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Regulation Problems of Individual Candidates And Single Candidates In The 2020 Elections

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Abstract: *The simultaneous regional elections which will be held in December 2020 are marked by new democratic and political dynamics. The dynamics of the ITU are the birth of a single candidate in several regions that will carry out the regional elections. On the one hand, this shows that the dynamics of democracy on the ground are increasingly showing progress and our society is increasingly "literate" and politically savvy, but on the other hand, it creates new problems whether the regional election will be postponed or issued a Perpu. This happens because legislators do not predict the birth of a single candidate. This fact shows that legislators have not been able to make laws that fulfill philosophical and sociological aspects so that the presence of laws can be well accepted in the midst of society without causing conflict and having a long life. Because it is commonplace in Indonesia that the invitation is only corn.*

INTRODUCTION

Simultaneous elections are planned to be held on December 9, 2020. There are 28 regions that have the potential to become the sole candidate. This year's simultaneous regional elections are planned to be held in 270 regions in Indonesia, covering 9 provinces, 224 regencies and 37 cities. In Java there are 8 single candidates spread across Central Java and East Java. In Central Java, there are 6 districts/cities, namely: Kebumen, Wonosobo, Sragen, Boyolali, Grobogan, and the City of Semarang. While in East Java there are 2 single candidates, namely in Kediri Regency and Ngawi Regency. While the other 20 single candidates are in provinces outside Java which include; North Sumatra there are 4 single candidates, West Papua there are 3 single candidates, As for the provinces there are 2 single candidates, among others: South Sumatra, South Sulawesi, and East Kalimantan.

While the rest is a single candidate in 7 provinces which include: Bali, Bengkulu, West Sulawesi, West Sumatra, West Nusa Tenggara, Jambi, and Riau Islands. The

indication of the existence of a single candidate is motivated by the large influence of the incumbent political power, the existence of a dynastic political node, as well as the occurrence of connections with the position of a person or institution who is still serving in the cabinet or palace. ruling party. As for the details, 10 people are candidates for regional heads and 2 people are candidates for deputy regional heads.

Based on this fact, the KPU finally extended the candidate registration period. Provisions regarding the extension of the nomination registration period are regulated in the General Election Commission Regulation Number 12 of 2015 concerning the nomination of Pilkada. Article 89 Paragraph (1) states: In the event that until the end of the registration period for a Candidate Pair there is only 1 Candidate Pair or no Candidate Pair has registered, the Provincial KPU/Aceh KIP or Regency/Municipal KPU/KIP shall extend the registration period of the Candidate Pair by no later than 3 days.

In this context, there are several areas that are still colored by the presence of a single candidate pair and this has become a very hot discussion among the people who have an argument about this phenomenon. It can be explained in the following table.

Table I. Single Candidate Pairs in Simultaneous Regional Elections in Indonesia

| Election Year | Name of City/Regency | Win | Lost |
|---------------|--------------------------------------|-----|------|
| 2015 (3) | Blitar Regency (East Java) | √ | - |
| | Tasikmalaya Regency (West Java) | √ | - |
| | North Central Timor (NTT) Regency | √ | - |
| 2017 (9) | Buton Regency (Southeast Sulawesi) | √ | - |
| | Landak Regency (West Kalimantan) | √ | - |
| | Central Maluku Regency (Maluku) | √ | - |
| | Tambrauw Regency (West Papua) | √ | - |
| | Sorong City (West Papua) | √ | - |
| | Jayapura City (Papua) | √ | - |
| | Tebing Tinggi City (North Sumatra) | √ | - |
| | West Tulang Bawang Regency (Lampung) | √ | - |
| | Pati Regency (Central Java) | √ | - |
| 2018 (16) | Jayawijaya Regency | √ | - |
| | Prabumulih Kota | √ | - |
| | Tangerang Regency | √ | - |
| | Pasuruan Regency | √ | - |
| | Karanganyar Regency | √ | - |
| | Southeast Minahasa Regency | √ | - |
| | Deli Serdang Regency | √ | - |
| | Makassar City | - | √ |
| | Lebak Regency | √ | - |
| | Tapin County | √ | - |
| | Tangerang City | √ | - |
| | North Padang Lawas Regency | √ | - |

