

Referendum Patterns In General Regional Challenges of Regional Head In 2015 In Three Districts; Tasikmalaya, Blitar And North Timor*

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DOI: [10.15408/jch.v5i2.7092](https://doi.org/10.15408/jch.v5i2.7092)

Abstract:

The phenomenon of a single candidate for regional head occurred in the general elections of regional heads in 2015, especially in three districts of Tasikmalaya, Blitar and North Central Timor. These three areas have varying reasons for the occurrence of only one candidate pairs in the election. In reality, this condition is a form of empirical democracy that cannot be rejected and avoided. So then attempted to find a solution to the Democratic Party with the condition of only one candidate pair can still run well. Therefore, the Constitutional Court decided to continue opportunities for the regions to run Local Leaders Election with only one candidate pair's, using the mechanism of agree and disagree, or so-called referendum pattern or poll. The public is only obliged to decide whether to agree or disagree with the candidate for the regional head who follows the general election.

Keywords: Referendum, Single Candidate, Local Leaders Election

* Received: July 23, 2017, Revised: July 24, 2017, Accepted: Agustus 11, 2017.

Pola Referendum Dalam Pemilihan Umum Kepala Daerah Serentak Tahun 2015 Di Tiga Kabupaten; Tasikmalaya, Blitar dan Timor Tengah Utara

Abstrak:

Fenomena calon tunggal kepala daerah terjadi pada pemilihan umum kepala daerah serentak pada tahun 2015, khususnya pada tiga kabupaten yaitu Tasikmalaya, Blitar, dan Timor Tengah Utara. Ketiga daerah ini memiliki alasan yang beragam dalam hal terjadinya hanya satu pasangan calon dalam pilkada. Dalam realitanya kondisi ini merupakan bentuk demokrasi empirik yang tidak dapat ditolak dan dihindari. Sehingga kemudian diupayakan mencari solusi agar pesta demokrasi dengan kondisi hanya satu pasangan calon tetap dapat berjalan dengan baik. Oleh karenanya, mahkamah konstitusi memutuskan untuk tetap memberikan peluang bagi daerah menjalankan pemilukada dengan hanya satu pasangan calon, dengan menggunakan mekanisme setuju dan tidak setuju, atau yang disebut dengan pola referendum atau jajak pendapat. Masyarakat hanya berkewajiban menentukan pilihan setuju atau tidak setuju terhadap calon kepala daerah yang mengikuti pemilihan umum.

Kata Kunci: Referendum, Calon Tunggal, Pemilukada

How to cite (turabian):

Tamrin, Abu, and Yunus, Nur. "Referendum Patterns In General Regional Challenges of Regional Head In 2015 In Three Districts; Tasikmalaya, Blitar And North Timor" JURNAL CITA HUKUM [Online], Volume 5 Number 2 (December 2017).

Introduction

A single candidate in a simultaneous Regional Election that occurred in several regions in Indonesia is one form of empirical democracy. The state of the emergence of a single candidate is a situation that is normatively unimaginable as the concept of democracy expressed by Dahl.¹ It means that, democracy in implementation continues to grow and be influenced by the political system that occurred in the area.

The phenomenon of the emergence of a single candidate in Simultaneous Regional Elections in 2015 in some areas in Indonesia is not a strange and new thing in the international world. It means that the process of political democracy through general election with one candidate or one candidate does not mean impossible to implement. Canada is one of the countries that apply the election process with a single candidate called acclamation. The process is that members are said to be selected or returned unanimously if no other candidates are to advance in the election and there is no vote. This means that if there is only one pair of candidates in the election, then held acclamation without holding the election again. The presidential election with a single candidate was also held in Singapore in September 2011 as a single candidate who is incumbent controls 60% of the vote in parliament. Not only those two countries, Malaysia, the United States and Yemen have also experienced the process of political democracy through elections followed by only one candidate. This shows that democracy at the level of practice is very developed and is still a matter of debate with things that need to be underlined is the concept of political democracy must still be on the criteria of competition and participation. Democracy raises people with inherent human rights, one of which is the right to vote and political freedom in the democracy. Selection patterns with single candidates often use referendum theory. It means that the people only vote to agree or disagree in determining the choice.

The phenomenon of a single candidate was apparent in three districts in Simultaneous Regional Elections in 2015 namely Blitar Regency, Tasikmalaya Regency and North Central Timor Regency. The implementation of Local Leaders Election run orderly, although encountered few obstacles, finally can

¹ According to Dahlin the various distinctions purport about democracy there are several criteria that need to be filled with government processes and all members have a common right to participate in determining a policy. According to him in minimum there are five criteria, namely effective participation, equal voice, clear understanding, agenda supervision, and adult participation[Lihat: Robert A, Dahl, Perihal Demokrasi: Menjelajahi Teori dan Praktek Demokrasi Secara Singkat, translated by Zainuddin, Rahmat, (Jakarta: Yayasan Obor Indonesia, 2001), p. 53.

be decided by the General Election Commission as a result of the binding general election. The implementation of it did get various responses from various parties, both from the pros and cons.

The condition and atmosphere of Local Leaders Election in each region, Blitar Regency, Tasikmalaya Regency, and North Central Timor District have a diversity of community background and response, even though they have only one candidate or single candidate in the Local Leaders Election.

Referendum Theory

The implementation of Local Leaders Election with single candidate using mechanism agree or disagree. This is same with the theory of referendum in popular polls in a country. Therefore, the relevant theory in this study is the theory of referendum. Referendum (from Latin) or poll is a universal voting process to take a decision,² especially a political decision affecting a country as a whole, such as adoption or constitutional amendment or new law, or a country's territorial change. In a referendum, a voting public is consulted. The results of the referendum may be considered binding or non-binding. A referendum is considered binding if the government has to follow all the people's answers in the referendum results. If the referendum is not binding, the referendum is only used as an advisory function only, where the results do not have to be followed but become one of the considerations in the next decision making.

In general, there are two types of a referendum, namely the legislative referendum and the universal referendum. A legislative referendum is adopted if an adoption or renewal of a constitution or law requires the consent of the whole people, whereas the universal referendum is a referendum act organized on the basis of the will of the people, preceded by a demonstration or petition which garnered majority support.³ With the referendum, the people are directly involved to determine their opinions. Whether to agree or not. A referendum is a theory that has long been known in the constitutional system.

The pattern of referendum used in the election with a single candidate has received legitimacy from the decision of the Constitutional Court.

² Pusat Bahasa Departemen Pendidikan Republik Indonesia "Kamus Besar Bahasa Indonesia dalam jaringan". Retrieved on July 30th, 2012.

³ National Conference of State Legislatures Retrieved on Mei 2nd, 2014.

According to the Constitutional Court, technical implementation of the referendum is considered to meet the constitutional rights of voters. The judges of the Constitutional Court granted the lawsuit Professor of Political Communication University of Indonesia, Effendi Gazali on the rules of the single candidate in Law Number 8 of 2015 about Local Leaders Election.⁴

In its consideration, the Constitutional Court sees the legislators doesn't give way out if the minimum requirements of two candidate pairs are not met. Thus, there will be a legal vacuum which resulted in the election of regional heads cannot be held. Based on these matters, the Constitutional Court views, the postponement of Local Leaders Election is contrary to the spirit of the 1945 Constitution for harming the constitutional rights of citizens. However, the Constitutional Court did not agree with the blank box solution on the ballot as it was proposed from various circles.

The solution that is given by the Constitutional Court is in the form of election by referendum. Although not mentioned explicitly in consideration, the technicality is the same. If the votes of the people voted more favorably, a single candidate could be designated as the elected head of the region. Conversely, if more choose disagree; the election is postponed to the next elections simultaneously.

The mechanism is considered more democratic than winning by acclamation without asking people's opinions. With the election of a referendum, the people can use their right to vote. The use of that way becomes a new history for the electoral system in Indonesia. Previously, the referendum system was never used because there were always at least two pairs of candidates, both Presidential Election, and Local Leaders Election.

