

## The Phenomenon of Empty Boxes in the 2020 Regional Head Elections in Oku District

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### Abstrak

Indonesia merupakan negara yang menggunakan sistem demokrasi dalam menjalankan pemerintahannya. Salah satu bentuk demokratisasi adalah kegiatan pemilihan umum (Pemilu). Pada akhirnya, kekuatan rakyat tampaknya masih memiliki peran besar dalam pemilihan legislatif April mendatang. Hal ini terlihat dari pemilihan kepala daerah yang berlangsung di Indonesia. Masyarakat lebih memilih kotak kosong ketimbang calon tunggal yang didukung partai politik. Kajian Penelitian Hukum Pemenangan Kotak Kosong. Pemilihan kepala daerah ini menggunakan metode normatif. Materi diambil dari data sekunder, materi dikumpulkan melalui studi kepustakaan dan dianalisis secara kualitatif dengan kesimpulan deduktif. Pada Pilkada Serentak 2020, 25 calon akan memperebutkan kotak kosong pemilihan walikota dan bupati. Jumlah tersebut meningkat jika dibandingkan dengan Pilkada serentak 2018 yang memuat 16 daerah dengan calon tunggal dan pada 2017 hanya 9 calon tunggal. Diduga dua faktor penyebab munculnya fenomena kotak kosong, yaitu hukum dan dinamika politik.

**Kata kunci:** *Kotak Kosong, Pilkada, Kepala Daerah*

### Abstract

Indonesia is a country that uses a democratic system in running its government. One form of democratization is general election activities (Pemilu). In the end, it seems that people's power still has a big role in the upcoming April legislative elections. This can be seen from the regional head elections that took place in Indonesia. People prefer empty boxes to a single candidate who is supported by a political party. Review of the Law of Empty Box Winning Research in. This regional head general election uses the normative method. The material is taken from secondary data, the material is collected through literature review and analyzed qualitatively with deductive conclusions. In the 2020 simultaneous regional elections, 25 candidates will fight the empty boxes for the election of mayors and regents. This number has increased when compared to the simultaneous regional elections in 2018 which contained 16 regions with single candidates and in 2017 only 9 single candidates. It is suspected that two factors cause the emergence of the empty box phenomenon, namely laws and political dynamics.

**Keywords :** *Empty Box, General Election, Regional Leaders*

### INTRODUCTION

Political parties are claimed to have strong dominance in democratic party events, so sometimes they reinforce the roles and functions of the owners of sovereignty, namely the people. Although it can be admitted that the existence of a single candidate in the simultaneous regional head elections is a form of empirical democracy. The state of the emergence of a "single candidate" is a condition that is normatively unimaginable, unpredictable, and even minus engineering. This means that empirically democracy in its implementation continues to develop and is influenced by the political system that occurs in the area.

In the 2020 simultaneous regional elections, there are 25 candidates who fought against empty boxes for the Mayor and Regent elections, namely South Manokwari Regency, Arfak Mountains Regency, Raja Ampat Regency, Gowa Regency, Soppeng Regency, Central Mamuju Regency, East Kalimantan, Balikpapan City, Kutai Regency Kartanegara, West Sumbawa Regency, Badung Regency, Kediri Regency, Ngawi Regency, Boyolali Regency, Grobogan Regency, Kebumen Regency, Semarang City, Sragen Regency, Wonosobo Regency, Humbang Hasundutan Regency, Gunungsitoli City, Pematangsiantar City, Pasaman Regency, Ogan Komering Ulu Regency, Ogan Komering Ulu Selatan Regency, and Bengkulu Utara Regency.

It turns out that the power of the people still plays a big role in general elections. This can be seen in the Pilkada that took place in Indonesia. Political parties in groups only propose one candidate pair, facing off against the opponent in the form of an empty box. This is of course believed by the party elite will certainly result in a brilliant victory without an opponent. But the reality says otherwise, it turns out that the result is the opposite. People prefer empty boxes rather than single candidates for political party support so that automatically the winner is the empty box itself. This incident denies the habit that often occurs, as in the 2015 and 2017 simultaneous regional elections a single candidate always wins the election. Even though there was a lawsuit to the Constitutional Court in the Pilkada against a single candidate in a regency/city, in the end, the winner was always a single candidate (Tamrin: 2017: 308).

