

Legal Aspects of Governance Regarding Single Candidates Against Empty Boxes in Regional Elections and Their Implications for Indonesian Democracy

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Abstract: *Regional elections with a single candidate against an empty ticket raise fundamental questions regarding their compliance with democratic principles and constitutionality, as well as their impact on political stability. This study aims to analyze the legal aspects of governance related to this mechanism and its impact on Indonesia's democratic system. The method used is normative juridical with a statutory and conceptual approach. Data were obtained through a literature review of relevant laws and doctrines. Legitimately legitimized by Constitutional Court Decision No. 100/PUU-XIII/2015, this mechanism formally addresses questions of constitutionality by guaranteeing citizens' voting rights and the continuity of government. While providing space for voter participation, this mechanism has the potential to limit the public's right to choose from a variety of options, which is the essence of democracy. Constitutionally, its existence is questionable because it limits fair play in elections. However, substantively, this practice sparks debate about democratic principles because it drastically limits voter choice and reduces the quality of the contestation of ideas. Its impact on political stability is twofold: in the short term, it can maintain stability by preventing a power vacuum. However, in the long term, the victory of a single candidate with potentially low public legitimacy could erode trust, weaken checks and balances, and ultimately threaten healthy political stability. The Regional Election Law must be thoroughly revised to ensure a healthy and fair contestation.*

Keywords: *Constitutional; Court; Decision; Empty Box; Single Candidate.*

1. Introduction

After the 1998 Reformation, Indonesian democracy began to develop. According to Article 1 Paragraph (2) of the 1945 Constitution of the Republic of Indonesia, "Sovereignty rests with the people and is exercised according to the Constitution." Abraham Lincoln, in his famous speech at Gettysburg in 1863, said that "democracy is government of the people, by the people, and for the people." In building a democratic government, elections, including regional

head elections, must be held to strengthen institutions. Democracy is never separate from regional elections. In general, the definition of democracy is a system of government created by a country based on the will of the people; this is also known as "government of the people, by the people, and for the people."

Democracy itself is defined as a system of government formed through an honest and open election process, where every group that struggles agrees that the election results are a reality that must be respected and valued by all parties. Regional heads must be elected through a democratic contestation process. A contestation cannot be interpreted as simply having more than one candidate pair, but rather more substantially, namely there is a guarantee of space for the people to realize their sovereignty through the right to be elected and the right to vote. To elect leaders and deputy leaders at the provincial, district, and city levels, regional head elections are a democratic process. Article 18 paragraph (4) of the 1945 Constitution of the Republic of Indonesia, which states that "Governors, Regents, and Mayors as Heads of Provincial, District, and City Governments are elected democratically," provides the basis for the implementation of regional head elections. Until 2015, new regulations were issued that allowed regional elections to be held with only one candidate (single candidate). Single candidate regional elections or empty boxes are regional head elections that are only followed by one candidate pair (single candidate) and will compete against an empty box. The single candidate regional elections or against an empty box began to be implemented after the Constitutional Court's decision in 2015.

A single-candidate regional election occurs when only one candidate pair registers and passes verification, and no other candidates compete. In such situations, voters are given the option to select the blank box or support a single candidate. In Law No. 10 of 2016 concerning the Second Amendment to Law No. 1 of 2015 concerning the Stipulation of Government Regulation in Lieu of Law No. 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law, the regulations governing single candidate pairs are not significantly different from those governing non-single candidate pairs. The only difference in victory is the threshold, which must exceed 50% of the valid vote. However, other matters, such as campaign regulations and campaign materials, are the same as having more than one candidate pair. Meanwhile, for the Blank Column, which is a "competitor of a single candidate pair," there is no regulation, or more precisely, there is no regulation regarding the "rights and obligations" for the Blank Column (E. Jumaeli, 2017).

In practice, if there is only one candidate pair in a regional election, then this regional head candidate pair will be faced with an opponent in the form of an empty box. According to Article 54C paragraph (2) of Law No. 1 of 2015, the public can determine their choice between choosing a regional head candidate pair or choosing an empty box. But that does not mean there is no ballot box. However, if voters do not want to choose the only candidate pair running, they can choose this option in their ballot box. In Constitutional Court Decision Number 100/PUU-XIII/2015, the Constitutional Court judge stated that even if there is only 1 (one) regional head candidate after the extension of regional head candidate registration, the Regional KPU must still determine 1 (one) regional head pair to run in the regional election.