⁴ On that's decision, the Supreme Court stated 4 articles on general election constitution are conditionally illegal. Article 49 sections 9, 51 section 2, 52 section 2. In article 49 sections 9 for instance, the supreme court stated that those articles contradicted 1945 constitution as long as not considered in accordance with the Supreme Court decision. Along with another article, the Supreme Court added the new meaning to connect regulation sentence to that constitution. On that decision, the Supreme Court mentioned that the decision is not retroactive. The decree also understood as a green lamp for three regions which its general election has been delayed in 2017, those regions are Blitar, Tasikmalaya dan Timor Tengah Utara.

Election Conditions and Ambition with Single Candidates in Three Districts

1. Blitar Regency⁵

Blitar District is included in three districts in Indonesia which failed to hold simultaneous Regional Election. This is because candidates in the elections are only one pair (single candidate). Legislation Regulation as stipulated in Law Number 10 of 2016 on the Election of Governor, Regent and Mayor explain, Local Leaders Election must be followed by at least two candidate pairs. To implement the regulation, General Election Commission (GEC) of blitar regency extends up to two registration times. However, until the specified time only one pair of candidates who register.

The issue did not last long, the Constitutional Court granted a judicial review of Law Number 8 of 2015 on the Election of Governors, Regents, and Mayors so that Blitar Regency can hold Local Leaders election in 2015 with only one candidate pair.

The political condition of Rijanto-Marhaenis Urip Widodo candidate from the coalition of the Indonesian Democratic Party of Struggle and Gerindra Party, not one party dared to fight the incumbent candidate. In fact, even the big party coalition (PKB, PAN, Golkar, PPP, Democrat, Nasdem, Hanura and PKS) only chose silence did not register candidate pairs.⁶ Finally, the candidate pair of regent and vice regent of Rijanto-Marhaenis Urip Widodo passed the administrative test by the local GEC and declared able to follow the referendum December 9, 2015.

Local Leaders Election with one candidate pair in the implementation was not an easy matter, GEC Blitar gets difficulties. This is because the time is limited and narrow and the electoral system is different from other regions, so this condition requires the policy of the Central Election Commission.⁷

After the determination of a single candidate, the Blitar GEC is considered unfair by a group of masses who are in the name of the Blitar

⁵ Blitar region is one of the regions in east java province, geographically locates at 111 25' – 112 20' the east longitude and 7 57-8 951' the south latitude in southeast of Surabaya and the distance is more than 160 Km. the boundaries of it are as follows; the south: Kediri and Malang Region, The east: Malang region, the South Indonesian ocean, and the West Tulung Agung and Kediri region. Look at <http://www.blitarkab.go.id/2012/06/06/gambaran-umum-2/>

⁶ Solichan Arif, *Kabupaten Blitar Akhirnya Gelar Pilkada dengan Calon Tunggal*, okezone news: September 29th, 2015, 19:50 PM.

⁷ Hari Tri Warsono, *Calon Tunggal Pilkada Blitar Lolos Uji Administrasi*, Tempo.co-Nasional: October 15th, 2015, 16:37 PM.

Forum. They argue that the Blitar GEC takes sides with incumbent candidates by installing a single candidate banner. They also added that a fair referendum is to provide a complete picture to the public. In this context, which is only followed by one candidate pair, the GEC should install banners by socializing in the form of support for those who agree and not support for those who disagree. However, in practice, GEC only put up a socialization banner containing the option "agree" only. In fact, people are not necessarily much to agree and even may refuse to disagree with the candidate pair.⁸

Based on the recapitulation of KPU Blitar officially won the single candidate pair. The PDI party admitted victory was influenced by the absence of opposition from the big coalition. Nevertheless, a very strong party contribution is enough to help the wins earned by this candidate.

In this Local Leaders Election, the Blitar GEC revealed that the number of Abstain is 43% larger compared to 2014 presidential election. GEC Chairman believes this is due to the fact that the number of migrant workers and not a few people do not want to vote only one candidate pair. In the previous Indonesian Legislative Election and Presidential Election, the number of migrant workers was not included in the DPT. While in Local Leaders Election the number of migrant workers are included. After the recapitulation was implemented, the KPU gave three days to the parties to file the lawsuit and then the determination of the 2015 election winner in Blitar Regency.⁹

The grace period given to the parties by the Blitar GEC to file a lawsuit has been completed and no one has filed a lawsuit related to the recapitulation result. Subsequently, based on the plenary meeting, the Blitar GEC appointed the single candidate Rijanto-Marheinis as the winner with 84% votes and the majority of Blitar residents voted in favor of the incumbent.¹⁰

The 2015 simultaneous regional elections in Blitar Regency with single candidate pairs have good potential and impact in terms of political, social, cultural and technical as well as administrative aspects:

a). The political, social and cultural conditions of Blitar Regency

⁸ Hari Tri Wasono, *Calon Tunggal Pilkada Blitar, KPU Dituding Tak Adil*, M.Tempo: November 2nd, 2015, 20:54 PM.

⁹ Solichan Arif, *Calon Tunggal Pilkada Blitar Raup 84 Persen Suara*, newsokezone.com: December 16th, 2015, 20:40 PM.

¹⁰ Solichan Arif, *Sepi Gugatan, Paslon Tunggal Biltar Ditetapkan Pemenang*, Sindonews: December 22nd, 2015, 10:16 AM.

The area known as Mataraman has the character of society with a thick Javanese culture. The incumbent figure is considered as a credible figure and acceptable to all circles. Extensive support from potential elements to be competitors makes the political situation at the local level feel stag and less dynamic. The result is that the registration process is forced to be extended because the incumbent candidate initially also has no interest in following the political contestation in simultaneous regional elections in 2015.

The decline in the leadership transition process is also influenced by the poor cadre of local political parties. In the opinion of various sources who became respondents. Such as the opinion of Budi Susetyono as Intellectual Intelligence Police Blitar,

"For Single Candidates in Blitar regency little bit softened, especially in some political parties, the response in the community is not yet clear about the problem of the Single Candidate, the euphoria in the lower society is less enthusiastic, the hustle and bustle are only happening in the political elite. Before there is a Constitutional Court decision we are calm, no partner is delayed to 2017. With the issuance of the Constitutional Court's decision will not we move, but in the process, the stages are run institutions have started to work from preparation to implementation even though the dynamics stalled during the nomination. The problem in Blitar district there is only one candidate pair is political decisions made by political parties, there is some that background. In Blitar district it is currently very poor or minimal KADER. "

Socially, the apathetic nuance of society in Blitar Regency to the political process is thick. The influence of too close distance between political moments also affects the level of community apathy. Having previously undergone a national political moment with the Legislative Election and Presidential Election, in the near future must undergo again the election process. The saturation factor in society arises from the lack of dynamic political life at the local level.

In the figures considered potential to be candidates are found psychological nuances known as ewuh-pakewuh to compete with prospective petahana in elections contestation in 2015.

b). Technical and Administrative Aspects

The apathetic factor in the community in Blitar Regency has the potential to cause a decrease of the participation rate in the implementation of voting in the election. Nevertheless, the experience in implementing Village Leaders Election with one candidate pair in several villages in Blitar Regency

can be a positive factor in facilitating the socialization related to the technical implementation of voting in the election with one candidate pair.

1. Tasikmalaya Regency¹¹

Local Leaders Election in Tasikmalaya Regency experienced the same thing with Blitar Regency which only has one candidate pair. Until the deadline is determined only one pair of candidates register to the Regency KPU Tasikmalaya. Similarly, Blitar Regency, in GEC Tasikmalaya still continues after a decision of the Constitutional Court on the judicial review of Law No. 8 of 2015 on the Election of Governors, Regents, and Mayors.