| | | | |
|-----------|---------------------------|---|---|
| | Enrekang District | √ | - |
| | Mamasa County | √ | - |
| | Bone County | √ | - |
| | Puncak District | √ | - |
| 2020 (25) | South Manokwari | √ | - |
| | Arfak Mountains | √ | - |
| | Raja Ampat | √ | - |
| | Gowa | √ | - |
| | Soppeng | √ | - |
| | Central Mamuju | √ | - |
| | East Kalimantan | √ | - |
| | Balikpapan | √ | - |
| | Kutai Kartanegara | √ | - |
| | West Sumbawa | √ | - |
| | Bandung | √ | - |
| | Kediri | √ | - |
| | Ngawi | √ | - |
| | Boyolali | √ | - |
| | Grobogan | √ | - |
| | Semarang | √ | - |
| | Sragen | √ | - |
| | Wonosobo | √ | - |
| | Humbang Hasundutan | √ | - |
| | Gunungsitoli | √ | - |
| | Pematangsiantar | √ | - |
| | Balik Papan | √ | - |
| | Ogan Komering Ulu | √ | - |
| | Ogan Komering Ulu Selatan | √ | - |
| | North Bengkulu | √ | - |

Source : <https://www.kpu.go.id/>, accessed on 17 September 2022 at 15.25 WIB.

Based on data from the General Elections Commission, the phenomenon of single candidate continues to grow from year to year. Previously, there had been a single candidate since the first simultaneous regional head elections in 2015, namely there were 3 single candidates. Then in the 2017 Pilkada there were 9 single candidates, in the 2018 Pilkada there were 16 single candidates, and in the 2020 Pilkada there were 25 single candidates with almost all of them being won by a single candidate pair with the exception of Makassar City in the simultaneous pilkada held in 2018 because according to research Herianto, Wawan Budi Darmawan, & Muradi (2020), the victory of the empty box in Makassar City was due to public disappointment with the 2018 local election process in Makassar City which was considered unfair and also due to public disappointment as a constituent of political parties against the “betrayal” of political parties to constituent vote so that voters in Makassar City were busy voting empty box.

This can happen because of pragmatism in the management of political parties. From various surveys and studies that have been carried out by many parties, the majority of people actually really regret the emergence of a single candidate in the pilkada. Public reasons

because it limits the options offered. This means that political parties no longer place the pilkada as a momentum to test their cadres and structures in the arena of local democracy. But, What happened was that political parties tended to put forward a profit-and-loss way of thinking rather than making the regional elections a place to provide space for the community to choose their best cadres to become potential leaders in their regions. At this point the function of cadre of political parties failed to be carried out. Based on the description of the background, the problem in this paper is how is the issue of regulation of individual candidates and single candidates in the 2020 Pilkada ?

RESEARCH METHOD

15 Data Collection Techniques and Sources Data

Data collection techniques are the most strategic step in research, because it is primarily to obtain data. 7 in qualitative research, data collection in natural settings (natural conditions), primary data sources, and data collection techniques are mostly on observation and in-depth interviews and documentation.

This research requires valid, reliable, and objective data. The research method of data sources is divided into two, namely primary data sources and secondary data sources. The data collection techniques used by the author in this study are as follows: 1. Field study primary data collection techniques, which is a way to obtain data and collect data related to the discussion material of the problems studied directly on the object of research by using the following techniques :

- a. Observation In this observation, the author uses non-participatory techniques, namely data collection which is carried out through direct observation at the location without involving the author in the object being observed and recording related activities.
- b. Interviews were conducted to obtain the necessary data and information through direct question and answer with the parties concerned and competent, in this case from those who have an understanding and involvement in the simultaneous Pilkada.

The technique of collecting secondary data is Literature Studies, some of the literature that the author has relevant in the form of regulations or archives related to "regulation issues of individual candidates and single candidates in the 2020 Pilkada".