Political parties are claimed to have strong dominance in democratic party events, so sometimes they reinforce the roles and functions of the owners of sovereignty, namely the people. Although it can be admitted that the existence of a single candidate in the Pilkada simultaneously is one form of empirical democracy (Dhesinta, 2016: 97). The state of the emergence of a "single candidate" is a condition that is normatively unimaginable, unpredictable, and even minus engineering. This means that empirically democracy in its implementation continues to develop and is influenced by the political system that occurs in the area. The juridical basis for a single candidate is regulated in Law Number 10 of 2016 concerning Pilkada which regulates the election mechanism for which only single candidates participate. Article 54D stipulates that the winner of the election with a single candidate must obtain more than 50 percent of the valid votes.

If the votes obtained do not reach more than 50%, the losing candidate pair may nominate again in the next election. While in Article 25 paragraph 1 PKPU Number 13 of 2018 it is stated that if the votes acquired in the empty column are more than the votes acquired in the photo column of the pair of candidates, the KPU will determine the implementation of the re-election in the next election period. Meanwhile, in paragraph (2), it is stated "The next simultaneous election as referred to in paragraph (1) can be held in the following year or carried out as scheduled by the provisions of laws and regulations." Then, who will lead the district/city government if it turns out that the regional elections failed to elect a new leader? The Pilkada Law states that "If no pair has been elected, the government assigns an official to run the government." This means that the Ministry of Home Affairs will later elect a mayor or regent who will be on duty until the 2020 simultaneous regional elections.

This reality seems to have opened the eyes of all components of the nation, that in fact, the regional head general elections must be able to truly present the chosen figures of the people, not just the choice of political parties. If what happens is the district/city regional election, then the elites of the political parties should clean up and carry out a major evaluation, because they have taken actions that are not desired by the people. Because political parties are people's political vehicles for filling vacancies. But if this is not done, then there is something wrong with the vehicle itself. The trigger for the existence of a single candidate in the Makassar city elections was because the

candidate ran for the support of all political parties, thus closing the opportunity for sons of other regions to advance to become a candidate for mayor.

This means that with large capital, candidates for a regional headlock the opportunity for other candidates to get support. Although this cannot be blamed because the election is a gamble to win and occupy power. However, what is wrong is the lack of courage to compete in battle. Opponents are defeated before advancing in battle. Even the proper word for this condition is power egoism. Whereas a real fight is when there is an opponent in front of you so that if you win, or defeat, all are true forms of toughness and courage.

## **METHOD**

This type of research is normative legal research with a statutory approach, conceptual approach, and case approach. Types and sources of legal materials were obtained from secondary data. The technique of collecting legal materials uses a literature study. The legal materials are then processed using an inventory and systematization. Qualitative analysis of research materials with deductive conclusion techniques.

## **RESULT AND DISCUSSION**

### **Simultaneous Pilkada as a Real Form of Democracy at the Local Level**

Black's Law Dictionary states that democracy is a form of government in which sovereignty is located and exercised by all people, as opposed to monarchy, aristocracy, and oligarchy. According to democratic theory, every citizen must participate directly in government affairs, and the legislature must consist of all the people. Sovereignty is exercised by all the people or the majority of the people, or specifically in the current use, a representative government exists when there is equality of rights, without hereditary rights and arbitrariness that are differentiated by class and privilege; and democracy is distinguished from the aristocracy (Hupron, 2016).

Democracy is one of the principles of managing the state in the modern age. The principle of democracy wants to emphasize that people are the main *stakeholders* in a country. Therefore, in a democratic country, people play an important role in determining the policies made by the state through its government. Democracy in Indonesia is rooted in Pancasila and the 1945 Constitution so Indonesian democracy is often referred to as Pancasila democracy. Pancasila democracy means deliberation to reach a consensus, based on the principles of kinship and cooperation.

The election is a manifestation of democracy. The conceptions and big ideas of democracy which mean referring to John Locke and Rousseau are the guarantees of freedom, justice, and equality for individuals in all fields. In a democracy, there are participatory values and sovereignty that are upheld and must be carried out by citizens and state instruments at both the legislative, judicial, and executive levels (Farahdiba, 2014).

