32 of 2004 and its successor regulations, a candidate for regional head and deputy regional head is proposed by a political party and a combination of political parties. Therefore, in order to get support, he had to buy a "boat". The higher the level, the greater the amount of "dowry" that must be paid by a prospective candidate. Participants must spend a lot of money to finance the process of electing themselves, especially the cost of "advertising" themselves so that they can be known and known for their vision and mission and elected by the public to win the democratic party.
2. The small number of candidates for regional heads was also caused by the Constitutional Court's decision to cancel the rules related to allowing members of the DPR, DPD, DPRD, and other public officials to compete in regional elections without first resigning from their public office. This condition certainly burdens them because they have to risk the public office that has now been obtained
3. The more pragmatic political parties are because they only think about power. Political parties seem not ready to lose, as evidenced by not carrying their party cadres. On the one hand, the cadres they have do not have high electability, on the other hand, political parties do not want to lose elections. The result is to carry other party cadres. This condition, in addition to being a reneging on electoral promises to be ready to win and ready to lose, also indicates the non-running process of party regeneration. This shows that political parties have also been seen as negligent in regeneration and only rely on prominent candidates from outside the party.
4. A single candidate also reflects the severity of the requirements to become a candidate, either by political party vehicle or by running as an individual candidate. For those who

advance with party vehicles, in general, they must spend very much capital. Likewise, if you want to appear as an individual candidate, also in addition to requiring large funds, you must also meet quite heavy administrative requirements.

It is necessary to reduce the percentage of support accumulated by valid votes in the last election in terms of support for political parties or a combination of political parties in carrying candidates for regional heads. This is done to open up space for the emergence of other candidates who do not get seats, but use the support of votes from the number of DPRD seats. The legal framework simplifies and reduces the amount of support and distribution for spouses of individual candidates is an effort to produce candidates who are ready to compete in regional elections. The large number of candidates for regional heads competing provides a wide and diverse choice of voters.

Bawaslu considered that what caused the single candidate in the regional head election occurred because of several factors:

1. Party Wholesale Action

The wholesale action of political parties is generally carried out by candidates for the incumbent regional head, because they have succeeded in carrying out the wholesale practice of political parties, namely financial capacity and political influence. The power relations of capital and politics are very close here. The dominance of power makes someone have access to distribute budget resources, while the dominance of capital can buy seats in the Regency / City DPRD.

2. Heavy Regional Head Candidate Requirements

One of the factors that led to the occurrence of a single candidate was the severity of the requirements to become a candidate for regional head. The law on regional elections states that the requirement to become a candidate for regional head from the political party line must obtain 20% of the number of political party seats in the DPRD or 25% of the political party votes. As for the individual route, a prospective regional head candidate must be able to collect a copy of the E-KTP 6.5 to 10% of the total population. From several regions that hold single-party elections, there have actually been pairs of candidates from the individual line, or from the political party line. However, when verified by the relevant District/City KPU, it turns out that the minimum candidacy requirements are not met. Especially for political parties, there are also those who provide dual support, so that when the District/City KPU verifies, political party recommendation support only applies to one pair of candidates.

3. Election Violations

The third factor that causes the occurrence of a single paslon is the existence of election violations (*pilkada*) within 6 months before voting. Violation of local election rules was committed by one of the candidates which caused the candidate to be disqualified from nomination by the Supreme Court. Judging from the dynamics of local politics that develop in the context of the emergence of single regional elections, it is not an exaggeration if the practice of local political oligarchy does manifest. The oligarchy was influenced by business and political relations, or it was also influenced by family dynastic relations. The stronger the political-economic oligarchy in a region, the greater the potential for the emergence of a single regional election. Therefore, political education efforts both in political parties, and in civil society become a necessity that cannot be delayed anymore. Quality and sustainable political party education and regeneration are the expectations of many parties, especially from civil

society. This research also found that there is still weak consolidation of civil society in areas where single elections occur.

