

Restriction of Political Party Coalition to Prevent Single Candidates in Regional Head Election

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Abstract: The pattern of political party coalition in proposing candidates for regional head tends to be based on momentary interest, thus generating many single candidates in various regions. The phenomenon of single candidate has neglected people's rights to have the choice of more than one pair of candidates considering that Regional Head Election or Pilkada is the implementation of people's sovereignty to choose the one that deserves to be the regional head. This study aims to analyze the coalition pattern of Political Parties and find the formula of restriction of political party coalition to prevent the emergence of single candidate. The research result shows that the coalition pattern of political parties in regional head election is not based on the vision and mission of political parties and people interests, and thus people are disadvantaged as they lose their right to have a choice of candidates in the regional head election. To prevent the recurrence of a single candidate in the regional head election, it can be done by restricting political party coalition through various means such as limiting the number of political party coalitions or restriction through ownership of seats in the Regional People's Representative Council (DPRD). Limiting coalition will serve as an appropriate solution to avoid any potential of single candidate and it gives resolution to disputes in Regional Head Election in accordance with the provision of legislation. There will always be only one candidate pair, which certainly leads to who could represent the empty box to submit a case and or who could be charged by a candidate pair as defeated due to the empty box. Furthermore, the absence of political party with only single candidate pair also prevents from the absence of authority at regional level as there is no victory obtained in empty box.

1 INTRODUCTION

One form of local democratic manifestation is the process of changing the local leader's that runs democratically. The democratic process of changing the local leaders can be mapped out by the period of elections and the principles of regional head election, whether in the level of province or regency/municipality. The election period here is how the process of changing the regional head is strictly regulated in terms of how long a regional head serves and when he must terminate his term of office. Meanwhile, the principles of regional head election are the principles of election that are generally applicable, namely the principles of direct, public, free, honest and fair (Jazim Hamidi and Lutfi, 2010).

The parameters of whether a general election or a regional head election is democratic are determined

by two things, namely electoral laws and electoral process (Rae, 1971). Therefore, the regulation and the practice of regional head election must be in accordance with the purpose of election with the orientation to become the media for the implementation of people's sovereignty and to elect a leader as desired by people. Thus, people should be presented with the practice of good organization and there should be a list of candidates chosen according to the expectation of people, not just one pair of candidates.

2 METHOD

This study aims to analyze the coalition pattern of Political Parties and find the formula of restriction of political party coalition to prevent the emergence of single candidate.

3 FINDINGS AND DISCUSSION

Regional head election can be held directly and indirectly. Direct election of regional head is an election in which people directly elect their regional head. Meanwhile, indirect election of regional head is the election of regional head whose election is represented by the Regional People's Representative Council (*DPRD*). The form of election which can be done directly or indirectly is not a parameter for an election to be declared democratic. The Constitution does not explicitly define the form of direct or indirect election. Article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia uses the words 'elected democratically'. According to Jimly Asshiddiqie, 'elected democratically' is a choice of words that has a flexible meaning. "Elected democratically has a flexible meaning so that in subsequent arrangement they can be elected directly or by the *DPRD* as in the previous practice. The election of the members of *DPRD* is different as it is explicitly affirmed that the members are elected through general election. This arrangement institutionalizes the way *DPRD* members are chosen in the constitution, but more importantly, it also asserts that *DPRD* members are not selected through appointment as in the previous practice" (Asshiddiqie, 2007).

The meaning of the word 'democratic' also cannot be interpreted that the regional head does not have to be chosen directly because the position of regional head is a position in a region for the representatives of the central government. This means that a regional head may not be elected through general election but may be appointed by the government. For example, regional head in provincial level is appointed by the President and regional head in the level of regency/municipality is appointed by the Governor. The arrangement of the appointment mechanism is regulated in Law number 22 of 1948 on Regional Government.