When viewed from the type of implementation, democracy is divided into two types, namely:

1. Direct democracy. This democracy means that the concept of democracy involves every citizen in deliberations to determine general policies and laws.
2. Indirect democracy, this democracy means that the understanding of democracy is implemented through a representative system. Indirect democracy is usually exercised through general elections.

This direct Pilkada is a tangible manifestation of people's sovereignty, where previously regional head elections were only carried out through a representative system through the people's representatives who sat in the regional legislative institutions. Such a system raises problems if the

people's representatives pay less attention to the aspirations of the people they represent because they are more loyal to the political parties that nominated them.

In a democratic political system, the leaders are directly elected by the people, and politicians or future leaders will do their best by the aspirations of the people. This can be seen from two perspectives: **First**, from the point of view of the mandate. Pilkada which is held regularly can be used as a means of selecting sound political policies according to the wishes of the majority of the people. **Second**, from an accountability point of view. Pilkada is a means for local governments to account for various decisions in the past. Consequently, the government will choose policies or programs that have an impact on voters' positive assessment of themselves so that they are re-elected in the next regional election.

The decentralization system has provided the widest possible democratic space for the regions. Regional heads play a significant role in managing life in their respective regions. Regional head elections are held as a concrete manifestation of local democracy as a sociological implementation of the decentralized system. Regional Head Election is a process of selecting the best human beings in each particular region to be elected by the community and appointed as regional leaders according to their level. From a philosophical perspective, Pilkada has three functions, namely, first, Pilkada is a means of choosing legitimate regional leaders. Second, Pilkada as the Deepening of Democracy at the local level. Third, Pilkada is a manifestation of people's sovereignty.

Before the Pilkada was carried out directly, previously the Pilkada was carried out through a representative system or appointed by a central office. In such a system, the community as the owner of sovereignty only acts as an audience so there are many sharp criticisms of this representation system so that in the future the Pilkada is carried out directly by the community. The direct Pilkada has provided the widest possible space for the public to exercise their political rights by registering as a candidate for regional head or electing a candidate for regional head freely according to their respective consciences.

The 2020 Regional Head Election was held simultaneously in all regions in Indonesia on December 9, 2020. It was recorded that 270 regions in Indonesia held regional head elections. Of these 270 regions, 9 provinces (governors), 37 cities (mayors), and 224 regencies (regents) with a total number of Permanent Voters List (DPT) are around 101 million people while the Potential Population Data for Election Voters (DP4) is 105,396,460 people with total funds. the implementation ranges from IDR 9.9 trillion. This budget has decreased quite significantly compared to the budget for the simultaneous regional elections in 2018 which reached IDR 15.95 trillion.

Simultaneous regional elections in 2018 as the largest democratic event in the history of regional elections in Indonesia which also ate the largest election budget have not succeeded in boosting voter participation. Voter participation in simultaneous regional elections in 2018 was only recorded at 72.66 percent, with a male participation rate of 69.90 percent and 75.93 percent for women. The number of voters participation still has not met the 77 percent target set by the KPU.

The failure to achieve the target of participation in the 2018 simultaneous regional elections was indicated by the low public interest in exercising their voting rights. Several factors can cause a decline in the public interest, one of which is the increase in the number of electoral districts that only have one regional head candidate pair. In the 2018 simultaneous regional elections, 16 regions only had one regional head candidate pair (single candidate). This could be one reason people are lazy to come to the TPS.

The phenomenon of empty boxes occurred again in the 2020 regional elections, which recorded that 25 candidates fought against empty boxes for the election of mayors and regents.

### **A Single Candidate in the Reality of Democracy**

In the 2020 simultaneous regional elections, there are 25 candidates who will fight the empty boxes for the Mayor and Regent election, namely South Manokwari Regency, Arfak Mountains Regency, Raja Ampat Regency, Gowa Regency, Soppeng Regency, Central Mamuju Regency, East Kalimantan, Balikpapan City, Kutai Regency Kartanegara, West Sumbawa Regency, Badung Regency, Kediri Regency, Ngawi Regency, Boyolali Regency, Grobogan Regency, Kebumen Regency, Semarang City, Sragen Regency, Wonosobo Regency, Humbang Hasundutan Regency, Gunungsitoli City, Pematangsiantar City, Pasaman Regency, Ogan Komering Ulu Regency , Ogan Komering Ulu Selatan Regency, and Bengkulu Utara Regency. This number increased when compared to the Simultaneous Pilkada in 2018, which contained 16 regions with a single candidate and in 2017 only 9 single candidates.