RESULT AND DISCUSSION

The reasons for the emergence of a single candidate are:

- a. *First*, the emergence of a single candidate is the embodiment of the meaning of people's sovereignty. In a democracy with people's sovereignty, the position of the candidate really has autonomous power in society and will usually be very loved by the people, so they do not want to choose another leader. We can find this inherent character in Tri Rismaharini, the Mayor of Surabaya, who really works for the people. The people's love for him finally made the potential competitors "fear" so that no one dared to go forward in the 2015 simultaneous regional elections. Even though after the extension of the second stage of registration period, finally, a potential competitor emerged. This happened because they thought it would be difficult to beat the incumbent who had a high electability level like Tri Rismaharini.

- b. *Second*, this single candidate was born because of the high dowry of the supporting party. So rationally, if there is a strong incumbent candidate, another candidate will certainly calculate rationally. Instead of losing everything, it's better not to be a candidate. Because to become a candidate they have to pay a dowry. Not to mention the funds that will be used for campaigns, funds to win voters' votes, funds to secure votes starting from the TPS level to securing votes at the KPU, Regency/City KPU, Provincial KPU, Central KPU even to the Constitutional Court level if a dispute occurs.
- c. *Third*, this single candidate can also be born because the party machine that functions in providing political education for cadres is not functioning properly. Because parties are not only obliged to provide political education to the public, they are also obliged to provide political education to their cadres, including in this case by preparing the best cadres to become leaders in their respective regions and preparing their best cadres to become leaders in the national arena.
- d. *Fourth*, another factor that can also lead to the birth of a single candidate is the criteria regulated in the law regarding the conditions for support from political parties which increase to 30% and the conditions for support for individual candidacy which are increased by more than 65%. Therefore, this needs to be reviewed because our society is a society that is just learning democracy, so the phenomenon of a single candidate in a democratic party is not ready to meet the requirements as stipulated in the law, so this makes it difficult for political parties and individual candidates to advance as candidates in the elections.

In addition to the issue of the emergence of a single candidate as above, in the implementation of the 2020 regional elections in this pandemic era, it is possible that 2 fairly serious problems will arise.

- a. First, is the low level of voter participation in the pilkada. So far, voter participation has always been associated with matters related to electoral technicalities. For example, regarding voter lists, election procedures, campaign rules, determination of elected candidates, and so on. Because the local elections will be held still in a pandemic condition, of course this cannot be done optimally. In addition to health protocols that must be implemented strictly, some of our people are still afraid to gather with others. This will certainly be one of the obstacles to the attendance of voters to the polling station. The non-technical aspect related to the level of participation is about political education itself.

So far, there has been an assumption that voter attendance at polling stations is highly dependent on the KPU's efforts to disseminate information to the public. Whereas on the other hand, voter attendance is also determined by the level of public understanding and awareness in political literacy. This is of course closely related to political education and political processes that have been carried out by elites and political party administrators so far. Finally, the Pilkada as a local political agenda for five years has become a very interesting thing and is eagerly awaited by the people or vice versa, it becomes a frozen and boring political rite.

- b. The second problem is the existence of money politics. The relationship between

politics and money or money and power has long emerged in the dynamics of politics in the country. Since the local elections held in 2005 in Indonesia, the game of money politics has tarnished the face of our democracy. Moreover, with the emergence of a single candidate, the smell of money politics played by the elite of political parties is very strong and has become the subject of people's feelings. At the community or voter level, the game of money politics is also still possible, considering that the emergence of a single candidate does not automatically mean that the "party" is over. Even though there are no other competitors in the single candidate, the "fear" of the dominant vote choosing the empty box also needs to be anticipated. From this crucial point, the position of voters becomes important to ensure their presence. So, ways to mobilize voters using money and goods need to be anticipated and monitored by Bawaslu and the community itself. Not to mention the forms of intimidation to certain parties with the aim of utilizing resources, bureaucracy, and positions that are connected to the state budget are also the mode that is often used so far in every election implementation.