Tasikmalaya's candidate for single election became a polemic, a number of people gathered in the Romantic group (community disagree) declared the group to vote in Tasikmalaya district elections. They believe that the vote that disagrees in the election will win up to 75% because it is because a single candidate who is registered is not shown to lead the leadership that is worthy of emulation. Single candidate pair is incumbent partner believed by the successful team of Tasikmalaya Regency majority people are agree.¹²

In Tasikmalaya, Local Leader Election based on GEC data of single candidate pair get more agree on vote and in this case become the winner. However, the result was sued by a number of students who are acting on behalf of election monitors. They are from Galunggung Law School. Based on incumbent single candidate data has been reported on the basis of fraud and/or embezzlement of money in road construction projects in 2011 amounted to 700 million rupiahs. If the KPU regulates the requirements of candidates for the regional head, the single candidate for regent of petahana does not qualify as a regent candidate registering in Tasikmalaya district elections in 2015. The result of Tasik Regency election is the only one sued by the monitors to the Constitutional Court.¹³

In addition, the lawsuit is not only filed by a number of students who are on behalf of election monitors, but a number of people joined in the group on behalf of the Tasikmalaya Community Forum also sued the results of the

¹¹ Tasikmalaya region located between 7°02'29"-7°49'08 south latitude 108°26'42" east longitude. Administratively bounded by the north borders by Tasikmalaya and Ciamis, The South borders by the Indian Ocean, The West orders by Garut, the South borders by Ciamis.

Look at: [Lihat: <http://www.jabarprov.go.id/index.php/pages/id/1046>].

¹² Heyder Affan, *Polemik Pilkada Calon Tunggal di Kabupaten Tasikmalaya*, bbc.com: December 5th, 2015

¹³ Andi Saputra, *Pilkada Tasik Satu-satunya Calon Tunggal yang Digugat Pemantau Ke MK*, News-detik.com: Friday, January 5th, 2016.

election with a single candidate. They assess the Local Leader elections in Tasikmalaya Regency in 2015 there are many violations. They also prepared 54 of evidence offense presented at Session in Constitutional Court.¹⁴

However, on the way, the lawsuit filed to the Constitutional Court was rejected. The Constitutional Court believes that the applicant does not have legal standing to submit a lawsuit. The Constitutional Court judge also considered that the applicant has not received accreditation from election monitors from GEC.¹⁵

After the Constitutional Court ruled in its decision to reject the election result from a community organization, Tasikmalaya Election Commission specified the elected candidate pair as Regent and Vice Regent of Tasikmalaya namely Ruzhanul Ulum and Ase Sugianto Law. The elected couple was inaugurated by West Java Governor Ahmad Heriyawan.¹⁶

The 2015 simultaneous regional elections in Tasikmalaya Regency with one single candidate pair have a potential and good impact, in terms of political, social, cultural and technical as well as administrative aspects, namely:

a. Political, social, and cultural conditions of Tasikmalaya Regency

Tasikmalaya regency, located in the southern province of West Java is one of the areas of development barometer in the region. Of course, every development program is the public's concern to keep monitoring it. Regional leadership as a guide in implementing development programs cannot be separated from the attention of the people who culturally still follow the tradition of feudal nuances with patron-client pattern between the community and the community of scholars or community leaders (Ajengan and Kyai).

The phenomenon of the emergence of one candidate pair in the registration process of election participants in Tasikmalaya Regency occurred due to dissatisfaction in the political group which is counter with the incumbent candidate, thus pursuing the political alliance and impacting the agreement to delay the election by exploiting loopholes in Law No. 8 of 2015 about the election. Encouraged also by some internal conflicts in some political parties that should be able to carry other candidates, the impact on the declining interest of figures that are considered potential candidates for election.

¹⁴ Wartapriangan, *Pilkada Tasikmalaya digugat Ke Mahkamah Konstitusi*, January 6th, 2016

¹⁵ Nabilla Tashandra, *Ini Alasan MK Tolak Gugatan Sengketa Hasil Pilkada Tasikmalaya*, and Kompas.com: January 18th, 2016 20:04 PM.

¹⁶ Irwan Nugraha, *Gugatan MK Ditolak, Uu-Ade Ditetapkan Jadi Bupati dan Wakil Bupati Terpilih Tasikmalaya*, Kompas.com: Agustus 20th, 2015, 00:28 PM.

According to some informants who become respondents, would be not "fair" if the Local Leaders Election is held in the position of the incumbent candidate still occupy his position. Because alleged the candidate has taken advantage of his position to conduct a veiled campaign before the campaign period in the election stage passed. Sound division within the elite community of Ajengan and Kyai also occurred, until some institutions and organizations formed an alliance of civil society to reject the Constitutional Court's decision to order the election to be held with one candidate pair. The perception that the Constitutional Court's decision is late and forced to strengthen in the community through the campaign of the community movement that rejected the implementation of the election in 2015.

The factor of mistrust of potential competitor figures is also one of the causes of the lack of registrants in the 2015 election which is triggered by the belief that petahana candidates have a strong support base at the grassroots level.

b. Technical and administrative aspects

The same thing with North Central Timor regency also occurred in Tasikmalaya Regency, but due to the different regional situation in terms of access to transportation and communication, so in Tasikmalaya regency, technical and administrative preparation problems can be relatively easily solved. In the aspect of socialization related to technical polling is considered to require more intensive and fast handling according to some sources. That's because many people still do not understand the concept of Local Leaders Elections with one candidate pair. The level of risk of errors in the voting process becomes high if socialization cannot run maximally.

3. North Central Timor District¹⁷

As with the other two districts, North Central Timor District attends Local Leaders Election in 2015 with a single candidate. In this district is also a single candidate petahana couple that is Raymindus Sau Fernandez and Aloysius Kobes. Despite twice the registration of candidates for regent and vice regent, there has been only one pair of candidates applying to the North Central Timor District KPU. Whereas previously heard information that there is one

¹⁷ North middle Timor region is located in Nusa east-southeast province of Indonesia. The capital of the region is situated in Kefamenanu City. [Look at https://id.wikipedia.org/wiki/Kabupaten_Timor_Tengah_Utara].

pair of candidates who will register the Eusibio Honai Rebelo and Raymundua Loin. However, until the deadline and up to two extensions are not visible register to the KPU.¹⁸

The Local Leaders Elections of North Central Timor District appear to be lackluster because only one candidate pair is registered as a participant at that time. The atmosphere in the district appears cool, there are no activities related to candidates in the election, especially no chat who is champion, the citizens seem to keep running their activities without even discussing potential leaders in their area. A number of residents also claimed to be forced to choose an incumbent partner because only one candidate pair who participated in the Election District of North Central Timor in 2015. Lacking attitude and indifferent people to the election at that time because the single candidate is an incumbent and in the previous period has not managed to lead with both in the area. Although the candidate pair has the social closeness with the community in the area.¹⁹

The Local Leaders Elections in North Central Timor District were delayed. This is due to the burning of the KPU Office of the area. The fire caused the entire document to burn. However, the situation did not stop the rate of elections in the area, the elections are still running.²⁰

The 2015 Simultaneous Regional Election in North Central Timor Regency with one single candidate pair have a potential and good impact from the political, social, cultural and technical aspects as well as administrative aspects:

a. The political, social and cultural conditions of North Central Timor District

The area which is the border of the Republic of Indonesia with the Democratic Republic of East Timor is a political culture divided between the community that from the beginning is the local population and the East Timor exodus community after the referendum in 1999 that made East Timor apart from NKRI and became its own country. The community with the background of the exodus from Timor Leste is politically very familiar with the term Referendum because there is still historical experience as well as psychological

¹⁸ Marselinus Gual, Ini Cerita Timor Tengah Utara gelar pilkada calon tunggal, Merdeka.com: December 7th, 2015, 14:41.

¹⁹ Marselianus Gual, Calon tunggal bikin Pilkada Timor Tengah Utara tak bergairah, Merdeka.com: December 7th, 2015, 16:45.

²⁰ KPU Terbakar, Oscar Praso, Pilkada Timor Tengah Utara Tetap Dilanjutkan, nttterkini.com: Oktober 12th, 2015, 05:16.

trauma as a result of the political process using Referendum method. While the people who are local residents almost most are not familiar with the concept of a referendum because it has never experienced the process before. Some of them only heard from relatives of East Timorese exodus backgrounds, so that the negative inclinations that were reflected in them when confronted with the term referendum.

