

# THE INFLUENCE OF REGIONAL HEAD NOMINATION THRESHOLD ON ELECTORAL JUSTICE AND THE IMPLICATION OF SINGLE CANDIDATES ON QUALITY OF LOCAL DEMOCRACY

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## Abstract

This study examines the influence of the threshold for the candidacy of regional heads on electoral justice and the implications of the emergence of a single candidate on the quality of local democracy. The nomination threshold is implemented as a mechanism to screen candidates to meet certain criteria of political support. However, the application of the threshold that are too high has the potential to cause electoral injustice by limiting the participation of alternative candidates, which then contributes to the phenomenon of single candidates. This condition threatens the quality of local democracy because it eliminates choice for voters and lowers the legitimacy and accountability of government. This study uses a juridical normative approach by analyzing key regulations such as Law Number 10 of 2016 concerning the Election of Regional Heads, General Election Commission Regulations, and Law No. 7 of 2017 concerning General Elections. The result of the study show the need to review the candidacy threshold policy to be in line with the principles of inclusive democracy and electoral justice in order to improve the quality of local democracy.

**Keywords:** Local Democracy, Regional Heads Elections, Single Candidate.

## I. INTRODUCTION

### A. Background

The election<sup>1</sup> of regional heads is one of important pillars in the democratic<sup>2</sup> system at the local level. In the nomination threshold<sup>3</sup> is often applied as a mechanism to screen candidates to have adequate capabilities and support.

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<sup>1</sup> Saibal Ghosh, "Elections and Provisioning Behavior: Assessing the Indian Evidence," *Economic Systems*, no. November 2021 (2022): 100943, <https://doi.org/10.1016/j.ecosys.2022.100943>.

<sup>2</sup> Chris Tenove, "Protecting Democracy from Disinformation: Normative Threats and Policy Responses," *International Journal of Press/Politics* 25, no. 3 (2020), <https://doi.org/10.1177/1940161220918740>.

<sup>3</sup> Lisa Blaydes and James Lo, "One Man, One Vote, One Time? A Model of Democratization in the Middle East," *Journal of Theoretical Politics* 24, no. 1 (2012), <https://doi.org/10.1177/0951629811423121>.



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The process of electing regional heads<sup>4</sup> through the Regional Elections is always carefully prepared and supported by the applicable laws and regulations<sup>5</sup>. However in practice, political anomalies often arise that are difficult to avoid<sup>6</sup>, so that the implementation of the Regional Elections does not go according to expectations. The various interests involved in the candidate pair make them seem to be trying hard in various ways to achieve the desired position.

This condition indirectly harms the community, which basically wants the elected regional head to be able to carry out the duties and responsibilities<sup>7</sup> in accordance with the wishes of the people, not just for personal party interests. For example, in the 2024 Regional Elections, there will be an increase in the number of empty boxes<sup>8</sup> in several regions in Indonesia compared to previous years. This increase number of empty boxes shows that there are special dynamics that affect the political process in the area.

Empty boxes in the Regional Elections occur when there is only one pair of candidates who participate in the Regional Election contest<sup>9</sup> simultaneously, so that voters can choose an empty box as a form of protest or dissatisfaction with the existing candidates. A single registered candidate must obtain more than 50% of the valid votes in order to be elected as regent and deputy regent. If more valid votes are given to empty boxes, then the area will be led by temporary Acting Official.

However, setting this threshold can have an impact on electoral fairness<sup>10</sup>, especially if the threshold set is too high or disproportionate, potentially reducing the participation<sup>11</sup> and opportunities of alternative candidates<sup>12</sup>.

