

Phenomenon of the Increasing Single Candidates and Backsliding Democratic Values in Indonesia

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Abstract: One interesting thing to discuss regarding the holding of regional head elections in 2020 is the increasing number of single candidates participating in democracy contestation. This article offers a comprehensive assessment of the theoretical and practical connections between the number of single candidates in holding regional head elections to the weakening of democratic values in regional head elections. The research methodology adopted for this research was normative. The results show that the factors causing the increase in the number of single candidates are the high threshold that must be met by political parties, an expensive political dowry, and the failure of political parties in carrying out the regeneration function. The increasing number of single candidates in regional head elections is synonymous with the decline in democratic values because the closure of the freedom space for the people to choose candidates. A single pair of candidates will close the freedom space for the people to elect their candidate for leader. A single pair of candidates in regional head elections can close the freedom space for the people to know and discuss the vision, mission, and work program of the single candidate pair. A single candidate in the regional head election is a violation of human rights because it has the potential to block the opportunity for the lower middle class to compete in the elections. The regional head elections with a single candidate will limit broader community participation.

Keywords: Democracy; Democratic Backsliding; Election; Phenomenon; Single Candidate

1. Introduction

Several issues emerged in the simultaneous regional head elections in Indonesia held on December 9, 2020. The first is that the regional head elections must be held in the midst of the COVID-19 pandemic, which may threaten the safety of the people's health and lives. The second is the increasing number of candidates for regional heads and deputy regional heads who belong to political dynasties.¹ The third is the increasing number of single candidates participating in the contest. The presence of a single candidate occurred for the first time in the simultaneous regional head elections in 2015. This had never been predicted before and caused a polemic that eventually led to the issuance of Constitutional Court Decision Number 100/PUU-XIII/2015 regarding the

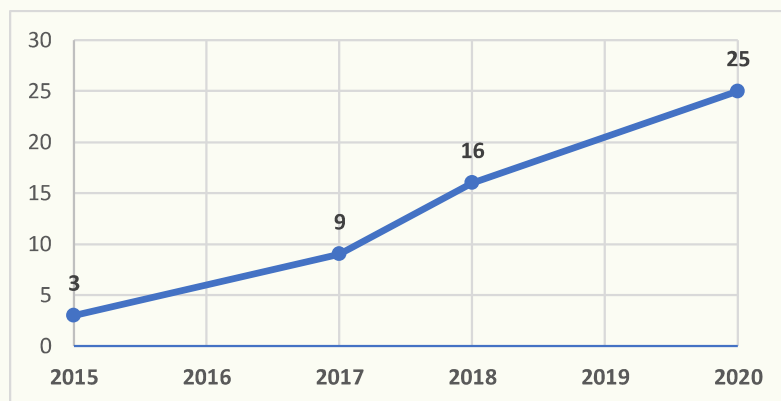
¹ Fatimatussahra, Novia, and Dian Suluh Kusuma Dewi. "The Pattern of Joko Widodo's Political Dynasty Practices." *Journal of Local Government Issues* 4, no. 1 (2021): 1-12.

review of Law No. 8 of 2015 against the 1945 Constitution of the Republic of Indonesia. This decision became the legal basis for single candidates in regional head elections.

However, the number of single candidates in regional head elections continues to increase even though the Constitutional Court had issued this decision. There were three regions that had single candidates in the simultaneous regional head elections held for the first time in 2015, namely: Blitar, Tasikmalaya, and North Central Timor Regencies. Subsequently, there were nine regions that had single candidates in the 2017 regional election, namely: Tebing Tinggi, Jayapura, and Sorong Cities, and Tulang Bawang Barat, Pati, Landak, Buton, Central Maluku, and Tamberau Regencies. In the 2018 regional election, 16 regions had single candidates, namely: Deli Serdang, North Padang Lawas, Pasuruan, Lebak, Tangerang, Tapin, Southeast Minahasa, Enrekang, Mamasa, Mamberamo Tengah, Puncak, and Jayawijaya Regencies, Regency Bone, and Prabumulih, Tangerang, and Makassar Cities.

In the 2020 regional head election, there were 25 regions that had single candidates, comprising Gunungsitoli, Pematangsiantar, Semarang City, and Balikpapan Cities, and Humbang Hasundutan, Pasaman, East Ogan Komering Ulu, South Ogan Komering Ulu, North Bengkulu, Boyolali, Grobogan, Kebumen, Sragen, Wonosobo, Kediri, Ngawi, Badung, West Sumbawa, Kutai Kartanegara, Gowa, Soppeng, Mamuju Tengah, South Manokwari, Arfak Mountains, and Raja Ampat Regencies. Figure 1 summarizes the number of single candidates in the different regional head elections.