The simultaneous regional election in North Central Timor District will be postponed until the next period in 2017, and finally will be held in 2015. However, a voting method that will only be followed by one candidate pairs seems to pose new problems to voters in the North Central Timor District because even though the referendum term is not used but its implementation will technically be like a referendum process.

According to Victor Manbait as a non-governmental organization practitioner, the Court's decision itself has not been well socialized to the community, resulting in confusion in the community itself. The people who initially only knew if the election in North Central Timor District was postponed until 2017, suddenly had to keep running the election in 2015. The people who have not been a long time feel calm after have felt the political tension for several years due to political conflict after the previous elections, now must be prepared to feel political tension again because the election should still be implemented.

From the aspect of government, according to Felix as Head of Bappeda of North Central Timor Regency Government, it will be a big obstacle for development in its territory if until the end of the regent's term which is now continued by only PLT. Because the District of North Central Timor is a border area and the central government is preparing a large program related to the development of border areas. Government administration of these programs will not be able to run optimally if there is no definitive regional head in the region.

b. Technical and administrative aspects

Geographically, the condition of the vast and mountainous North Central Timor District makes inter-regional communication difficult and limited. The means of transportation and communication that are still limited also cause a fairly complicated problem. Few residents and relatively inadequate human resources led to slower recruitment for the organizers at the polling station level and supervision.

With a narrow time after the Constitutional Court's decision was issued, forcing the organizer of the Local Leaders election to be extra hard to complete the technical preparation stage. Discontinuation of activities by district-level Panwas after the postponement of an election after registration there is only one candidate pairs of polemic that require handling effectively and efficiently because it impacts on the administrative legality of the implementation of the local leader's election.

The Results of Single Candidate Local Leaders Election Recapitulation

1. Blitar Regency

KPU of Blitar Regency officially announced based on the result of recapitulation of vote counting of Local Leaders Election of Blitar Regency with one single candidate pair on behalf of Rijanto-Marheinis Urip Widodo (RIDO) as the winner in the election. Single-candidate RIDO couples have agreed on support of 428,075 votes or 84%. Not only big win in the "cage" bull like Nglegok District (29191 votes), Ponggok (32,648 votes), Gandusari (28,055 votes), and Talun (25,211 votes).

In West Blitar Region which are not PDIP pockets such as Srengat sub-district (21,457 votes), Udanawu (12,998 votes), Sanankulon (19,563 votes) and Kanigoro sub-district (27,182 votes), the pair is an absolute superior. Total votes disagree or reject the RIDO candidate partner to be the Regent and Vice Regent of Blitar only 76,121 votes. From DPT 964,928, attendance or participation is only 57%. Total valid votes are 504,196 votes. While the invalid votes are 41,281 votes.

A spokesperson for Taufik Single Couple Speaker revealed that the biggest contributor to RIDO's candidate partner rape is the Struggle PDI constituent. The KPU with the simulation of voting is also acknowledged to help further recognize the candidate partner in the community. However, it does not deny that candidate figures also contribute no small votes. According to Taufik, the victory is precisely the first step in RIDO's cadidate partner embodies the mission and vision that are presented during the campaign.

After announcing the results of the recapitulation, the KPU gives three days of recapitulation to the parties seeking to file a lawsuit. If no, the KPU will directly establish RIDO candidate partner 22 December 2015.²¹

The Chairman of Blitar Regency KPU revealed that the result is a recapitulation of 22 districts in Blitar District. All data from the subdistrict selection committee have been recapitulated and the data has been entered. The number of permanent voters lists in Blitar Regency is 964,928 voters spread over 22 subdistricts. They provide their aspirations in all polling stations provided. In the process of recapitulation, it also runs smoothly. No residents objected to the recapitulation process, and the witness team also gave the signature of the election result approval.

The KPU has given the opportunity for three days before the election is determined. The general public can file a lawsuit regarding the objection of the election result to the Constitutional Court. Meanwhile, the commissioner of the Election Supervisory Committee of Blitar Regency said that in the implementation of the election of single candidates in this district there is no serious criminal offense. In addition to these findings, during the elections, there were also a number of findings, such as a scheduled violation. Any violations of any administrative violation are not up to the penalties. Local Leaders Election implementation in Blitar Regency as a whole is quite good. However, Election Supervisory Committee still provides recommendations among them various improvements such as distribution logistics. It also hopes that with this evaluation, the implementation of the next election could be even better, even with a single candidate.²²

b. Tasikmalaya Regency

The General Elections Commission of Tasikmalaya Regency held a Plenary Recapitulation Meeting on the Regional Head Election with one candidate pair, at the Da'wah Singaparna Building, Tasikmalaya Regency on December 16, 2015. The Plenary Recapitulation Result of GEC of Tasikmalaya Regency, single candidate pair Uu Ruzhanul Ulum- Ade Sugianto votes agreed at 67.35 percent or 500,908 votes. Meanwhile, the vote "Disagree" amounted to 32.65 percent or 242,895 votes from 810,668 votes or 60.33 community

²¹ Solichan Arif, *Calon Tunggal Pilkada Blitar Raup 84 Persen Suara*, okezone.com: December 16th, 2015, 20:40.

²² Asmaul Chusna, *Pasangan Pilkaa Calon Tunggal Menang 84, 90 Persen*, www.antarajatim.com: December 16th, 2015, 20:53.

participation. The chairman of General Election Commission of Tasikmalaya Regency revealed that this recapitalization is based on votes collected from 39 sub-districts, and the results are directly determined.

The recapitulation plenum was originally scheduled on December 17, 2015; however, due to Commitment Making Official work that is rapid in the counting process in each sub-district, the Plenary was eventually accelerated. The GEC in Tasikmalaya Regency also received appreciation from the General Election Commission as a region that performs Recapitulation in every second fastest sub-district in Indonesia.²³

After carrying out the vote recapitulation, if there is no lawsuit, GEC of Tasikmalaya Regency will determine the elected candidate on December 22, 2015. With the completion of the Plenary of Vote Recapitulation, Local Leaders Election stages to be passed in the future can run smoothly.

3. North Central Timor District

Based on the interim vote recapitulation by the North Timor Central Election Commission, incontinent candidates, Raymundus Fernandez-Aloysius Kobes, won 34,037 votes or 79.59 percent voted. While those who do not agree 8,728 votes or 20.41 percent.

The amount, according to the General Election Commission data from 188 polling stations or 43.72 percent of the total of 430 polling stations. With valid votes of 42,765 or 86.87 percent, an invalid vote of 6,462, bringing a total of 49,227 votes. Votes that go to the local GEC come from 24 districts in the area.

The spokesman of North Central Timor GEC, Fidel Olin said the data came from the Central General Election Commission because the regional GEC only scanned C-1 data which was then sent to the Central Election Commission. The calculation is done at the Central Election Commission. Regency GEC only scans and sends to the center.²⁴

DISCUSSION OF RESEARCH RESULTS

1. The Level of Public Participation in the Single Election of Single Candidates in 2015

²³ Nova Nugraha, *Kabupaten Tasikmalaya Tetapkan Hasil Rekapitulasi Suara Pilkada Calon Tunggal*, www.rii.com: December 16th, 2015, 19:25 PM.

²⁴ Yohanes Seo, *Calon Tunggal Pilkada TTU Sementara Disetujui Rakyat*, *Tempo.com*: December 10th, 2015, 9:12 PM.