Please note, that the quality of competition is superior if the number of candidates increases. Competition is very useful to strengthen and test the commitment of candidates to the community, by fighting for programs at the campaign stage. Through competition, the public can compare candidates. It can be explained that the opinion of the public in the empty box is increasing who choose not to agree because there is no other choice but the pair of candidates offered, so the community is forced to choose a single candidate. In its execution, there are empty box movements that intend to vote against it. Choosing to contradict is also a right for society. However, in this case it can cause delays in the leadership process and the possibility that decision making will be postponed to choose candidates for regional heads. So in this case, the fulfillment of people's rights both to be elected and to vote is delayed.

Viewed from the perspective of voting rights and voting rights, there is no guaranteed right followed by empty boxes and single candidates in regional elections as a sign of the exercise of people's sovereignty through the point of view of human rights. Article 18 paragraph (4) of the Constitution of the Republic of Indonesia of 1945 states that regional heads must be democratically elected "elected" proving that the community has the right to participate in the election of leadership candidates and the right to be elected. The obligation to hold regional elections indicates evidence of the use of democracy must be accompanied by the guarantee of elections carried out in an election carried out in accordance with democracy where the rights of citizens as the highest power holders, both the right to vote and the right to be elected, must not be ignored, let alone eliminated.

Then, based on research on the regional elections in Lebak Regency in 2018, the coalition of political parties formed was more towards the form of office seeking. In the end, the dynamics of political party coalitions in the 2018 Lebak Regency Regional Election tend to be pragmatic. First, the coalition does not pay attention to the closeness of party ideology, so it appears that there is a strong dominance of parties that have a large number of seats in the DPRD, which results in small parties joining the coalition. Second, the party did not provide opportunities for support to its internal and external cadres on the grounds that it considered victory to the maximum and did not want to take risks if it had to contest with the incumbent, as well as the severity of requirements through individual channels that could not be met by prospective candidates. Third, the emergence of a single candidate in Lebak Regency is inseparable from the strong support and character of local strongmen (Khodijah & Subekti, 2020).

Furthermore, political parties should be able to carry competent cadres in the Regional Head General Elections held. Political parties as one of the pillars of democracy in Indonesia have a function, one of which is political recruitment. According to Miriam Budiardjo, the functions of political parties include means of political communication, political socialization, means of political recruitment, and political organizers. Based on Law No. 2 of 2008 concerning Political Parties, it is stated that the functions of political parties in Article 11 paragraph (1) include political recruitment in the process of filling political offices through democratic mechanisms with regard to gender equality and justice.

Political parties must prepare their competent cadres well in advance of the Regional Head General Elections to be held. Political parties as a means of political recruitment and society provide confidence to select someone who has competence and credibility should be able not to be pragmatic. The process of forming a coalition by a party to carry someone should also not carry out party "contracting" so as to make the combination of political parties participating in the General Election of other Regional Heads unable to register candidates (M. S. Hadi et al., 2017a).

With regard to the wholesale practice of fat political parties or coalitions and political dowries, it also shows the failure of political parties in carrying out their functions as political recruitment suggestions. Instead of carrying out political education, political parties carry out the practices of the power oligarchy that are strongly opposed by the Indonesian people, and ignore the political recruitment process to produce leaders. In other words, coalitions are formed only to meet the threshold requirements for obtaining the number of votes or seats of parties or combinations of parties in order to carry a pair of candidates carried.

Political parties should be a good cadre producing machine to be nominated in elections, not even thinking pragmatically by nominating pairs of candidates only based on popularity, electability, or who have strong sources of funds, but come from outside the political party rather than having to nominate their own cadres. The continuous failure of regeneration will have a bad impact on the party itself, because over time political parties will lose public support. It is important for political parties to compete fairly in elections.

They must increase the quantity and quality of politics of their cadres, because in addition to political parties are obliged to provide political education to the people, it is also mandatory to provide political education to their cadres. As is the case, including in this case preparing the best cadres to become leaders in their respective regions.