- c. According to Hans Kelsen (2007) democracy can be grouped into two, namely direct democracy and indirect (representative) democracy. The ideal type of democracy is realized to different degrees through the constitution different too. Direct democracy is defined by the fact that the making of laws, as well as the main executive and judiciary, is carried out by the people in rallies or general rallies. This kind of organization is only possible in small communities and under simple social conditions. In direct democracies such as the Germans and Ancient Romans, the principles of democracy were very limited. Not all citizens have the right to participate in the discussions and decisions of the people's assembly. Under certain conditions the leader can be elected by the assembly, so everyone must submit to the leadership. Because it is led by an assembly, then at least he occupies the position in a democratic way.

Slightly different from Hans Kelsen's opinion, Robert Dahl (1982) said that there is no ideal democracy, because in an ideal democracy there are still things that are considered undemocratic. More Robert Dahl said that the ideal democracy always demands various things so that no actual regime can fully understand it; "When looking for an ideal democracy, there is no democratic regime. This means that no matter how democratic the government is run, the democratic process will never stop at the point of perfection. Various new things that appear outside of previous predictions may appear in the dynamics of democracy so that it can be said that there is no country in the world that has perfected democracy.

Indonesia has its own concept of democracy, namely Pancasila democracy. Regarding this matter, Soekarno said at the BPUPKI session on July 5, 1945 that "if we really want to base our country on the notion of kinship, mutual cooperation and social justice, get rid of every thought of individualism and liberalism from it. ." This basic view should be understood by many people, because otherwise it will lead to an understanding that is influenced by foreign ideas which are not necessarily suitable if applied to the Indonesian nation. Soekarno further stated that "the sovereignty of the people is once again, and not individual sovereignty. This is according to the understanding of the legislative drafting committee. constitution, the only guarantee that the whole Indonesian nation will be safe in the future. If our understanding is also used by other nations, it will guarantee eternal and eternal world peace.

However, to meet the demands of reform, the meaning of being democratically elected in Indonesia is currently interpreted as being directly elected. Although directly elected, there must still be limitations that must be obeyed, related to this, Azhary (1995) said that the sovereignty of the people in Indonesia is limited by the values of the Almighty God, the sovereignty of the people in accordance with the values of humanity and justice and civilization. , people's sovereignty as the basis of Indonesian unity, and people's sovereignty whose mechanism (pattern of implementation) is in the form of democracy led by wisdom in deliberation/representation aimed at realizing social justice for all Indonesian people.

Azhary (1995) also stated that from the formulation of popular sovereignty, there are two aspects that must be considered:

1. In the concept of Indonesia by means of deliberation which is imbued with full of policy. And deliberation is a way of deliberation that includes all existing sects and groups by paying attention to all related matters (society dynamics).
2. By paying attention to all developments in society, the welfare aspect for all the people will be the main goal, so it is not prioritizing individual interests.

The notion of people's sovereignty grows a democratic state, as stated by Bagir Manan (1997), the notion of populist or people's sovereignty as stated above can be implemented directly such as village meetings or through representatives. In a sovereign state of the people. Jazim Hamidi (2010) said that the philosophical meaning that can be learned from direct local elections is related to the presence of individuals who have the essence of being a truly autonomous power. Both in the context of exercising their right to vote, including making choices without using their political rights. It means the relationship actually lies in sovereignty which is fully in the hands of the people. So that the presence of the community really becomes the main stakeholder of the political process in the election.

Individuals who truly have autonomous power in society, will usually be loved by the community, so they do not want to choose another leader. We can find this inherent character in Tri Rismaharini, the Mayor of Surabaya, who really works for the people. The people's love for him frightened the potential competitors so that no one dared to run in the simultaneous regional elections in 2015. Even though in the end, after the extension of the registration period for the second stage, finally there were potential competitors who emerged. This happened because they thought it would be difficult to beat the incumbent who had a high electability level like Tri Rismaharini.

In addition, this single candidate was born because of the high dowry of the supporting party. So rationally, if there is a strong incumbent candidate, the other candidates will definitely calculate rationally. Instead of losing everything, it's better not to be a candidate. Because to become a candidate they have to pay a dowry. Not to mention the funds that will be used for campaigns, funds to win voters' votes, funds to secure votes starting from the TPS level to securing votes at the KPU, Regency/Municipal KPU, Provincial KPU, Central KPU and even up to the Constitutional Court level in the event of a dispute. This single candidate can also be born because the party machine that functions to provide political education for cadres is not functioning properly.