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- <sup>4</sup> Syaiful Rohman and Biky Uthbek Mubarak, "Single Candidates Against the Empty Box; on Regional Head Elections 2020 in Indonesia," *JWP (Jurnal Wacana Politik)* 7, no. 2 (2022): 179, <https://doi.org/10.24198/jwp.v7i2.34730>.
  - <sup>5</sup> Vivi Arfiani and Jamri Jamri, "Manifestation of Sanctions Against Players of Forest and Land Burning in the Aspects of the Law on the Eradication of Corruption Criminal Acts," *Jurnal Karya Abdi* 1, no. 01 (2020), <https://doi.org/10.32520/karyaabdi.v1i01.1000>.
  - <sup>6</sup> Simon Butt, "Judicial Reasoning and Review in the Indonesian Supreme Court," *Asian Journal of Law and Society*, 2019, <https://doi.org/10.1017/als.2018.26>.
  - <sup>7</sup> Dragan Paunović, "Complicity in the Common Law System: General Characteristics," *Bezbednost, Beograd* 63, no. 2 (2021), <https://doi.org/10.5937/bezbednost2102171p>.
  - <sup>8</sup> Rohman and Mubarak, "Single Candidates Against the Empty Box; on Regional Head Elections 2020 in Indonesia."
  - <sup>9</sup> Arga Pribadi Imawan and Haryanto Haryanto, "Models of Political Representation: A Study of Village Chief Elections and Candidacies," *PCD Journal* 7, no. 2 (2019): 147, <https://doi.org/10.22146/pcd.51450>.
  - <sup>10</sup> Paolo Sernani, "Social Media and Electoral Dynamics: A Dataset of X and Facebook Activity during the 2024 European Elections," *Data in Brief* 59 (2025): 111407, <https://doi.org/10.1016/j.dib.2025.111407>.
  - <sup>11</sup> Julia Partheymüller et al., "Participation in the Administration of Elections and Perceptions of Electoral Integrity," *Electoral Studies* 77, no. May (2022): 102474, <https://doi.org/10.1016/j.electstud.2022.102474>.
  - <sup>12</sup> Giulia Savio, "Beyond the Party Push: Gender Differences in Voters' Persuasion," *European Journal of Political Economy* 85 (2024): 102613, <https://doi.org/10.1016/j.ejpoleco.2024.102613>.

The phenomenon of a single candidate<sup>13</sup> emerged as a consequence of the practice of such threshold, where only one candidate meets the requirements, thus eliminating choice for voters<sup>14</sup> and raising question about the quality of local democracy<sup>15</sup>. Therefore, it is important to understand how the setting candidacy threshold affects fairness in elections as well as the implications of a single candidate for local democracy.

The surge in single candidates (37 regions in the 2024 Regional Elections) has caused a crisis of substantive legitimacy. The party's failure in cadre regeneration<sup>16</sup> and the practice of "buying support" narrowed the people's<sup>17</sup> choice. Regulatory reforms are needed, including restrictions on party coalitions and facilitations of independent channels.

Law numbers 10 of 2016 concerning the Election of Regional Heads (Pilkada Law) article 7 of the Regional Election Law regulates the nomination of regional heads. This article states the requirements for regional candidates and political parties. Then further in article 8 it is stated than candidates for regional heads must have the support of political parties with certain seats in the Regional House of Representatives<sup>18</sup> (for the example : at least 20% of the Regional House of Representatives seats or 25% of the valid votes in the previous elections).

This threshold setting aim to ensure that the proposed candidate has political legitimacy and adequate capacity. Regulation of the General Election Commissions<sup>19</sup> (PKPU) concerning Procedures for Candidacy of Regional Heads. The Regulation of the General Election Commissions (PKPU) provides technical details regarding the mechanism and support of political parties and individuals. The Regulation of the General Election Commissions also regulates the handling of single - candidates cases, including how election process with a single candidate.

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<sup>13</sup> Simona Farkašová, "Constitutional Aspects of the Current Reform of the Selecting Constitutional Judges in the Slovak Republic and the Comparative Perspectives in Europe" 14, no. 4 (2016), <https://doi.org/10.24818/TBJ/2021/11/2.02>.

<sup>14</sup> Alessandro Nai, Patrick F A Van Erkel, and Linda Bos, "Turning up and down the Partisan Heat . Voters' Psychological Profile and Changes in Negative Radical Partisanship over the Course of an Election," *Electoral Studies* 95, no. July 2024 (2025): 102926, <https://doi.org/10.1016/j.electstud.2025.102926>.

<sup>15</sup> Camden Kelliher et al., "Unconstitutional Authority of Indonesia's Constitutional Court: The Resolution of Pilkada Result Disputes," *Election Law Journal: Rules, Politics, and Policy*, 2019, <https://doi.org/10.1089/elj.2018.0535>.

<sup>16</sup> Rohman and Mubarak, "Single Candidates Against the Empty Box; on Regional Head Elections 2020 in Indonesia."

<sup>17</sup> T. C. Phuthego and R. Chanda, "Traditional Ecological Knowledge and Community-Based Natural Resource Management: Lessons from a Botswana Wildlife Management Area," *Applied Geography*, 2004, <https://doi.org/10.1016/j.apgeog.2003.10.001>.

<sup>18</sup> Mustari Mustari, "Pengawasan Dewan Perwakilan Rakyat Daerah Terhadap Implementasi Peraturan Daerah Dan Peraturan Bupati Tentang Minuman Keras Di Kabupaten Wajo," *PLENO JURE* 9, no. 2 (2020), <https://doi.org/10.37541/plenojure.v9i2.396>.