Democracy is a form of government by the people. Democracy in a narrow sense is also explained by Dahl who suggests that in various different meanings of democracy, there are several criteria that need to be met by the government process so that all members have the same right to participate in determining policies. Dahl explained that there are at least five criteria, including:

1. Effective participation;
2. Sound equation;
3. Bright understanding;
4. Agenda monitoring;
5. Adult scoping.

The most recent attempt to measure the degree of democracy in many countries is to use Dahl's concept of democracy, which identifies two important paths to democracy: a path focused on competition and a path focused on participation. Democracy that runs in Indonesia when associated with the concept previously explained, namely the main criteria for measuring whether or not a country is democratic is competition and participation. It was this competition and participation that then gave birth to a mechanism called general elections (elections).

The meaning of democracy cannot be interpreted piece by piece. Democracy run by one country cannot be equated with democracy embraced by another country. It is the history and background of the birth of democracy in a country that determines the concept of democracy. Mainly, democracy is expected to avoid tyrannical rule by focusing on humans or

anthropocentric. The concept of democracy and democratization will always develop according to human consciousness and the needs of the state. The concept of democracy adopted in Indonesia requires equal rights and freedom to vote and exercise their voting rights in democratic contests as well as for candidates for regional heads, the right to be elected is a right that must be respected.

A single candidate in direct regional elections is a normatively imagined situation that means democracy in implementation is always a process full of dynamics and influenced by political dialectics in the region. A single candidate in direct local elections is a form of empirical democracy. In concept, direct regional elections by only presenting a single candidate cannot be said to be undemocratic because the main essence of democracy is the participation of the community in the form of participation in giving their voting rights during elections at the polling station. Without community participation, regional elections cannot run properly, because it is the community that determines the direction of development of a region. Direct regional elections by only presenting a single candidate provide an understanding that democracy that has been implemented in the realm of practice will always develop dynamically and the law must follow every social development of society.

But on the other hand, if it is related to the quality of democracy which is considered to be declining, and the level of public trust in political parties continues to decline, it will be natural to have an impact on elections, especially regional elections. It is proven that fewer participants are participating in regional level democracy contestations because they are no longer able to produce leaders in the regions. With the sign of the gathering of all parties and becoming one camp in the regional elections, it has automatically lost the essence of the checks and balances system. It becomes very natural when these dynamics are responded by the public so as to cause distrust of political parties, merely to be a balancer in the constitutional system, especially regional elections. This process of check and balances system will make the wheels of government run effectively and efficiently and in line with the spirit of democracy in Indonesia. Democracy should present elections by competing cannot be obtained by the presence of a single candidate (Rahman et al., 2022).

A single candidate carries implications that need to be considered, both from a legal and political perspective. First, the loss of meaning of evaluation and accountability in the process of electing regional heads. In order for the meaning of evaluation and accountability to remain, the determination of selected candidates for elections participated by a single candidate needs to consider the level of voter participation, so that the elected candidate is not only legitimate but also has strong legitimacy.

Second, it is necessary to watch out for the emergence of puppet candidates who are actually a ruse in democracy. The existence of puppet candidates not only has the potential to become a land of political practice that justifies all means, but also has actually deceived public consciousness which will ultimately reduce public trust in the democratic system.

Third, a single candidate supported by all political parties in the DPRD will abolish the construction of democratic local government. Although the Regional Head and DPRD jointly run the regional government, the institutional design of the DPRD is to carry out supervisory functions in accordance with the system of checks and balances at the national level. If the regional head gets total support from the DPRD, supervision will be very difficult. The

Regional Head and DPRD will become a unified force that protects each other. Fourth, in the long run the role of political parties in conducting political recruitment will be smaller. On the contrary, political parties are only used as vehicles by elite figures in the regions to achieve and maintain power. At a time when political parties as organizations have been defeated by the influence of individual political elites, then at this time parties have lost their essence as modern democratic organizations of a national nature.