Another factor that can also lead to the birth of a single candidate is the criteria regulated in the law regarding the requirements for support from political parties which increase to 30% and the support requirements for individual nominations which are increased by more than 65%. This may need to be reviewed because the community we are a society that is just learning democracy, so we are not ready to fulfill the requirements set out in the law, so this makes it difficult for political parties and individual candidates to run as candidates in the pilkada. If we observe and learn from the original constitutional practice of the Indonesian nation, in terms of village head elections, if there is a single village head candidate, then the village head candidate will be opposed with an empty box. By fighting the empty box electability and legitimacy of a single candidate can be tested, to prove; 1). Is it true that the choice of political parties is in line with the choices of the people, 2). Whether a single candidate occurs naturally because of the democratic will of a political party or because of political design and engineering to thwart a qualified candidate just because the political party is not ready to compete fairly.

Even if faced with an empty box, a single candidate still has to go through all the stages in the pilkada, so that a single candidate will still work to convince voters that he is the right choice for voters. That way, the single candidate will continue to campaign and convey his vision and mission even though the opponent's box is empty. Even if they fight the empty box, there is no guarantee that the candidate for regional head who fights the empty box will definitely do it. In 2013, for example, the empty box won in the Pilkades which was repeated for the third time in Dlingo Village, Mojosongo District, Yogyakarta. In the election of RT head in Keramasan sub-district, Palembang City in 2012, there was also a practice of a single candidate for RT head fighting against empty boxes. Even though the candidate for head of the RT was against the empty box.

The mechanism for a single candidate against the empty box has not yet been regulated, but we can learn from the practice of pilkades. However, a legal basis must be made that can guarantee its implementation in the election, the legal basis must also be in the form of a law. The mechanism is made the same as the Pilkades. If the empty box wins, the single candidate is declared ineligible to participate next election. The stages of candidate registration are reopened, and provide space for other parties to register. Thus, new candidates will emerge so that the election mechanism can run normally as mandated by law.

However, revising the law in the midst of the climax of the party, which is only days away, so that all regions that are scheduled to hold simultaneous regional elections in 2020 can still take place as planned, it will be difficult to do, because it will take a long time and cost a lot of money. Therefore, the alternative of a single candidate against an empty box also requires a very careful calculation if it is to be pursued, unless the mechanism and legal umbrella have been regulated. In a number of countries that have long practiced elections, such as the United States, Canada, Britain, India, Malaysia and the Philippines, the issue of single candidates is not new. They already have their own mechanism which is legitimized in the law to deal with single candidates. In state practice in America, the candidate is immediately validated as the winner or known as uncontested election. Meanwhile, in the practice of state administration in Canada, a single candidate is immediately acclaimed as the elected candidate.

The same thought was also initiated by Hamdan Zoelva. Hamdan considered that if it had been extended twice, there was still only one registrant, then immediately validated it as an elected candidate. Hamdan likens a sporting match, if the opponent does not come on time, it must be declared WO (walk out). The party who is ready to compete is declared the winner. And, as a legal basis, a Government Regulation in Lieu of Law (Perppu) must be made.

CONCLUSION

The simultaneous regional elections which will be held in December 2020 are marked by new democratic and political dynamics. The dynamic is the birth of a single candidate in several regions who will carry out the regional elections. This, on the one hand, shows that the dynamics of democracy in the country are increasingly showing progress and our society is becoming more "literate" and politically intelligent, but on the other hand it creates a new problem, namely whether the local election will be postponed or issued a Perpu.

This happened because the legislators did not predict the birth of a single candidate. This fact shows that legislators have not been able to make laws that meet philosophical and sociological aspects so that the law can be well received in the midst of society without causing conflict and has a long life. Because it is common in Indonesia that laws and regulations are only for a lifetime. Legal steps that can be taken to prevent the birth of a single candidate are to revise the Pilkada Law, by adding chapters or articles that specifically regulate single candidates and increasing political education for the community and political party cadres as well as preparing a mature cadre process within the party.

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