However, the phenomenon of single candidates in regional elections has become an important concern for Indonesian democracy. This phenomenon arises because political parties cannot carry out effective cadre development so that there are no candidate pairs that compete well.

Typically, a region may only have one candidate pair for regional head and deputy head. In such a situation, if there is only one candidate pair, the empty box will be used to run against the other pair. If the empty box wins the election, a repeat election will be held the following year or during the next election period. Regional officials will be appointed and inaugurated as long as the vacant position remains (Eugenia Priska Labaran, 2024).

Based on the background of the above phenomenon, the focus of this discussion is: First, does the mechanism of the single candidate election against an empty box comply with the principles of democracy and constitutionality? Second, what impact does the single candidate election against an empty box have on political stability?

2. Research Methods

This research uses a normative juridical research method or type, namely a legal research method that examines library materials. Thus, this research method is also often referred to as doctrinal legal research, namely research sourced from secondary data, legal principles, positive legal rules from library materials, legislation and court decisions. The approach to the problem is carried out by examining the provisions regarding single candidates in opposing empty boxes with the focus of the literature data search directed at two main themes: single candidates in the Pilkada. Because the main objective of the research is to examine and describe in depth the phenomenon of single candidates in the Pilkada and its impact on political stability.

3. Results and Discussion

3.1. The Mechanism of Single Candidate Regional Elections Against Empty Boxes in the Principles of Democracy and Constitutionality

Indonesia is a unitary state based on the rule of law with a republican government and a parliamentary presidential system of government. The state foundation, the 1945 Constitution of the Republic of Indonesia, serves as the basis for the basic rules that will be implemented and maintained during the administration of the state. The term "unitary state" is also often used to describe the Indonesian state. According to Article 1 paragraph (3) of the 1945 Constitution, "The State of Indonesia is a state based on the rule of law," and Article 1 paragraph (2) of the 1945 Constitution refers to Indonesia as a sovereign state, which states: "Sovereignty rests with the people and is implemented according to the constitution." In accordance with Article 18 paragraph (1) of the 1945 Constitution, the Unitary State of the Republic of Indonesia is divided into the following regions: "The Unitary State of the Republic of Indonesia is divided into provincial regions, and these provincial regions are divided into districts and cities, and each province, district, and city has a government (Luluk Imro, Moh Bagus, and Amim Thobary, 2014)."

Regional head elections are one way of implementing popular sovereignty in the Unitary State of the Republic of Indonesia, which is based on Pancasila and the 1945 Constitution of the Republic of Indonesia. This will have socio-political and social impacts if there is only one candidate pair. Regional head elections are an important process to represent the will of the people; it is also a way to elect governors, regents, and mayors, better known as "pilkada". Regional head elections were first held in June 2005 after Law No. 22 of 2007 included regional head elections in the general election regime. Since then, they have been officially known as general elections for regional heads, or also called pemeluaran kada (Azis Setyagama, Purwanto, 2021) .

Regional head elections involving a single candidate against an empty ticket are a curious phenomenon in Indonesia's democratic system. This situation occurs when only one candidate pair qualifies to run in the election and no other competitors register. In such a situation, voters have two options: vote for the single candidate pair or vote for the empty ticket to reject the current candidate. Law No. 10 of 2016 concerning Regional Head Elections regulates this mechanism to ensure elections proceed even in the absence of close competition.

In regional head elections, there is only one candidate pair, and voters have only one choice but to agree or disagree with the candidate pair. This is known as the "empty box phenomenon" (Mamonto, 2021) .

A single candidate pair runs against an empty ballot box, devoid of other candidate pairs. This phenomenon is caused by the lack of participation of political parties in nominating the best cadres from each party, which leads to political liberalization that results in a single candidate pair. The phenomenon of a single candidate versus an empty ballot box in regional elections is an interesting dynamic in Indonesia's democratic system. Although legally permitted by the Constitutional Court's ruling, its existence has given rise to various debates regarding democratic principles and its implications for political stability.