Public participation in Local Leaders Election in each region is very diverse. Although using a referendum pattern with only one candidate, the level of public participation in these elections varies. The level of public participation in simultaneous regional elections in 2015 can be seen in the following discussion.

a. Regency of Blitar

After being delayed for about one and a half months, because it only has one candidate pair, the Blitar District Election Commission can finally follow the election stage of Regent and Vice Regent simultaneously with the agenda of Single Partner Pairs Determination for Blitar Regent and Vice Regent Election 2015.²⁵ The single candidate is Rijanto and Marhenis Urip Widodo, both of whom were promoted by the Indonesian Democratic Party of Struggle. Previously, the candidate pair was carried by two political parties namely PDIP and Gerindra Party, but the Blitar District Election Commission struck the Gerindra party as the incumbent's carrier coalition, failing to show the coalition agreement between the political parties. Quoted from the page Okezone.com, the reason of Regional General Election Commission Blitar Regency do the write-off because Gerindra Party only submits a letter of recommendation from the Party Leadership Council without including a letter of the coalition agreement between political parties.²⁶ The removal of the Gerindra party as the party of the single candidate pairs in Blitar regency did not affect the nomination of incumbent couple Rijanto-Urip Widodo (RIDHO) so that de jure, PDIP became the only political party holding RIDHO pairs. The biggest reason why Blitar Regency can only produce one pair of candidates is that of the reluctance of other political parties to carry their candidates. A large coalition led by the National Awakening Party (PKB) deliberately maneuvers the Local Leaders Election boycott by not registering his champion. In addition, independent candidates also did not appear in the democratic party contest in the District which is famous for the icon of Penataran Temple.

The Lack of public participation in the process of simultaneous regional election with only one candidate pair there are some problems, including;

1). The lack of socialization conducted by the Blitar District Election Commission on the procedure of the voting process in the polling station with

²⁵ Komisi Pemilihan Umum Daerah (KPUD) Kabupaten Blitar, <http://kpu.blitarkab.go.id/?p=546>, retrieved on February 2016.

²⁶ Solichan Arif, "KPU Blitar Bubarkan Koalisi Pungusung Calon Tunggal" on <http://news.okezone.com/read/2015/10/15/519/1232582/kpu-blitar-bubarkan-koalisi-pengusung-calon-tunggal>, retrieved on February 24th, 2016.

the ballot "agree" and "disagree". As quoted in Tempo, some residents in Wonodadi subdistrict claimed to have not understood the technical voting of ballots that only included one picture of candidate pairs. Some residents in Blitar district still do not understand that in the process of the election with a single candidate is done by piercing the column agreed if choosing a prospective partner to become head of the region, or by not punching image candidate pairs. In this way, the voter approves or chooses a single candidate partner to become a regional head. The ballot will become invalid if the voter pierces the candidate partner picture on the ballot.

The reason for the uneven distribution of this socialization process is because there are still many people who understand that the Local Leaders Election in 2015 in Blitar Regency is similar to the previous election process. This should be an evaluation material not only by the district government which has only one pair of candidates, but also nationally, the issue of the implementation process of it with single candidate partner should be given attention and socialization for the implementation of a democratic process.

2). Some regions do not yet know correctly the election procedures with referendum voting patterns. So that the implementation of Local Leaders Election on December 9, 2015, was allegedly less to get public participation. This is evident from the statement of Bluditar District Election Commission that when compared with the legislative elections, the process of Simultaneous Regional Election in 2015 was classified as low.

3). The Weather conditions during local elections. The rainy weather factor at the time of the election in Blitar district caused many residents who prefer to go to the rice fields rather than go to the Polling Station.

4). The absence of voters in Blitar district also supports the lack of community participation. For example, in the Wonodadi area, most of the population works as Female Workers (TKW) so they can not channel their voting rights.²⁷

5). The Factor of candidate figure which does not match with the conscience of Blitar Regency community. This factor resulted in simultaneous minimum election participation. Some residents felt that in the absence of competition in the elections, by Ruchana, one of the villagers of Wonodadi was quoted in Tempo as saying that he was reluctant to come to the polling station

²⁷ Hari Tri Wasono, "Partisipasi Pemilih Minim KPU Blitar Salahkan Hujan" on <http://nasional.tempo.co/read/news/2015/12/14/058727649/partisipasi-pemilih-minim-kpu-blitar-salahkan-hujan>, retrieved on February 25th, 2016.

because he felt that the election with a single candidate did not give him a choice of candidates, so the impression that was created was the local leaders election only as a tool coercion to choose an existing candidate.²⁸

Nevertheless, the victory or the vote agreed upon the Rijanto and Marhenis couples still more than the vote disagree. Quoted on Okezone.com based on survey results and vote counts stated that the number of voters agreed as much as 421,720 votes or 78% of the vote. Meanwhile, voters disagree as much as 76,941 votes or 14%.²⁹ Referring to the number of Final Voter List of 964,928, the single attendance rate for single-captive elections was only 56% and absentee rate of 44%. The statement as expressed by Ruchana above can not be faulted because in the absence of a potential opponent to make a democratic system that is known so far by the community is by the existence of a competition that requires two or more options.

6). The low level of participation of political parties or independent candidates to participate in the elections also affects the level of public participation to vote and grant the right to vote. This is certainly irrespective of the Constitutional Court ruling which mandates the GEC to keep elections even though it is only followed by one candidate pair.

The results of voting and vote counting in the implementation of Local Leaders Election in Blitar in 2015 set the couple Rijanto-Urip Widodo as Regent and Vice Regent of Blitar Regency period 2016-2021 conducted by Regional General Election Commission (RGEC) in Blitar district on Tuesday, December 22, 2015. The determination is done by RGEC Blitar district based on Decision of Blitar Regency KPU Number 50/KPPS/KPUKab / 014.329671 / XII / 2015.³⁰ Based on the determination, the couple Rijanto-Urip Widodo based on the democratic process through the election was chosen by Blitar residents to lead Blitar Regency in the next five years.

b. Tasikmalaya Regency

²⁸ Hari Tri Wasono, "Partisipasi Pemilih Mimim KPU Blitar Salahkan Hujan.

²⁹ Solichan Arif, "Calon Tunggal Berjaya di Pilkada Blitar", on <http://news.okezone.com/read/2015/12/10/519/1264323/calon-tunggal-berjaya-di-pilkada-blitar>, retrieved on February 25th, 2016.

³⁰ Redaksi Teras Jatim, "6 Daerah di Jatim Gugat ke MK Lamongan dan Kabupaten Blitar Sudah Ditetapkan" on <http://www.terasjatim.com/6-daerah-di-jatim-gugat-ke-mk-lamongan-dan-kabupaten-blitar-sudah-ditetapkan/>, retrieved on February 25th, 2016.

The level of public participation in the election of regional heads in Tasikmalaya district is not much different from other districts. Lack of public enthusiasm and elite political parties to participate in the deployment of this people democratic party.

Ateng,³¹ a member of Election Supervisory Committee (ESC) in the subdistrict of Culamega, gave the response when interviewed by the research team. Ateng said that the General Election of 2015, especially in Culamega sub-district runs safely and smoothly even ESC in Culamega sub-district get a certificate from the province because it is considered the best. There are no significant obstacles from the start of the registration stage to the counting. As general election supervisor committee as well as employees of Ateng sub-district conveyed that the perceived obstacles are only technical in which the majority of people are confused by the procedures of vote casting.

According to Ateng³² socialization is done to the community is maximal enough, but the level of public understanding of the pattern of the referendum that makes local leaders election less festive. Ateng says:

“Socialization conducted in the 2015 election is enough that this can be seen in the community from various districts Culamega already understand the subject of the selected candidate is a single candidate. When talking about the election festivity in 2015 is not as vibrant as the previous election. Preparation and lack of time become one of the perceived considering the moment must wait for the decision of the Constitutional Court in advance whether the election is still held or postponed to 2017.”

Talking about democracy, Ateng³³ said that the election with a single candidate can still be said to be democratic because in terms of legal status is legitimate according to the decision of the Constitutional Court and the public still has the right to agree or disagree with the candidates offered to be their leader for 5 years. The implementation of the referendum system in the 2015 election, according to him, is appropriate given the constitutional rights of the people as the highest sovereign holders should be prioritized and ultimately stipulated in the statement agree or disagree.

The pattern of the referendum does not provide a full guarantee to the sovereignty of the people, but this pattern is sufficient if used as an emergency exit for the phenomenon of a single candidate in Tasikmalaya district. The ideal

³¹ Researchers interview to Ateng, in his residence, on Agustus 14th, 2016, 07:00 AM.