Figure 1. Number of Single Candidates in Regional Head Elections



Source: Processed from kpu.go.id data (2021)

Juridically, the presence of a single candidate does not contradict the 1945 Constitution of the Republic of Indonesia. The presence of a single candidate is accommodated through Article 54C paragraph (1) of Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2014 concerning the Election of Governors, Regents, and Mayors to become laws. The holding of a regional head election with a single candidate is further regulated in PKPU Number 14 of 2015 concerning Regional Head Elections with One Pair of Candidates, which was later revised in PKPU Number 13 of 2018.

Article 54 paragraph (1) Law Number 10 of 2016 stipulates that regional head elections with a single candidate can be carried out if they meet several conditions: First, after a delay and until the end of the registration extension period, there is only one pair of candidates who register and a pair of single candidates is declared eligible. Second, there are more than 1 (one) pairs of candidates who registered and based on the results of the research, it is found that there is only 1 (one) pair of candidates declared eligible, and after a delay is made until the end of the reopening period of registration, no pair of candidates registered, or the pair of candidates who registered, and based on the results of the research, are declared ineligible, which resulted in only one pair of candidates.² Third, since the determination of the pair of candidates until the start of the campaign period, there are pairs of candidates who are permanently unable, the Political Party or Association of Political Parties does not propose a replacement candidate, or the proposed candidate/pair of replacement candidates is declared as not meeting the requirements, resulting in only one candidate pair.

From the commencement of the campaign period until the voting day, there are pairs of candidates who are permanently unable to attend, the political parties or coalitions of political parties do not propose a replacement candidate/pair of candidates, or the proposed candidate/substitute pair of candidates is declared ineligible, resulting in only one pair candidate. Fifth, there are pairs of candidates who are subject to cancellation sanctions as election participants, resulting in only one pair of candidates. The number of single candidates is predicted to continue to increase in every regional head election that will be held in the future. If no action is taken, the most worrying thing would be the decline in democratic values affecting the quality of government administration and increase in corrupt practices committed by regional heads.

2. Method

This research employed a normative methodology using statutory and analytical approaches. The material used were primary and secondary legal material. The primary legal material was Law No. 10 of 2016 and PKPU No. 13 of 2018, while the secondary legal material comprised books and journal articles regarding research on single candidates. The analysis technique used in this legal research was qualitative juridical, and the conclusion was reached deductively.

3. The Increasing Number of Single Candidates in the Implementation of Regional Head Elections in Indonesia

The presence of a single candidate is something that was not predicted. It was quite surprising and caused legal problems, even resulting in a temporary conclusion on the need to postpone the implementation of regional head elections at the simultaneous regional head elections in the following year. This delay was deemed to have violated

² Khairi, Halilul. "Local elections: Money politics and 'cukong' democracy." *Jurnal Bina Praja: Journal of Home Affairs Governance* 12, no. 2 (2020): 249-260.

human rights; thus, the Indonesian Constitutional Court issued Decision No. 100 / PUU-XIII/2015, which was subsequently used as the basis for the legality of a single candidate in regional head elections.

The existence of a single candidate against an empty box in regional head elections can actually be considered a development of democracy. This is because democracy in practice continues to be influenced by the political system and the tug-of-war of the interests of the people involved. Democracy may develop in a positive direction, but also in the negative.³ The phenomenon of increasing numbers of single candidates in regional head elections can be said to be the development of democracy in a negative direction because having a single candidate provides the community no alternative choice for their leader. With a single candidate, the public is faced with the choice of only agreeing or disagreeing. This is tantamount to making a fool of the people. It cannot be denied that the existence of a single candidate in regional head elections is actually a consequence of Constitutional Court Decision Number 100 / PUU-XIII / 2015. However, there are several factors why the number of these single candidates in Indonesia continues to increase.