If we compare it with Law Number 7 of 2017 concerning General Elections, it has arranged for contestation not only to be followed by one pair of candidates. In Law Number 7 of 2017, candidate pairs are not allowed to "buy" all political parties so that other candidates do not have the opportunity to advance in the contestation or the combination of parties carries one pair of candidates which results in the other candidate pair being unable to meet the threshold requirements so that they cannot advance in the contestation. In this regard, more maximum threshold requirements as enforced in Law Number 7 of 2017 should also be adopted in the regional head election law so as to prevent the emergence of a single candidate pair. Thus, regional elections (pilkada) as a manifestation of people's sovereignty become more meaningful because the people will be given choices instead of "forcing" the people to vote or not to vote for only one candidate pair.

Therefore, it is necessary to review the normative rules regarding elections with a single candidate pair, so that the image of political parties is trusted by the public, considering the negative factors that arise as the cause of the majority of political parties that carry a single candidate pair. In addition, the political costs are expensive due to the "dowry" system, so the next election must create cheaper political costs and not spend much state money (Yantomi, 2022).

Overcoming the increase in the presence of a single candidate in regional elections in Indonesia

With the arrangement related to a single candidate as explained above, it caused several things including the loss of the people's right to be elected and vote in simultaneous elections at that time. Therefore, it is necessary to counteract the existence of a single candidate in the election of regional heads in Indonesia. There are several ways to overcome this, namely reviewing regulations governing the existence of a single candidate and conducting education for the community and regeneration of political parties.

1. Review of regulations governing a single candidate in regional elections

To overcome the existence of a single candidate, it is better if the requirements to run as an independent candidate must be simplified. The threshold is too high, causing fewer candidates for regional heads to run in the democratic party. In line with Viktor's opinion, it would be better if the threshold provision was removed. Although removing the threshold will make many choices for candidates for regional heads, it is much better than there is only one candidate with a choice of agree or disagree. The possibility of many candidates emerging, is natural because Indonesia adheres to a liberal democratic system not a guided democracy. Please note that democracy cannot run instantly. If it only features one pair of candidates, then why not just go back to the era of guided democracy. Although the cost of the campaign will become much more, it is also a natural thing. Given that if you want a low cost, guided democracy is the solution. With the abolition of the regional election threshold, if there are

more candidates for regional heads, those dedicated candidates will be "sought" by political parties, not the other way around as they are today.

Pan M Faiz also revealed that legislators can form new regulations that contain provisions for reducing thresholds or prohibiting the existence of a single candidate. Although it will contradict this Constitutional Court ruling, it is not a problem as long as no one conducts a judicial review of the latest regulation. Even if someone applies for judicial review, the Constitutional Court can test the rules and determine which is best.

The enthusiasm for the removal of this threshold should be seen from political parties. However, in fact, political parties do not think so. Political parties take advantage of this threshold to make their seats more "valuable" so that candidates who need votes can buy the seats of the political party itself. Even with the abolition of the threshold, it does not mean that there will be so many candidates for regional heads. Of course, there will not be so many candidates who are capable and meet the qualifications. After all, if there is really a large number of candidates who apply and meet the qualifications, it will not be a problem so that the people can vote instead of no choice.

Please note, that the quality of competition is superior if the number of candidates increases. Competition is very useful to strengthen and test the commitment of candidates to the community, by fighting for programs at the campaign stage. Through competition, the public can compare candidates. It can be explained that the opinion of the public in the empty box is increasing who choose not to agree because there is no other choice but the pair of candidates offered, so the community is forced to choose a single candidate.

2. Education for the community and political party cadres

The importance of improving political education for the community and cadres of political parties in local elections is an important means in order to attract prospective leaders at the local level to be prepared to compete at the national level. Whether we realize it or not, the stock of national leadership is very limited. Of Indonesia's population of more than 200 million, the number of national leaders we have is only a few. They are mostly leaders of major political parties that won the 2004 and 2009 elections. Therefore, the hope for the birth of a national leader is precisely from this direct election. By realizing the limitations of leaders who are truly statesmen, the Constitution stipulates that education (including political education) aims to educate the life of the nation. Education plays an important role in shaping the nation's character, values, concepts and culture that will be passed on to the next generation. Education has the potential to develop abilities, shape the character and civilization of a dignified nation, educate the nation's life and build a democratic and responsible society. Of course, this includes political education. With this, the quantity and quality of political cadres must be increased, because in addition to political parties are obliged to provide political education to the public, it is also mandatory to provide political education to their cadres.