³² Researchers interview to Ateng, in his residence, on Agustus 14th, 2016, 07:00 AM.

³³ Researchers interview to Ateng, in his residence, on Agustus 14th, 2016, 07:00 AM.

election is indeed an election with 2 or more couples or candidates because of the choice for the wider society and the people's party atmosphere becomes more pronounced with the competitive atmosphere in the election.

The occurrence of a single candidate in Tasikmalaya district was allegedly due to the provision that if the council members run for office they must release their positions first, so they re-think to run. In fact according to Ateng³⁴ actually, already there are some parties who have declared themselves through billboards to go forward, but apparently not so register to the Election Commission. Though the head of the region that ran for office there were no rules in the regulation that said they had to give up their positions first. With the occurrence of a single candidate phenomenon in the election in Tasikmalaya district is expected to be a turning point for democracy in Indonesia. People's sovereignty is not only fixed on the number of candidates, but also the people have the choice to follow their conscience.

c. North Central Timor District

The level of public participation in the election with single candidate pairs in North Central Timor District is illustrated in an interview conducted by the research team to, Martin, Vice Chairman of the DPC PDIP of North Central Timor District. From the interview result can be concluded as follows:

1). There was confusion among the communities, especially when there was no other candidate pair who openly declared themselves to advance in the 2015 election. The confusion increased after the candidate pair did not register themselves to the GEC until the registration process closed.³⁵

2). The emergence of the assumption of some communities that the results of the election with a single candidate do not have the power of law and the elected candidates cannot be sworn in.³⁶

3). The lack of regeneration of political parties to carry their candidates in the regional head elections in North East Timor. ³⁷ Included in this case is the

³⁴ Researchers interview to Ateng, in his residence, on Agustus 14th, 2016, 07:00 AM.

³⁵ Look at Researchers interview wuth Martin, in North Timor-Timor, on Wednesday July 20th, 2016, 14:00 AM.

³⁶ Look at Researchers interview to Martin, in North Timor-timor, on Wednesday July 20th, 2016, 14:00 AM.

³⁷ Look at Researchers interview with Martin, in North Timor-Timor, on Wednesday July 20th, 2016, 14:00 AM.

Indonesian Democratic Party of Struggle (PDI-P) which does not carry a candidate for the regional head.

Martin says:

“The PDIP can only assume that forming of cadres within their party is not good enough, only the most prominent is Mr. Esebia, he is a former Dandim at the TTU District Military Command, then the former incumbent regent who previously served is also known to be prepared to move forward, to register at the GEC. Asked why not run, but their reasons Various one of them is TTU conditions that are not comfortable and want to create a new history in TTU. The statement clearly contains elements of discrediting the PDIP.”³⁸

According to Habe,³⁹ PDIP DPC Secretary of North Central Timor District stated that the single candidate election held in 2015 in North Central Timor Regency can be said to run well without any obstacles. According to him, Local Leaders Election with single candidates can still be said to be democratic because the constitution protects the rights of Indonesian citizens who want to run and elect a candidate for a regional head.

Habe asserted that although during the campaign period there were many *black campaigns*, at the time of voting did not happen until the unexpected thing happened. The phenomenon of this black campaign can still be found easily during the campaign and conducted from village to village, whereas the law has been strictly regulated on the matter. The main issue is that the 2015 election is unconstitutional and should be canceled, so they are urging the public not to come and vote at the time of the vote.

The Weak law enforcement associated with this black campaign is still a separate task that must be resolved soon. In addition, sanctions against parties that do conspiracy still do not exist, thus raising the legal loophole for the party as the election participants to not attend at the time of registration to the Commission as an attempt to disrupt the implementation of the 2015 election.

2. Factors Causing the Inception of Single Candidate in the General Election of 2015

³⁸ Look at Researchers interview with Martin, in North Timor-Timor, on Wednesday July 20th, 2016, 14:00 AM.

³⁹ Look at Researchers interview with Martin, in North Timor-Timor, on Wednesday July 20th, 2016, 14:00 AM.

The General Elections Commission revealed that there are three factors that cause some regions to have only one candidate pair in the regional head election simultaneously.⁴⁰ The first factor, according to GEC Commissioner Sigit Pamungkas, is the absence of alternative candidates for regional heads in regions that have single candidate pairs. Second, strong support for single candidate pairs that cause political parties is reluctant to nominate others to fight it. third, an existing candidate's business does not want a rival, so he gathers all the support on him. These reasons are the factors causing the lack of potential couples who are advancing in 2015 simultaneous regional election.

In addition to these three reasons, there is another reason that is considered some experts as the main factor that interrelated why finally came this single candidate. That factor is; First, the incumbent couple is too good in the eyes of the people. In this election, he ran for the second and final period. Because the performance in the first period is very satisfactory, it is certain people will support it again. In fact, it can be said, he no longer needs to pay the cost of a campaign, such as banners, ads or the like. Without it all, he can certainly win in a democratic party. The most obvious example is the prospective couple Risma and Wisnu.

Secondly, in the fight, Indonesians have not had a culture of "ready to lose". The principle that is always held is "ready to win". Even before the campaign period always held a joint agreement between candidates to "ready to win - ready to lose", still there will be a lawsuit.

Third, the ELECTION law requires competition. That competition always presupposes the presence of two or more competitors. In the election process of democracy, both election and a presidential election, there must be at least two pairs of candidates. If there is only one pair of candidates (single candidates), then this democratic party is postponed.

Certainly, the factor that causes of emerging a single candidate in the elections will not appear in the regional head candidates are fighting for the first time, or its incumbent candidate failed in the task in the first period. For example, a district regent runs for the second period, but in the first period, he has a weakness. In this case, the opposite will surely emerge. Or a democratic party can still run if there is no ELECTION law that requires competition. That is, even if the sole candidate, the party of democracy is still running. If finally there is no candidate opponent, before there is a decision of the Constitutional

⁴⁰<http://www.cnnindonesia.com/politik/20160928132239-32-161775/kpu-ungkap-tiga-penyebab-calon-tunggal-di-pilkada-serentak/>

Court then the elections will be postponed, while the position of the head of the region will be held by the task force. This is certainly very detrimental to the people.

The lack of couples who are promoted by Political Parties causes many people to blame political parties that do not propose candidates for regional heads. Including in this case the Minister of the Interior, Cahyo Kumolo, who gave the advice to invite the people to sanction the political parties who do not want to propose his cadres become candidates for a regional head.⁴¹ LIPI researcher, Siti Zuhro criticized the political parties who had given up before competing in the elections. He said: "The party should have the soul of a knight. Do not back down if you have not tried."

During this time people just glance at errors on the second factor, namely the political parties are not ready to lose. Nothing touched on the first factor. It is not to blame incumbent couples who have worked well during the first period. Precisely victory in the election without a match is a form of appreciation for its performance during the first period. So it is less fitting if only busy to blame political parties who did not nominate candidates in this election.⁴² In addition to the fear of losing reason, political parties also do not want to risk bear high costs. This high cost is the reason why they do not dare to advance.

If the first factor cannot be blamed, while the second factor is understandable, then the blame is the ELECTION law which requires competition. This legal product should not prevent a single candidate from going back in the ELECTION. Even if there are no counterparts, the ELECTION process must continue to run, because the people still have two choices, namely to choose a single candidate or not to vote. Requirements are still required to win the ELECTION for a single candidate. One of them, the number of votes must exceed 50% of the total voters.⁴³

Initially many people who doubt the filing of judicial review of Local Leaders Election law. Because it is in sight. Even if possible JR can only be

⁴¹ http://www.kompasiana.com/adrian.su4/tiga-alasan-adanya-a-calon-tunggal-dan-solusinya_a_55c5ccc529b0bd5a0ee27792

⁴² An argument of the chief of Gerindra Party Desmon Imahesa, to comment why his party does not send profferer counter opponent for Risma. "Why should we oppose if we would be lost again, why should we spent more money, said the 98 activists who has ever been kidnapped. His comment as if vindicates that to be a leader in the region needs high cost.