<sup>19</sup> Rizki Amalia Fitriani, *Beleidsregel Implikasi Yuridis Sistem Peraturan Perundang-Undangan Di Indonesia*, Rizki Amalia Fitriani, 6(11), 951-952. (Pontianak - Indonesia: PT. Putra Pabayo Perkasa, 2022).

Law number 7 of 2017<sup>20</sup> concerning General Elections (Election Law) although it focuses on legislative and presidential elections, this law also affirms the principles on democracy, openness, and electoral justice that must be maintained in the entire election process, including regional elections.

## B. Research Question

Problems arises from the background is:

- a. How do the setting and practice of the threshold for the candidacy of regional heads affect electoral fairness?
- b. What are the implications of the single candidate phenomenon on quality of local democracy?

## C. Research Method

This research uses a normative legal research method<sup>21</sup> or normative juridical, which is research that focuses on the study of applicable legal norms using legal materials are the main source.

- a. Research Approach<sup>22</sup>, the approaches used are statue approach and the conceptual approach. The legislative approach is used to review and interpret the legal provisions that regulate the threshold for the candidacy of regional heads in relevant law and regulations. Meanwhile, the conceptual approach is used to examine the concept of electoral justice, local democracy, and single candidates based on political and democratic theories.
- b. Legal Ingredients,
  1. Legal materials used consist of Primary legal materials, namely relevant law and regulations such as :
    - 1.1 Law Number 10 of 2016 concerning Election of Regional Heads
    - 1.2 Law Number 7 of 2017 concerning General Elections,
    - 1.3 General Election Commission Regulation (PKPU) related to procedure for nominating regional heads.
  2. Secondary legal materials include books, scientific journals, academic articles, and opinions of constitutional and political law experts related to the research theme.
  3. Tertiary legal materials, in the form of legal dictionaries and encyclopedias that help clarify key concepts.
- c. Legal Material Collection and Analysis Techniques

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<sup>20</sup> Abdul Masri Purba, "Pemilu Serentak Tahun 2024 Merupakan Sarana Perwujudan Kedaulatan Rakyat Yang Demokratis," *Network Media* 7, no. 1 (2024): 1–8, <https://doi.org/10.46576/jnm.v7i1.4315>.

<sup>21</sup> Hetiyasari, "Pertanggungjawaban Hukum Bagi Perusahaan Atas Batalnya Perjanjian Kerja Waktu Tertentu Di Masa Pandemi Covid-19," *Jurnal USM Law Review* 5, no. 1 (2022): 331–41.

<sup>22</sup> Tiago Almeida and Vasco Manquinho, "Constraint-Based Electoral Districting Using a New Compactness Measure: An Application to Portugal," *Computers and Operations Research* 146, no. May (2022): 105892, <https://doi.org/10.1016/j.cor.2022.105892>.

The techniques of collecting legal materials is carried out through library research by examining various relevant legal literature and documents. The analysis is carried out in a descriptive – qualitative manner, namely by describing and interpreting legal norms as well as theories of democracy and electoral justice to answer the formulation of the problem proposed.

## II. DISCUSSION

### A. Regulation and Practice of Threshold for Regional Head Candidacy in the Perspective of Electoral Justice

The threshold for nominating regional heads normatively aims to ensure that regional head candidates have adequate political support from political parties<sup>23</sup>. However in practice, this policy actually narrows the space for political participation.

In the perspective of electoral justice, the main principle that must be maintained is the equality of citizens' right to participate in the electoral process. The high threshold makes only large parties or large coalitions able to put forward candidates, so small parties lose space to compete. As a result, political justice<sup>24</sup> is disrupted because not all citizens have an equal opportunity to participate in political contestation.

In addition, the threshold system is often used by political elites to form strategic coalitions that block emergence of alternative candidates. The practice of "buying party support" has caused single candidates to become an increasingly common phenomenon in various regions, especially in the 2017 and 2020 simultaneous regional elections.

### B. Implications of the Single Candidate Phenomenon on The Quality of Local Democracy

The phenomenon of a single candidate<sup>25</sup> is a political phenomenon that indicates a crisis competition and representation in the local democratic system. The existence of only one candidate in the election makes the democratic process lose its substantive essence, because voters no longer have meaningful political choices.

From the perspective of local democracy, a single candidate lowers the legitimacy of the election result, because the election process is only symbolic. In addition, the public control<sup>26</sup> mechanism over a single candidate becomes weak. As a result, the

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<sup>23</sup> Irit Talmor, "Implementing a Multi-Criteria Decision-Making Approach to a New Party's Election Campaign – A Case Study," *MethodsX* 8, no. January (2021): 101328, <https://doi.org/10.1016/j.mex.2021.101328>.