The emergence of a single candidate has generated a variety of public perceptions, some people consider the emergence of a single candidate as a positive political dynamic, meaning that it shows that some people are smart in interpreting politics. Others interpret the emergence of a single candidate at each regional head as a regression to democracy, they argue that with the emergence of a single candidate, the community does not seem to have a choice to give their voting rights even though in practice voters are given choices in the form of empty boxes, but still people assume that the empty box is an intangible alternative that has no political responsibility.

Provisions regarding the Election of Regional Heads with a single candidate have been regulated in Law Number 10 of 2016 in Article 54C paragraph (1): *"The election of 1 (one) pair of candidates is carried out in terms of meeting the following conditions:*

1. after the postponement has been carried out and until the end of the registration extension period, there is only 1 (one) pair of candidates who register and based on the results of the research the pair of candidates are declared eligible;
2. there were more than 1 (one) pair of candidates who registered and based on the results of the research there were only 1 (one) pair of candidates who were declared eligible and after the postponement, until the end of the reopening period of registration there were no pairs of candidates who registered or pairs of candidates who registered based the results of the research are declared not meeting the requirements resulting in only 1 (one) pair of candidates;
3. Since the determination of the pair of candidates until the start of the Campaign period, there are pairs of candidates who are permanently unable to attend, the Political Party or Political Party Association does not propose a replacement candidate/pair of candidates or the proposed candidate/substitute pair of candidates is declared not meeting the requirements resulting in only 1 (one) candidate pair;
4. From the start of the Campaign period until the voting day, there are pairs of candidates who are permanently unable to attend, Political Parties or Political Parties Association does not propose a replacement candidate/pair of candidates or the proposed replacement candidate/pair does not meet the requirements resulting in only 1 (one) pair. candidate; or
5. There are pairs of candidates who are subject to cancellation sanctions as Election participants resulting in only 1 (one) pair of candidates. "

Democracy will never be perfect. Robert (1985) says "The more we seek for ideal democracy, there will never be a democratic regime." Robert Dahl's statement means that there will be no democracy that has perfection in the process, in the democratic process things or events will always appear. new things along with the progress of democracy. These things or events sometimes appear

without being able to predict by anyone, including regulators. It is suspected that two factors cause the emergence of the empty box phenomenon, namely laws and political dynamics.

Article 40 of Law Number 10 of 2016 regulates the stages of nomination through political party support channels as follows: "*Political parties or coalitions of political parties can register pairs of candidates if they meet the requirements for obtaining at least 20% (twenty percent) of the number of seats in the House of Representatives. Regional People or 25% (twenty-five percent) of the accumulated valid votes acquired in the general election for members of the Regional People's Representative Council in the region concerned.*"

Article 40 paragraph (1) of Law Number 10 of 2016 only regulates the lower threshold for the percentage of political party support for regional head candidates, namely that the candidates for Regional Head must receive support for at least 20% (twenty percent) of the number of seats in the Regional People's Representative Council. or 25% (twenty-five percent) of the accumulated valid votes acquired in the general election for members of the Regional People's Representative Council in the region concerned. This article does not regulate the threshold for the percentage of political party support for regional head candidates, as a result, several regions that carry out Regional Head elections in the 2020 Regional Head Election only have one candidate pair for Regional Head.