⁴³ http://www.kompasiana.com/adrian.su4/tiga-alasan-adanya-a-calon-tunggal-dan-solusinya_a_55c5ccc529b0bd5a0ee27792

submitted after this Local Leaders Election. Therefore, many are urging the president to issue a Perppu. Only the Perppu can solve the single candidate problem at this time. But in fact, with very limited time conditions, a Judicial Review filing on the Regional Head Election Law can be filed and decide on the allowance to organize a regional election even with only one spouse or single spouse.

According to Perludem Executive Director Titi Angraini explained, several causes can lead to a single candidate in the election.⁴⁴ First, the rising condition of candidate support from political parties (political parties). Rising conditions of candidate support from political parties to 20% of parliamentary seats or 25% of the legitimate vote of election results and also make the coalition becomes more stringent in the form. The second factor is the presence of a strong enough craft, making it difficult for individual candidates to become competitors, due to time constraints to gather support and the weight of support requirements. Third, another cause of the emergence of a single candidate is because some candidates with a background of members of the House, DPD, or DPRD who originally socialized themselves forward in the elections to cancel the nomination because of the obligation to resign. This is exacerbated by the problem of forming a cadre of political parties that are not running optimally. According to him, the political parties should be able to prepare the cadres from the beginning, should be able to prepare the cadres by strengthening the ballot base and strengthen electability prospective candidates to be proposed, in addition to build coalition communications would not be complicated for political parties to prepare for participation in the local leaders election.

In another perspective, it is said that the strict requirement of nominations is presumed to be one of the factors that led to the emergence of a single candidate. This is in the opinion of the Deputy Secretary General of the Independent Election Monitoring Committee of Indonesia, Girindra Sandino, stating that Law Number 8 of 2015 on the Election of Governors, Regents and Mayors is one of the reasons for the emergence of a single candidate. This is because the law requires that a political party or coalition of political parties must have at least 20 percent of the total seats in the DPRD or 25 percent of the accumulation of valid votes in the DPRD elections in the respective regions.⁴⁵ In

⁴⁴ <http://nasional.sindonews.com/read/1029706/12/ini-penyebab-munculnya-calon-tunggal-di-pilkada-1438760050>

⁴⁵ <http://www.jpnn.com/read/2015/07/30/317842/Hmmm...-Rupanya-Ini-Penyebab-Maraknya-Calon-Tunggal-di-Pilkada->

addition to the strict requirements set forth in the Election Law, the high cost of political dowry and internal conflicts of prolonged political parties are also the cause of elections in some areas only followed by single candidates of candidates for regional head candidates.

Gerindra⁴⁶ also assessed the failure of political parties in the process of regeneration and political recruitment to capture candidates for regional heads also became one of the causes of the emergence of a single candidate. The condition was further enhanced by the battle between two big coalitions between the Great Indonesia Coalition and the Red and White Coalition, as well as the strong support for incumbent candidates. So the steps of the General Elections Commission extend the registration time of candidates for a regional head, is in accordance with the applicable rules. Because the current of local leaders election Law does indeed regulate it.

Referring to the existing provisions, if the candidate pair of eligible regional head is less than two candidate pairs, then the stages of election shall be postponed at the latest ten days. Furthermore, Provincial GEC and Regency/Municipal GEC shall reopen pendataftaran candidates for a maximum period of three days. If there are no two pairs of candidates, the GEC through its regulation, namely GEC Regulation No. 12 of 2015, has ordered that the regional elections in the next period of 2017 be canceled.

Referendum Pattern Can Provide People's Sovereign Security In Local Leaders Election In Tasikmalaya, Blitar and North Central Timor Regency

The Constitutional Court decides a single candidate region is entitled to participate in the regional head election simultaneously. This decision must be followed by clear technical regulation and massive socialization of a single candidate Pilkada new system. The Government and the People's Legislative Assembly, in a written statement in the judicial review session at the Constitutional Court, acknowledged that the single candidate is an unpredictable condition for regulators when formulating Law 8 of 2015 on the election of Governors, Regents and Mayors. Articles 48, 49, 50, 51, 52 and 56 always emphasize "establishing two pairs of candidates. If two pairs of candidates are not met, the solution offered by the Act only delays the

⁴⁶ <http://www.jprn.com/read/2015/07/30/317842/Hmmm...,-Rupanya-Ini-Penyebab-Maraknya-Calon-Tunggal-di-Pilkada->

assignment and re-opens the registration. There is no solution if the opening of registration a second time still produced a single candidate.⁴⁷

In the understanding of the Chairman of the General Election Commission of the Republic of Indonesia Husni Kamil Manik, the simultaneous regional elections implementation is a conditional exercise. One of the conditions that must be fulfilled regarding the availability of candidates. However, unlike lawmakers who are unaware of a single candidate, the GEC is aware of the emergence of a single candidate even though registration has reopened. So in PKPU 12 on candidacy, the GEC offers a solution to postpone the implementation of regional head election to the next election.

This postponement solution is well-founded, even after being judged by a number of parties is not appropriate. Husni said that in Article 56 of Law 8/2015 has been stipulated the condition of the local leaders election, there must be two pairs of candidates. This article is reinforced by Article 120 which states that if the election is not fulfilled then the next election will be done by postponing it to the 2017 election. This is why the GEC finally imposed a postponing article on the three regions which are still single candidates after the opening of registration still leaves a single candidate. The three areas are Tasikmalaya, Blitar, and North Central Timor.

In view of the Justices Panel of the Constitutional Court (MK),⁴⁸ the implementation of local leaders election is the implementation of people's sovereignty regulated through Law 8/2015. As the implementation of the people's sovereignty, Pilkada should not ignore or even negate the right to elect and vote for the people. so there is an effort to guarantee the sovereignty of the people if the pilkada still run even with only one couple.

Judge of the Constitutional Court, I Dewa Gede Palguna, said that the formulation of the norm of Law 8/2015, if it is translated systematically, seems to require two pairs of candidates. However, the law does not provide a way out if two pairs of candidates are not fulfilled. So it has the potential to create a legal vacuum in the event of a single candidate condition. The legal vacuum that occurs threatens the right to be elected and elects the community because the general election for local leader will not continue. The panel of judges considered that this condition was not what the law wanted because of the

⁴⁷ <http://www.rumahpemilu.org/in/read/9969/Menjaga-Kedaulatan-Rakyat-dalam-Pilkada-Calon-Tunggal>

⁴⁸ <http://www.rumahpemilu.org/in/read/9969/Menjaga-Kedaulatan-Rakyat-dalam-Pilkada-Calon-Tunggal>

spirit of the present law was to guarantee the implementation of the right of the citizens.

The postpone of local leaders election is tantamount to the non-fulfillment of the right to vote and to be elected. The Court can not allow the occurrence of a violation by allowing the norm in the Act to be inconsistent, let alone concerned with the implementation of the sovereignty of the people which will have a wide impact.

The efforts of the GEC to try to answer the impasse of the Act, regardless of the good intentions and sense of responsibility of it, are deemed not to solve the problem. The solution offered by the GEC does not solve the problem if the right of the people to be elected and chosen is not implemented. If the word suspension is justified, there is no guarantee of eligibility and voting can be accomplished with a provision that requires two pairs of candidates in contestation.

Another judge of the Constitutional Court, Suhartoyo, also confirmed that the regulated requirements should not hold hostages of the rights of the people guaranteed in the constitution. So the court considered the postponement of the general election for local leader contrary to the spirit of the 1945 Constitution. Local Leaders Election must still be implemented although there is only one pair of candidates after a serious effort to meet the two pairs of candidates.⁴⁹

The earnest effort in question is the reopening of registration for three days. After the registration opening is still single, the KPU must establish one pair of candidates as eligible participants.

The implementation of single-balloon election is then done by the mechanism of agree/disagree against single candidate pair. If the choice agrees more, then a single candidate is designated as the regional head. However, if the choice does not agree more, then the election is postponed to the next election. Since the people who decide on election delay do not agree, it is more democratic than acclamation.