<sup>24</sup> Tedi Abdul Fariz et al., "Demokrasi Pancasila Dalam Isu Ekonomi," *Advances in Social Humanities Research* 1, no. 5 (2023): 4.

<sup>25</sup> Nofi Sri Utami, Suratman Suratman, and Arief Budiono, "UPAYA PEMBANGUNAN PENDIDIKAN POLITIK MELALUI PEMILIHAN BAGI MASYARAKAT PAPUA (STUDI PENERAPAN PENGGUNAAN NOKEN DALAM PEMILIHAN KEPALA DAERAH)," *Media Keadilan: Jurnal Ilmu Hukum* 11, no. 2 (2020), <https://doi.org/10.31764/jmk.v11i2.2721>.

<sup>26</sup> Frank J. Chaloupka, Ayda Yurekli, and Geoffrey T. Fong, "Tobacco Taxes as a Tobacco Control Strategy," *Tobacco Control* 21, no. 2 (2012): 172–80, <https://doi.org/10.1136/tobaccocontrol-2011-050417>.

potential for abuse of power by elected regional heads increases because there is no adequate political evaluation process.

This phenomenon also shows the tendency of local oligarchization<sup>27</sup>, where political power is controlled by a small group that has economic resources and the support of large parties, thus hindering the birth of healthy political regeneration.

To restore the essence of participatory and competitive local democracy<sup>28</sup>, strategic steps are needed in reviewing the candidacy threshold policy. First, revise the threshold to be more proportionate by taking into account the diverse political structure of the region. Second, strengthening the path of individual (independent) candidates with realistic administrative requirements so that they can be an alternative to the dominance of political parties.

In addition, reform of the local party system is also important so that small parties have the opportunity to develop and contribute to the candidacy of regional heads. The General Election Commission<sup>29</sup> and Election Supervisory Agency<sup>30</sup> (KPU and Bawaslu) need to ensure that each stage of candidacy runs transparently, fairly, and free from money political intervention which is often the main obstacle for alternative candidates.

The rearrangement of the threshold policy for the candidacy of regional heads is an important step to realize a fair and democratic political system. Several normative recommendations can be proposed, including:

- a. Lowering the nomination threshold to open up space for small parties and alternative coalitions to put forward candidates;
- b. Strengthening the path of individual (independent) candidates with non-discriminatory procedures, so that it becomes an alternative for people who are not affiliated with political parties;
- c. Encourage the decentralization of the party system, so that local political parties can grow and play an active role in regional democracy;
- d. Increase the transparency of the candidacy process, in order to prevent transactional political practices and the dominance of local political elites.

### III. CONCLUSION

The threshold for the candidacy of regional heads has a direct influence on electoral justice and the dynamics of local democracy. The application of high leads to reduced political competition, creates electoral injustice, and contributes to the emergence of a single candidate. This condition threatens the quality of local democracy because it

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<sup>27</sup> Danang Eko Prastya, Titin Purwaningsih, and Zuly Qodir, "Political Party Pragmatism: The Emergence of Single Pair in Ngawi Regency Head Election," *Jurnal Magister Administrasi Publik (JMAP)* 2, no. 1 (2021): 2021, <https://doi.org/10.31629/jmap.v1i2.3592>.

<sup>28</sup> Aberar Guridno Rahmat Sufajar, "Comparison of the Political Dynasty in Banten," *Jurnal of Social Political Sciences* 2, no. 3 (2021): 257-74.

<sup>29</sup> Yuris Fadila Diazzaki and Adil Mubarak, "Peran Komisi Pemilihan Umum Dalam Meningkatkan Partisipasi Generasi-Z Pada Pemilu Tahun 2024 Di Kabupaten Agam," *Jurnal Administrasi Pemerintahan Desa* 5, no. 2 (2024): 1-12, <https://doi.org/10.47134/villages.v5i2.139>.

<sup>30</sup> Mudiwati Rahmatunnisa, "Mengapa Integritas Pemilu Penting?," *Jurnal Bawaslu* 3, no. 1 (2017).

eliminates political choices for the people and lowers the legitimacy of local governments.

Through a juridicial normative approach, this study emphasizes the importance of revising the candidacy threshold policy to be more proportionate and in the line with the principles of inclusive democracy and electoral justice. This reform is expected to strengthen public political participation, expand access to alternatives candidates, and improve the quality of local democracy in Indonesia.

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