Law Number 10 of 2016 accommodates citizens who will advance to become candidates for the regional head but do not have the support of political parties, namely through individual channels but some people complain about the severity of the minimum requirements for community support which is manifested by the number of supporting community identity cards (KTP) that must be collected as stipulated in Article 41 paragraph 1 for candidates for Governor and Deputy Governor and Article 41 paragraph 2 for candidates for Regent and Deputy Regent or Mayor and Deputy Mayor. Article 41 paragraph 2 states: "*Individual candidates can register themselves as candidates for regent and candidate for deputy regent as well as candidates for mayor and candidate for deputy mayor if they meet the support requirements for the number of residents who have voting rights and are included in the final voter list in the region concerned during the general election or election. the most recent one in the region concerned, provided that:*

1. *regencies/cities with a population listed on the final voter list up to 250,000 (two hundred and fifty thousand) people must be supported by at least 10% (ten percent);*
2. *regencies/cities with a population listed on the permanent voter list of more than 250,000 (two hundred and fifty thousand) to 500,000 (five hundred thousand) people must be supported by at least 8.5% (eight and a half percent);*
3. *regencies/cities with a population listed on the final voter list of more than 500,000 (five hundred thousand) to 1,000,000 (one million) people must be supported by at least 7.5% (seven and a half percent);*
4. *districts/cities with a population listed on the permanent voter list of more than 1,000,000 (one million) people must be supported by at least 6.5% (six and a half percent); and*
5. *the amount of support as referred to in letter (a), letter (b), letter (c), and letter (d) is spread over more than 50% (fifty percent) of the number of districts in the regency/city concerned.*"

The minimum requirements for community support as stated in the article above, for some people is felt that it is still quite heavy so, at every Pilkada event, very few people dare to register through individual channels. Apart from laws, political dynamics are also suspected of being a factor in the emergence of a single candidate. First, the failure of political parties to provide political education for party cadres has made it difficult for political parties to find internal figures worthy of being promoted as regional heads. In some regions, political parties prefer to provide support to

community leaders who have become figures in society rather than supporting party cadres themselves. Second, the inconsistency between the support of political party officials at the regional level and those at the central level resulted in political dissent at the grassroots level (constituents) so that the community gave "punishment" to political parties because they were considered "betraying" the people's votes.

Philosophically, the meaning that can be learned from the implementation of the Direct Pilkada is the presence of individuals who have the essence of being truly autonomous powers. This is the essence of real people's sovereignty. The presence of the public in the election makes people become *stakeholders* in major political processes in the elections. *Stakeholders* here mean that legally the community has the right to vote and be elected. So, it can be said that the phenomenon of a single candidate is political "egoism" to maintain power.

### **Empty Box Versus Single Candidate**

A single candidate in the 2020 simultaneous regional elections is not a guarantee of victory for a single candidate, this happened in the 2018 simultaneous regional elections in Makassar City, an empty box defeated Munafri Arifudin and Rahmatika Dewi. The victory of the empty boxes in the election for Mayor and Deputy Mayor of Makassar has shocked many parties, especially political observers. Why not, a single pair of candidates promoted by all political parties that have seats in the Makassar City DPRD has been defeated by an empty box. This means that there is a change in the political paradigm in the people of Makassar City. The people of Makassar City are no longer co-opted by the interests of political parties. The people of Makassar City do "*people power*" to defeat the hegemony of political parties that support a single candidate pair. This phenomenon shows that the community has provided political lessons to all political parties supporting a single candidate that when they betray the people's vote, the people will punish them. This shows that the people of Makassar City have political awareness so that they do not only participate in politics but can play their role as democratic *stakeholders*.

This empty box phenomenon cannot be ignored by 25 single candidates for the 2020 elections. People who have high political awareness will not be affected by the existence of a single regional head candidate, they will still come to the polls at a predetermined time to fulfill their rights and obligations. as citizens although in the end, they will choose an empty box / empty column. The high political awareness of the people will gradually cause political excesses to political parties to change their political character so that they are not pragmatic in carrying regional head candidate pairs.

### **CONCLUSION**

The emergence of a single candidate in the 2020 Pilkada Simultaneously in several electoral districts in Indonesia is caused by different factors even though the source of the problem is the same, namely the result of not having set a threshold for the terms of support from political parties so that in several regions. On the other hand, the requirements for community support for individual candidates are still quite heavy for citizens who wish to progress through individual channels.

Efforts to avoid the above problems can be carried out by making limited revisions to Law Number 10 of 2016 concerning the Second Amendment to Law Number 1 of 2015 concerning Stipulation of Government Regulations instead of Law Number 1 of 2014 concerning Election of Governors, Regents, and Mayor Becomes a Law, especially article 40 paragraph 1, article 41 paragraph 2, article 71 and article 30.

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