First, the laws governing candidacy in regional head elections are getting stricter. Candidate pairs supported by political parties and coalitions of political parties are required in Article 40 of Law no. 10 of 2016. This states that a pair of candidates must obtain the support of at least 20% of the number of seats in the DPRD or 25% of the accumulated valid votes acquired in the election of DPRD members in the regions that will hold regional head elections. The increase in the percentage of candidacy support in regional head elections greatly affects political parties. They must form a coalition with other political parties in order to meet the nomination threshold requirements and carry candidate pairs. The nomination threshold requirement forces political parties to carry out a cadre process instantaneously, so they tend to choose cadres who are economically stable and have a high level of popularity. To win, political parties tend to use pragmatic methods and form coalitions to support regional head candidate pairs. Therefore, the coalition that is formed is large because what is done by a single candidate pair is a wholesale system.⁴ This party ballot system has the potential to shift the practice of money politics from previously being given to the public in the form of dawn attacks and provision of food packages, to being given to members of the Regional People's Representative Council and leaders of political parties.

Second, Constitutional Court Decision Number 33/PUU-XIII/2015 dated 8 July 2015 states that members of the DPR, DPD, and DPRD are obliged to resign from the time they are appointed as a candidate pair for regional head or election participants. This has an impact on the number of participants involved in the regional head nomination process. Political parties will have to be very careful in selecting and determining

³ Priebus, Sonja. "The Commission's Approach to Rule of Law Backsliding: Managing Instead of Enforcing Democratic Values?." *JCMS: Journal of Common Market Studies* 60 no. 6 (2022): 1684-700

⁴ Pakina, Ridho. "Recruitment and Regeneration Political Party: The Influence on Election of Regional Heads." In *International Conference on Law, Economics and Health* (ICLEH 2020), pp. 544-550. Atlantis Press, 2020.

candidate pairs for regional heads to ensure winning. The Constitutional Court decision also results in the political parties not being able to nominate their best cadres in the contestation process because they are already sitting in Parliament. They themselves are reluctant to run in the contestation process for the regional head election because if they lose in the election, they would no longer be able to return to their seats as members of Parliament.

Third, the high cost of buying a seat or what is commonly referred to as a political dowry that must be paid by candidate pairs. UU no. 10 of 2016 regulates the regional head election and prohibits political parties or coalitions of political parties from receiving rewards in the regional head nomination process. This means that transactional activities in the form of political dowries are illegal acts, even though it will be very difficult to prove the existence of political dowries such as money politics. However, eliminating political dowries is a very difficult thing to do because political activities and the administration of democracy require a lot of money. The practice of political pragmatism has also been found to increase the high cost of politics in the regional head nomination process. The high price of political dowries is because political parties need funds to finance their party operations and carry out campaigns. Noor,⁵ even said that the costs incurred by a regional head candidate could reach 100 billion for the province and 50 billion for the regency/city.

Fourth, the failure of political parties to carry out the regeneration function. The aim of regeneration is to create cadres—who come from within the party—who have popularity, electability, and a strong source of funds. Weak party regeneration, inter-party collusion, and weak party policy orientation (ideology) are also factors causing the phenomenon of a single candidate. The coalition that is formed in the process of nominating regional heads tends to be very weak and ignores the ideology, vision, and mission of the party. This can be seen from the coalition formed in the nomination of regional heads from parties that have different bases.⁶ In a coalition for political interests, there is never a guarantee that a religion-based party will only form a coalition with another religion-based party. In fact, it is possible that political parties with opposing ideologies may suddenly join the same coalition. This is done by political parties solely to gain victory. The waning of ideology, vision, and mission in political contestation causes political parties to tend to be trapped in pragmatism and transactional politics. Thus, political parties have begun to forget about regeneration and the ideology of their parties. This is reflected in the number of candidate pairs proposed not from party cadres themselves. The best example is the nomination of Gibran Rakabumi and Bobby Afif Nasution, who were not from PDI-P party cadres, but were nominated by PDI-P because they are President Jokowi's son and son-in-law, respectively. Of course, this status can increase their popularity as candidates when the

⁵ Noor, Firman, Sarah Nuraini Siregar, Ridho Imawan Hanafi, and David Sepriwasa. "The Implementation of Direct Local Election and Money Politics Tendencies: The Current Indonesian Case." *Politik Indonesia: Indonesian Political Science Review* 6, no. 2 (2021).

⁶ Mujiburohman, Dian Aries. "The Practice of Presidential Succession in Indonesia." *Padjadjaran Jurnal Ilmu Hukum (Journal of Law)* 7, no. 2 (2020): 250-267.

goal is to gain victory and power.⁷ Debora⁸ said that although the cadre process for each political party uses different methods, in recruitment, the parties are expected to look for cadres who have the same ideology to achieve the party's goals; that is, to create cadres as leaders.