According to (Firdaus, 2024), the existence of a single candidate results in the elimination of contestation, because elections without contestation are not essentially elections that are in line with the principle of free and fair elections. If there is only one candidate, voters will be faced with choices that do not reflect competition, so their right to choose and be elected will be reduced. One of the weaknesses of this single candidate is that the public cannot compare candidate pairs because there is only one candidate pair. However, there may be better candidates that the public can choose from than only one candidate pair that appears. Many opinions on the phenomenon of the "empty box", especially from the perspective of legal politics, which includes democratic aspects, political participation, and influence on leadership legitimacy. Some argue that the empty box indicates a lack of political competition due to strong political domination.

The Constitutional Court issued Constitutional Court Decision Number 100/PUUXIII/2015 concerning the legal basis for single candidates in regional head elections (pilkada). The decision was issued during the simultaneous regional head elections on December 9, 2015. The object was the constitutionality test of Law No. 8 of 2015 concerning Amendments to Law

No. 1 of 2015 concerning the Stipulation of Government Regulation in Lieu of Law No. 1 of 2014 concerning the Election of Governors, Regents, and Mayors into Law (State Gazette of the Republic of Indonesia 2015 Number 57, Supplement to the State Gazette of the Republic of Indonesia Number 5678) (Maringan Panjaitan, Jonson Rajagukguk, and Simson Berkat Fanolo Hulu, 2020)

The Constitutional Court (MK) Decision Number 100/PUU-XII/2015, which recognized the legality of establishing a single regional head candidate pair in Indonesia's simultaneous regional elections, is the basis for this phenomenon. MK Decision Number 100/PUU XIII/2015 includes two decisions. In the first decision, the Constitutional Court requested that each region with a single candidate pair still hold regional elections by providing the option of "agree" or "disagree." In the second decision, the Constitutional Court changed the requirement for support for individual candidates from a percentage of the population to a percentage of the number of voters. In a political context, democracy should have the ability to represent the voice of the people. Regional elections must be carried out while maintaining democracy.

According to the Constitutional Court, if a regional head election is contested by only one candidate pair, the contest will be more effective if voters are asked to vote "Agree" or "Disagree" with the candidate pair rather than with a blank box. However, if more people vote "Agree," the single candidate pair will be elected as head and deputy head of the region. Conversely, if there are more voters who vote "Disagree" until the simultaneous election. In the ruling, it was determined that regional elections with a single candidate remain valid and have the constitutional right to elections based on democratic principles. According to democratic principles, elections should ideally be contested by more than one candidate pair to give voters more choice, but in this situation, if only one candidate meets the requirements, democracy must be maintained. Democracy protects the rights of voters and candidates to participate in the electoral process.

The law clearly states that the blank box option in regional elections is constitutionally recognized, so voters who choose not to vote for any of the existing candidates have the legal legitimacy to do so. This landmark decision lays the legal basis for the blank box phenomenon, reflecting voters' constitutional right to express their dissatisfaction with their chosen candidate. However, as is customary, the Constitutional Court's decision only stated whether or not it was unconstitutional, as the Constitutional Court's decision did not essentially create new law (negative legalization). Consequently, technical matters related to the implementation of single-candidate regional elections were left entirely to the General Elections Commission (KPU). General Elections Commission Regulation (PKPU) Number 14 of 2015 concerning Regional Elections was enacted as a follow-up to the Constitutional Court's decision. This regulation governs the technicalities of elections involving individual candidates. Lawmakers then amended this decision into Law No. 10 of 2016 concerning Regional Head Elections (Pilkada), recognizing that the legal standing was insufficient (Ahmad Gelora Mahardika, 2021).

Specifically, Article 54C paragraph (1) which is then regulated technically in KPU Regulation Number 13 of 2018 paragraphs 1 to 3 concerning Regional Elections with one candidate pair. After the Constitutional Court's decision regarding the existence of a single candidate, this phenomenon emerged in democratic contests in Indonesia due to the inability of politicians to carry out their role as a means for political cadre development. It is clear that this situation is dangerous for the continuity of democracy and the Indonesian state system.