At the same time, even if a regional head is not appointed by a government official from the upper position, the election of regional head may still be administered indirectly where the regional head may be elected by the Regional People's Representative Council (*DPRD*). The election of regional head is regarded as a democratic regional head election considering that *DPRD* members are directly elected by people in the relevant area; therefore, *DPRD* members are considered to have represented all the will of political choice in an area. Through this logic, it is then translated that when regional head is

elected by the *DPRD*, the election of regional head is a democratic election process.

On a different side, the election of regional head is translated as direct election. This argument is born because, *Firstly*; the word 'elected democratically' in Article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia should be interpreted as direct democracy or direct election. Since the members of *DPRD* as legislatives at regional level are directly elected, the executives (regional heads) must also be elected directly. *Second*; The election of regional head which is carried out directly is considered important in order that there are not two models of government in terms of election. When the election of regional heads is not held directly, the system of election or governance in Indonesia will be seen different, meaning that the presidential/vice presidential election system and members of House of Representatives (hereinafter *DPR*) at the central government is held directly, while the election for regional heads and legislative members at regional levels is held not in direct system. In other words, the elections at central government and at regional level follow two different systems. *Third*; regional head election must be done directly because people must be involved in the aspect of leadership. People have to give their approval, and in this case people's consensus on who will become the leader can only be obtained through direct election of regional head. According to Ibnu Tri Cahyo, regional head election is preferred to be carried out directly considering the spirit of formulation of Article 18 of the 1945 Constitution of the Republic of Indonesia in PAH (Ad hoc Committee) session of the People's Consultative Assembly Year 2000 is direct election. Factions in the MPR namely *PDIP*, *Golkar*, *PPP* and *Daulah Ummah* interpret democratic as direct election (Tricahyo, 2009).

Fourth; Direct election of regional head will break the chain of buying and selling votes of *DPRD* members. When regional heads are elected by *DPRD*, vote transaction between regional head candidates and *DPRD* members becomes common. Election of regional heads by the *DPRD* members will give more ease in terms of predicting fund needed to bribe the members of *DPRD*. Unlike in this indirect election, obtaining financial plan for bribery is not possible in direct election of regional heads simply because the votes sporadically spread and counting the votes before the election is impossible to perform. *Fifth*; Direct election of regional head will also close the opportunity for independent candidates to participate in regional head election. Since independent candidates face

difficulty obtaining recommendation from a political party, the political party will be more reluctant to support candidate pairs from non-cadre. In direct election, political parties consider candidates from important non-cadre with high electability, recalling that direct election gives space for competition among regional head candidates not from cadres or political parties. The competition gives access to non-cadre candidates to a chance of becoming candidates of regional heads and vice regional heads as in governor election in Jakarta, in which Anies Baswedan is a figure not coming from a political party.

In the history of regional head election in Indonesia, the position of head experienced several different forms or models. Some of these forms can be seen in Table 1 below:

Table I. Dynamics of the Form of Regional Head Election (Sirajuddin, 2016)

No	Period	System of Regional Head Election	Legal Basis
1	Period of appointment	The appointment of the governor shall be done by the president on the nomination of several candidates by the DPRD of the province, while regent or mayor shall be appointed by the Minister of Home Affairs through the nomination of DPRD of regency/ municipality	Law No. 1 of 1945 Law No. 42 of 1948 Law No. 1 of 1957 Law No. 18 of 1965 Law No. 5 of 1974
2	Period of Representative appointment	Election of governor/ regent/ mayor through election by DPRD of province/ regency/ municipality	Law No. 22 of 1999
3	Period of Direct Election	Direct election of governor/regent/mayor by the citizens	Law No. 32 of 2004 Law No. 1 of 2015 Law No. 8 of 2015

The regime of regional head election applicable in Indonesia (*ius constituentum*) is direct election of regional head where people directly elect the pair of candidates in regional head election. The pairs of candidates for the regional head election are the pairs that have been determined by the Regional General Elections Commission (*KPUD*) because they have been assessed and verified to qualify as pairs of candidates for regional head election in a certain area. The pair of candidates for regional head and vice regional head may come from political party or individual. Although there are two paths to

become pairs of candidates, but the path of political party is more dominant in terms of nomination and winning in simultaneous regional head election.