Fifth, individual pairs of candidates must show support from the population of 6.5 to 10 percent, as evidenced by an identity card (KTP). This article states that candidate pairs from the independent path must get support from the people by attaching proof of identity cards (with a certain percentage of the registered population from the previous election). Individual candidates must be able to present their potential supporters to the PPS office no later than three days after the PPS was unable to meet these supporters when administrative verification and factual verification were carried out (by using the census method and meeting directly with each candidate's supporters). If a pair of candidates is unable to present factual verification of the candidate's supporters, then it is declared invalid. This renders the individual candidate unable to meet the administrative requirements, and is thus canceled as a candidate.

4. The Increase in the Number of Single Candidates is Identical to the Backsliding of Democratic Values

The main procedure in democracy is competitive selection of leaders by the people who will be led.⁹ Substantially, democracy is defined as a government organized from, by, and for the people. This means that it is the people who hold the highest power. Similar to Huntington, Schumpeter¹⁰ defines democracy as a system for making political decisions in which individuals get the power to decide through competitive battles to win people's votes. Lincoln said democracy is a form of government in which political power and the highest sovereignty rests in the hands of the people. The sovereignty of the people means that the people determine the style and mode of government and the goals to be achieved. Hix said democracy is about political equality and providing equal voices for everyone to help determine how a country should be governed or run.¹¹

There are several characteristics that must be fulfilled to be considered a democratic country. The holding of general and regional head elections aims to organize a democratic process in a country.¹² There are several functions of general elections,

⁷ Said, Muhtar, Ahsanul Minan, and Muhammad Nurul Huda. "The Problems of Horizontal and Vertical Political Accountability of Elected Officials in Indonesia." *Journal of Indonesian Legal Studies* 6 (2021): 83.

⁸ Debora Sanur, "Challenges and Strategies of Political Parties in Simultaneous Regional Elections 2018" (2018) X (2) Bulletin of the Indonesian Parliament (Domestic Government Sector) 27.

⁹ Huntington, Samuel P. "Democracy for the long haul." *Journal of democracy* 7, no. 2 (1996): 3-13.

¹⁰ Medearis, John. "Schumpeter, the new deal, and democracy." *American Political Science Review* 91, no. 4 (1997): 819-832.

¹¹ Hix and Matthew Whiting, 'Introduction to Political Science', (London: University of London, 2012), p. 31.

¹² Corrales, Javier. "Democratic backsliding through electoral irregularities." *European Review of Latin American and Caribbean Studies* 109 (2020): 41-65.

including: 1) To regulate the procedures for being elected a member of the people's representative body or the head of government; 2) As a mechanism for the replacement or circulation of the ruling elite; 3) In the function of political representation, elections are a democratic mechanism wherein the people determine representatives who are trusted to sit in the government and legislative institutions; 4) As a means of political legitimacy, to uphold the legitimacy of the ruling government; and 5) As a means of political education of the people.

The holding of general and regional head elections must meet certain criteria to be considered a democratic election. Karim,¹³ quoting Ranney, said that there are several characteristics that must be fulfilled for a general and regional head election to be considered democratic, namely: 1) It is held regularly; 2) The elections are meaningful; 3) There is freedom to determine candidates; 4) There is freedom to know and discuss options; 5) There are universal adult voting rights; 6) There is equal treatment in voting; 7) There is free voter registration; and 8) There is appropriate election counting and reporting of results.

Based on this, several thoughts can be taken into consideration to arrive at the conclusion that regional head elections with a single candidate are a regression of democratic values. First, a single pair of candidates will close the freedom space for the people to elect their candidate for leader. This is because the community is not given an alternative choice for a candidate. A single pair of candidates only gives the people the choice to either agree or disagree with the candidates appointed by the General Election Commission. In contrast, ideally, people are given other alternative candidates from whom they can choose.¹⁴ Second, the existence of a single pair of candidates in regional head elections can close the freedom space for the people to know and discuss the vision, mission, and work program of the single candidate pair. The public cannot discuss and compare a candidates' visions and missions because there are no other candidates. Of course, this is because an empty box does not have a vision and mission. An election by merely agreeing or disagreeing to the single candidate can actually be considered a coercion of the people's will wrapped in the name of democracy.

Having a single candidate in the regional head election can be considered a violation of human rights because it has the potential to deny opportunities for the lower middle class and those who do not have large capital to be able to compete in regional head elections (no competition). Although one of the considerations of the Constitutional Court in issuing Decision no. 100 / PUU-XIII / 2015 was to prevent the violation of the human rights of citizens who wish to nominate regional heads, the decision itself also violates human rights, particularly of the lower middle class who wish to compete in regional head elections but could not proceed due to limited funds to buy boats and the heavy requirements that must be met if they want to pursue the independent route.