The Political Parties Law clearly states that one of the main functions of political parties is to carry out political regeneration and recruitment. The role of political parties as persons with the functions of socialization, education, participation and political recruitment. Political parties must provide maximum political education to the public so as not to get involved in conflicts. Political parties must conduct an objective and capable selection of candidates for

regional head pairs so that they will attract public interest to vote. In addition to providing political education to the community, political parties must also conduct political education to their cadres in the sense of preparing the best cadres to run in the democratic party both in the form of nomination for the head of the district, candidacy as DPRD for the regional level and candidacy for the national level.

Related to political education at the internal level of political parties in the sense of preparing prospective leaders who will be advanced in candidacy both at the local and national levels, of course, political parties must prepare a really good system and move the entire party machine. In order to attract candidates who are truly capable, able to compete and can be well accepted by the community whose ultimate goal is to win the hearts of the people and achieve legitimate leadership.

Political parties must prepare their competent cadres well in advance of the Regional Head General Elections to be held. Political parties as a means of political recruitment and society provide confidence to select someone who has competence and credibility should be able not to be pragmatic. The process of forming coalitions by parties to carry someone should also not carry out party "buying" so as to make the combination of political parties participating in the General Election of other Regional Heads unable to register candidates (M. S. Hadi et al., 2017b).

With regard to the wholesale practice of fat political parties or coalitions and political dowries, it also shows the failure of political parties in carrying out their functions as political recruitment suggestions. Instead of carrying out political education, political parties carry out the practices of the power oligarchy that are strongly opposed by the Indonesian people, and ignore the political recruitment process to produce leaders.

Political parties should be a good cadre producing machine to be nominated in elections, not even thinking pragmatically by nominating pairs of candidates only based on popularity, electability, or who have strong sources of funds, but come from outside the political party rather than having to nominate their own cadres. The continuous failure of regeneration will have a bad impact on the party itself, because over time political parties will lose public support. It is important for political parties to compete fairly in elections.

CONCLUSION

The existence of a single candidate begins with a legal vacuum when the requirements for at least two pairs of candidates to be able to hold elections are not met so the legal vacuum results in the inability to hold regional head elections. The existence of a single candidate stems from the high threshold and costs that must be incurred to run for the regional head. Many political parties are in coalition, resulting in fewer and fewer pairs of passion itself.

If viewed from the principle of democracy, then with the provision of the single candidate contained in Article 54 paragraph (5) of KPU Regulation Number 12 of 2015 which states that until the end of the reopening of the registration period there is only one candidate pair or no candidate pair who register as intended, the Provincial General Election Commission / Aceh KIP or the General Election Commission / KIP district/city determines the decision to postpone all stages and elections held at the next concurrent election.

The enactment of the rule a quo does not solve the problem because first, the postponement to the next simultaneous election has actually eliminated the right of the people to be elected

and vote at the same election at that time so that it is contrary to the principle of popular sovereignty which is the source of the principle of democracy itself. Second, the delay can be justified but there is no guarantee that at the next simultaneous elections the people's right to be elected and vote will be fulfilled has violated the meaning of the sovereignty of the people themselves, so it is not in line with the principle of legal certainty. To overcome the existence of a single candidate itself, it is necessary to review the regulations governing the existence of a single candidate related to the high requirements to run as a candidate spouse, as well as conduct education for the public and political party cadres. In accordance with the Political Parties Law, it is clear that one of the main functions of political parties is to carry out political regeneration and recruitment. The role of political parties as persons with the functions of socialization, education, participation and political recruitment. Political parties must provide maximum political education to the public so as not to get involved in conflicts. Political parties must conduct an objective and capable selection of candidates for regional head pairs so that they will attract public interest to vote.

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