The two paths to be a pair of candidates for the election do not work effectively in presenting more number of candidates of regional head. In 2015 regional head election and in 2017 election there was the fact that single candidates were found in some areas (Prayudi, 2018), whereas single candidate is something that is not in accordance with the expectation of direct election. Logically, in direct election people should be given the choice of candidates to be elected as leader. Meanwhile, if there is only a single candidate, it is like following a referendum because people are only asked for approval or rejection on the pair of candidates.

The half-referendum model due to single candidate certainly makes the process of democracy in the region run ineffectively and inefficiently. If it turns out that more people do not agree with that pair of candidates, then the election will be repeated in the next round, so it requires another process and financing. In the waiting of the process of the next Pilkada in regional areas won by an empty box such as the Pilkada held in Makassar, the executor of the Regional Head election will be appointed. At the same time, an election with a single candidate will complicate the judicial process in the event of a dispute. For example, in dispute over the result of regional head election, those having legal standing to file a case are the candidates who feel disadvantaged. This will not be fulfilled in an election followed by a single candidate since there is no other pair of candidates having the legal standing to file a dispute over the election result to the Constitutional Court. On the other hand, when an empty box gains the most votes, the losing candidate pairs will have difficulty tracking the infringement done by the empty box recalling that it is difficult to provide evidence for this case. It is because the supporters of empty box are not from official campaign teams.

There are at least some arguments that can be put forward to describe why single candidate occurs. Firstly, regional head election is still described as the battle of political elite so that citizens who do not belong to the political elite become passive and do not pay attention to the dynamics of regional head nomination. This assumption is certainly a natural thing because in the election, the political elites at both national and local levels play a significant role. For example, in the regional head election of DKI Jakarta in 2017, behind the emergence of three pairs of candidates for regional head, it involved

communication and political activity of national politicians such as former president and former presidential candidate. This condition leads the citizens of non-elite political group or those inactive in political activities to difficulties obtaining recommendation from political parties for the sake of becoming regional head candidates.

Secondly, there is a stigma that the takeover of position of candidate for regional head and vice regional head is only for rich businessmen or those having adequate capital. Admittedly, considerable funds are required in regional head election, therefore, people who can become the candidates for regional head and vice regional head are the ones who have the capital in order to finance the political costs during the process of election. The emergence of the term political dowry from some people who fail in the candidacy for regional head certainly confirms that in order to become a candidate of regional head, it can only be reached by people who can afford to pay political dowry. Finance is another impeding factor for particular citizens to propose regional head candidacy despite the fact that the citizens have popularity and high electability.

Third, the process of determining the pair of candidates of regional head that will be supported by political party depends only on people who have popularity or people who are public figure. This certainly makes citizens who do not have popularity will not feel confident to run for candidate of regional head despite having the competence to become a candidate of regional head. Fourth; political parties as institutions that can nominate candidates for regional head and vice regional head do not have definite parameters in nominating candidates of regional head and vice regional head. Political parties do not have a definite mechanism in determining the requirements of who will be nominated as the pair of candidates for regional head and vice regional head. As the evidence, it can be seen from several political parties which nominated an unpredictable pair of candidates in simultaneous elections in 2015 and 2017, i.e. candidates that did not have a relationship or not a cadre of the party, and even figures who were in a different position with the political party. Although it is true that in Pilkada in Jakarta in 2017 Anies Baswedan was recommended by Gerindra and Keadilan Sejahtera Party, he was not from the two parties. Moreover, in presidential election in 2014, Anies Baswedan supported Joko Widodo, an opposition of presidential and vice-presidential candidate proposed by Gerindra and Keadilan Sejahtera Party.