¹³ Karim, *Comparative Democracy Election* (Toara Wacana 1991) 6.

¹⁴ Iza Rumesten, Febrian, Helmanida, and Agus Ngadino. "Community Participation Arrangements to Prevent Illegal Drilling." *Hasanuddin Law Review* 4, no. 3 (2019): 348-355.

The phenomenon of a single candidate has become an anomaly because of a situation imposed by the state to realize the political rights of citizens, such that only political parties and upper-class people who have large capital can participate in regional head elections. The Constitutional Court decision considers the political rights of only a small proportion of citizens and ignores those of the majority of Indonesian citizens who belong to the lower middle class. These lower middle-class citizens will forever be unable to become candidates for regional heads because they have been hampered by regulations that do not accommodate their interests to participate in the political sphere. The regional head elections with a single candidate are actually not an embodiment of a democratic process that embodies full participation and contestation. They can even be said to have locked from the start the opportunity for independent candidates to be able to participate in regional head elections due to the heavy administrative requirements that must be met.

In this context, Conyers¹⁵ explains three necessary reasons for social participation. First, social participation becomes a useful tool for obtaining information about the society's condition, need, and behavior because without the presence of the society, a developmental program will fail. Second, society will have more trust on the project or program of development if they are involved in the preparation, planning, and implementation processes. This results in a sense of belongingness to the developmental project. Third, it supports public participation in many countries for many ideas appear that it is right of democracy when the society take part in developing the society itself.

The regional head elections with a single candidate can be said to rule out political education. There are many ways to undertake political education, including engaging in debates to convey the vision and mission of candidates, and campaign methods. Elections for regional heads with a single candidate will have minimal campaigning and no opportunity for debates, because it is unlikely that a single candidate pair will argue with an empty box as their opponent in the regional head election. Regional head elections with a single candidate actually have minimal participation. In the perspective of the right to vote, participation and competition are things that must be guaranteed by the state. Without competition and participation, regional head elections that are participated in by only a single candidate will become a false democracy. Hence, democracy should be seen as a political process that opens up opportunities for people's political participation to effectively supervise political agendas and decisions.

The main essence of democracy is the real involvement of the community in the administration of government. In this case, the people are the determinants of power in the administration of government, which are given to their representatives through the election process as a social contract. Democracy will become artificial if people's opportunities to be seen and participate in the process are blocked. For this reason, there is a need for strong participation from the community in being directly involved in the election of leaders; thus, the regional head elections should be used as the most

¹⁵ Conyers, Diana. *Perencanaan Sosial Di Dunia Ketiga: Suatu Pengantar* Translated: Susetiawan). (Yogyakarta: Gajah Mada University Press, 1992). p.21-22.

important democratic momentum in the life of the Indonesian nation and state. The higher the level of community participation, the better the degree of democracy. Therefore, the state in this case must guarantee equal rights for the people to be involved and actively participate in politics and government.

5. Conclusion

Several factors have caused the number of single candidates in regional head elections in Indonesia to increase. The first is the regulation regarding the high threshold that must be met by political parties to be able to nominate candidates for regional head, which is difficult to fulfill. Second, the decision of the Constitutional Court Number 33/PUU-XIII/2015 dated 8 July 2015, which states that members of the DPR, DPD and DPRD are obliged to resign from the time they are appointed as a candidate pair for regional head or election participants. This creates a difficulty for political parties in finding candidates for regional head. Third, the expensive political fees that candidate pairs must raise. Fourth is the failure of political parties to carry out the regeneration function. Fifth is the complicated administrative requirement that must be fulfilled by individual candidates.

The increasing number of single candidates in the regional head elections is simultaneous with the decline in democratic values in the regional head elections. The factors that underlie this are: First, a single pair of candidates will close the freedom space for the people to elect their candidate for leader. This is because the community is not given alternative choices of candidates. Second, a single pair of candidates in regional head elections can close the freedom space for the people to know and discuss the vision, mission, and work program of the single candidate pair. Third, a single candidate in the regional head election is a violation of human rights because it has the potential to block the opportunity for the lower middle class to compete in the elections. Fourth, regional head elections with a single candidate actually override political education. Fifth, regional head elections with a single candidate will limit broader community participation.

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