The judge said that he did not agree with the empty tube solution applied by Effendi Gazali and Yayan Sakti Suryanduru. Solutions agree/disagree more precisely in the face of single candidate conditions, where

⁴⁹ <http://www.rumahpemilu.org/in/read/9969/Menjaga-Kedaulatan-Rakyat-dalam-Pilkada-Calon-Tunggal>

the selection mechanism will be designed by ballot. Thus the entire article governing the determination of two pairs of candidates is considered unconstitutional as long as it is not understood including setting a pair of candidates after three days of registration opening is exceeded but there is still one pair of candidates.

The Constitutional Court's decision on single candidate status becomes a new history in the implementation of the General Election in Indonesia. In a relatively short period of time, the GEC in Blitar, Tasikmalaya and North Central Timor districts should resume the delayed election phase.

After the Constitutional Court's decision, the Executive Director of the Association for Election and Democracy (Perludem), Titi Anggraini⁵⁰ said there must be clear technical arrangements and massive socialization of the new system. "Not only is the illiterate group getting into trouble for not being able to read" agree "and" disagree ", but also because it is something new in the history of Local Leaders Election.

GECs need to issue PKPUs as soon as possible in accordance with a single candidate mechanism to organize candidacies, campaigns, dissemination and participation, voting and vote counting, up to the recapitulation of vote count results and yields. For example in a campaign mechanism, what kind of campaigns can be done by single candidate pairs the GEC also needs to review further with the government and related parties with the possibility of a "disagree" campaign space to choose a single candidate. This is important because of the Constitutional Court's decision to legalize the choice of disagreement in the election with a single candidate. The Constitutional Court's decision is appropriate in view the implementation of the election should keep running even with a single balloon. Thus, the community is still given the opportunity to participate in the elections, provide legitimacy to the candidates who volunteer, and the opportunity to reject candidates who advance in the election.

The option to direct a single candidate as elected candidate by acclamation must be avoided. Similarly, the option to return the election to the DPRD automatically eliminates the voting right of citizens to vote for candidates, especially if delaying the elections. With no delay in elections in regions that have a single candidate then the solution can be done through a

⁵⁰ <http://www.rumahpemilu.org/in/read/9969/Menjaga-Kedaulatan-Rakyat-dalam-Pilkada-Calon-Tunggal>

referendum system. Because only with this, the constitutional right of the people to be able to vote and be elected can be met well. The postponement to the next election would eliminate the people's right to be elected and vote in the current elections.

Assessment of the Constitutional Court against Law No. 8 of 2015 related to Local Leaders Election also did not give way out if the requirements of 2 candidates are not met. The postponement of the Regional Head Election does not necessarily guarantee that the 2 candidate requirements will be fulfilled in the next election. If the delay is justified, there remains no guarantee that in the next election the next right of the people's rights will be fulfilled.

Constitutional Justice Suhartoyo added that the delay is contrary to the spirit of democracy contained in the 1945 Constitution. Therefore, the Regional Head Election must be implemented. In order to guarantee the fulfillment of the constitutional rights of citizens of regional election must still be implemented even though there is only one candidate pair. In the election, ballot papers are given the choice whether the single candidate is approved or not so head of the region. If the votes agree more than the single candidate automatically becomes the head of the region. If lost, then the election is held again in the next period.

Conclusion

From the discussion above it can be concluded that the general election of regional heads with a referendum pattern in three districts of Blitar, Tasikmalaya, and North East Timor is new in the electoral system in Indonesia. No wonder if then less get a comprehensive understanding of the entire society at large.

Local Leaders Election with a single candidate with a referendum pattern is the result of the Constitutional Court decision. In its judgment, the constitutional judges considered that the law mandated the elections as the implementation of people's sovereignty to elect the regional head directly and democratically. Thus, the election of regional heads must ensure the realization of ultimate power in the hands of the people. In addition, the Constitutional Court considered the formulation of the norm of Law No. 8 of 2015, which requires the presence of more than one candidate pair does not provide a solution, which led to legal vacuum. This can result in non-election. Thus, the requirement of the number of candidate pairs potentially threatens the sovereignty and the people's right to vote.

Factors Causing the Occurrence of Single Candidates In the 2015 General Election are: the absence of alternative candidates for regional heads in regions that have single candidate pairs; strong support for single candidate pairs that cause political parties to be reluctant to nominate others against them; an existing candidate's business does not want a rival, so he gathers all his support; the incumbent couple is too good in the eyes of his people. In this election, he ran for the second and final period; other than that the reason for the lack of potential couples who carried by Political Parties. These reasons are the factors causing the lack of potential couples who are advancing in the 2015 simultaneous regional election.

The referendum pattern can guarantee people's sovereignty in the election in Tasikmalaya District, Blitar Regency and North Central Timor District. In view of the Panel of Justices of the Constitutional Court (MK), the implementation of Pilkada is the implementation of people's sovereignty regulated through Law 8/2015. As the implementation of the people's sovereignty, Pilkada should not ignore or even negate the right to elect and vote for the people. so there is an effort to guarantee the sovereignty of the people if the general election for a regional leader still run even with only one couple.

The impact of the legalization of the referendum pattern on the 2015 direct elections in three districts led to a new model of local elections in the constitutional system of the Republic of Indonesia. The people as owners of sovereignty can be more Lewes in channeling their aspirations. So that the voice of the people in the election can be channeled even though there is only one candidate pair of a regional head only.

References:

- Asshiddiqie, Jimly, Bung Hatta: bapak Kedaulatan Rakyat, Jakarta, Yayasan Bung Hatta, 2002.
- Agustino, Leo, Perihal Ilmu Politik: Sebuah Bahasan Memahami Ilmu Politik, Yogyakarta: Graha Ilmu, 2007.
- Azhari, Ilmu Negara Pembahasan Buku Prof. Mr. R. Kranenburg, Cetakan keempat, Jakarta: Ghalia Indonesia, 1983.
- Budiardjo, Mariam, Dasar-Dasar Ilmu Politik, Jakarta: PT. Gramedia Pustaka Utama, Cetakan Pertama, 1982.

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- Cymer Rodee, Carlton dkk, Pengantar Ilmu Politik, Jakarta: PT. RajaGrafindo Persada, 2002.
- Djokosutomo, Ilmu Negara, Jakarta: Ghalia Indonesia, Cetakan pertama, 1982.
- Departemen Pendidikan dan Kebudayaan Republik Indonesia, *Kamus Besar Bahasa Indonesia*, Jakarta, Balai Pustaka, 1988.
- Hatta, Mohammad, Demokrasi Kita, Pikiran-Pikiran Tentang Demokrasi dan Kedaulatan Rakyat, Bandung, Segi Arsi, 2009.
- Hadjon, Philipus M, Pengantar Hukum Administrasi Indonesia, (*Introduction to the Indonesian Administrative Law*), Yogyakarta: Gadjah Mada University Press, 1993.
- Huda, Ni'matul, Ilmu Negara, Jakarta: Raja Grafindo Persada, 2010.
- Huda, Ni'matul, Hukum Tata Negara Indonesia, Jakarta: Raja Grafindo Persada, 2005.
- Ilmar, Aminuddin, Privatisasi BUMN di Indonesia, Makasar: Hasanuddin University Press, 2004.
- Kelsen, Hans, Teori Umum Tentang Hukum dan Negara, Jakarta: Nusa Media, 2010.
- Manan, Bagir, Hubungan Antara Pusat dan Daerah Berdasarkan Asas Desentralisasi Menurut UUD 1945, Bandung, Disertasi, Universitas Padjajaran, 2000.
- Mas'udi, Masdar Farid, Syarah Konstitusi UUD 1945 dalam perspektif Islam, Jakarta, Alvabet, 2010.
- May Rudy, Teuku, Pengantar Ilmu Politik: Wawasan Pemikiran dan Kegunaan, Jakarta: Eresco, 1983.
- Nurtjahjo, Hendra, Ilmu Negara Pengembangan Teori Bernegara dan Suplemen, Jakarta: Raja Grafindo Persada, 2005.