Fifth, there are no rules in the pattern of political party coalition in choosing the pair of candidates for regional head. This makes the configuration of political party coalition in each region different even though the institution of political parties is national. In area A, a political party can form a coalition with party X, and in another area the party can form a coalition with party Y. In this coalition the ideology of their political party is not the foundation. Here, power sharing is more prioritized. From the factors of the emergence of single candidate above, it can be concluded that the emergence of single candidate is more based on the behavioral pattern of political parties in determining the pair of candidates for regional head and vice regional head to be nominated as participants of election. Political party coalition is not based on ideological similarity and vision and mission between the coalition partners. Thus, it results in the emergence of single candidate which must be prevented in order to create a democratic election process where people are not only forced to choose one pair of candidates. People have the right to have a choice of candidates.

One attempt to prevent the emergence of single candidate is through the restriction of political party coalition in proposing candidates of regional head. This option becomes one of the offers because by restricting political party coalition, the parties cannot be in one coalition group since the number of political parties that can join in one coalition is limited. Therefore, political parties that do not join in a coalition must nominate another pair of candidates. With the restriction on the number of political party coalition, there is bigger potential that the coalition pattern and the pair of candidates to be nominated by political parties will be based on the similarity of platform rather than on political pragmatism.

However, the option to limit the number of political parties in nominating candidates for regional head and vice regional head will be faced with some challenges. It would be very difficult for the political parties to accept such restrictions because they feel that it is the right and freedom of every party to form coalition with any party and in whatever number, and it cannot be restricted. However, this argument may be contradicted with the provisions of article 28J of the 1945 Constitution of the Republic of Indonesia that restriction on the rights of a person may be made as long as it is justified by law. Moreover, limiting coalition of political parties could make use the main functions of political parties.

Some options that can be applied to limit the number of coalitions of political parties are by: First, for a political party that meets the threshold of the vote to nominate candidates for regional head or vice regional head without joining with other parties, that party is prohibited to form coalition with other parties because it has sufficient number of seats in the Regional People's Representative Council or *DPRD* to nominate a pair of candidates. This mechanism is easily realised because there are several political parties that meet requirement of candidate pair for regional head and vice regional head election in some regional areas to obtain minimum number of seats available in *DPRD* to propose candidate pairs for regional head and the vice election without any chance of coalition with another party such as Demokrasi Indonesia Perjuangan Party (PDI-P) in West Java and Central Java in which no coalition was needed.

Second, political parties that do not fulfill the minimal number of seats in *DPRD* can cooperate with other parties to meet the requirements to be able to nominate candidates for regional head and vice regional head. However, the number of coalition must also be proportionally limited or may not consist of all political parties that have seats in *DPRD*. It means that coalition can be held to obtain minimum requirement of combined seats for political parties in regional areas to propose regional head and vice regional head candidate pairs.

Third, the restriction of political party coalition can also be passed by the sorting of political parties based on the ideology of each party. However, coalition restriction through the ideology of political parties is difficult to realize. This cannot be separated from the ideology of each political party that can be difficult to distinguish. Moreover, dealing with the moment of regional head election, the ideology of the political parties seem to have no difference because the ideology is defined with momentary interests or is merely adjusted with election. In addition, the restriction of political party coalition through ideology has the potential to bring the issue of tribe, religion, race, and interreligious groups (*SARA*), for example the grouping of political parties having the ideology of Islam and nationalist. This will push religious issues into commodities that can break unity among the voters.

4 CONCLUSION

Regional head election is one of the transitional processes of people sovereignty to those who will

represent them in leading the government. In this process people should be presented or given the choice of candidates to choose from. However, the organization of regional election in several areas is only followed by one pair of candidates, and thus people have no other choice of candidates to be elected as regional head. The fact of single candidate in regional head election is caused by the coalition pattern of the political parties that form coalition only for the sake of political or financial interest, not to present a pair of candidates as desired by people. Consequently, people feel that their rights as the sovereign holders are violated. Hence, single candidate in regional head election (*Pilkada*) should be prevented or should not be repeated. Prevention can only be done through restriction of political party coalition. Such restrictive mechanism can be performed through restriction of political party coalition based on the maximum number of joint parties that nominate the pair of candidates of regional head or based on the minimum requirement of seat ownership in the Regional People's Representative Council (*DPRD*).

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