Some of the main reasons for the "empty box" phenomenon that occurs during elections are various driving factors, namely (Dedi Mulyadi et al., 2024).

First, Incumbent Victory. The term "incumbent" is used to refer to a person or candidate who currently holds a government office and is running for another term. In general elections, incumbents often have several advantages over new candidates. These include public recognition, experience in office, and support from a larger political network and resources. These advantages often make incumbents strong candidates, making it difficult for competitors to compete. For example, during regional head elections, an incumbent may have a track record familiar to voters and greater access to funding and support from political parties. This often leads to the phenomenon of the "empty box," where, in situations where there is only one candidate running, voters have no choice but to choose the empty box.

Second, large party coalitions in regional elections. Large party coalitions often prevent independent candidates or small parties from competing. This occurs when large parties collaborate to support incumbents or candidates perceived as strong, pooling significant resources and political support networks, making it difficult for candidates from small parties to compete. These coalitions not only strengthen the position of the supported candidate but also prevent other parties from nominating candidates against them. In such situations, small parties are reluctant to nominate candidates because they are unsure of their chances of winning. As a result, the phenomenon of single candidates or empty boxes in elections becomes more pronounced. This suggests that the existing support structure tends to limit local competition even when there are many candidates.

Third, the Threshold Requirement. The parliamentary threshold is the number of valid votes a political party must exceed. Countries that implement proportional representation systems, including Indonesia, use the parliamentary threshold as a technical tool for general elections. *The threshold, electoral threshold, presidential threshold, and parliamentary threshold* are essentially the same: a threshold that a political party must exceed to be able to send representatives. Typically, this threshold is represented by a percentage of valid votes or a minimum number of seats.

Fourth, the political approach or political strategy used by political parties and figures reflects their chances of winning the election. Parties tend to avoid nominating candidates in situations where the election outcome is already predictable, such as when an incumbent or other strong candidate is predicted to secure a majority. This decision is usually based on the calculation that the chances of winning are not worth the cost of resources, time, and political effort. Furthermore, parties may feel that their reputation will be damaged if there is no

strong candidate. This phenomenon reduces the participation of candidates from smaller parties, reduces the diversity of political contests, and increases the likelihood of single candidates in many regions.

From the perspective of Democratic Principles (Substantial and Critical Perspectives), namely *Limited Choice*, democracy ideally offers diverse choices to voters. A single candidate against an empty box substantially simplifies the choice to "agree" or "disagree" with a single personal option, thereby diminishing the essence of competition of ideas and programs between candidates. The emergence of a single candidate is often an indication of problems in the process of political party cadre formation, high political costs, or the practice of "party buying" (large coalitions that leave little or no room for other candidates). This can reduce the quality of democracy because the candidate selection process becomes less competitive. Even with an empty box, a single candidate's victory can feel like acclamation, especially if voter turnout is low or socialization regarding the meaning of the empty box is not widespread. This can substantially affect the legitimacy of the elected candidate in the eyes of some members of the public. In a system with a single candidate supported by a majority or all parties in the regional parliament, *the checks and balances function* of the Regional People's Representative Council (DPRD) is potentially weakened, namely the weakening of the Budget Function (*budgeting*) The DPRD should be the last bastion that ensures the Regional Budget (APBD) is allocated for the benefit of the people, through critical debate, in-depth discussion, and rejection of unreasonable allocations so that the APBD deliberation process tends to run very smoothly and quickly. Critical debate is replaced by negotiations on the distribution of "budget portions" among coalition parties.

The allocation of grant funds, social assistance, and strategic projects reflects more political compromises to satisfy supporting elites than prioritizing public needs, the DPRD loses its bargaining power to criticize or reject executive proposals. Legislative Function (*Lawmaking*) The ideal function of the DPRD is to initiate pro-people regional regulations (Perda) and conduct in-depth studies of Perda proposed by the executive, but in reality, with a single candidate, legislative initiatives from the DPRD that potentially conflict with the executive's agenda will be difficult to emerge. Discussion of Perda proposed by the executive tends to be merely a formality for ratification. There is no longer a healthy "battle of ideas" in formulating public policy, and the Regional People's Representative Council (DPRD) has special rights such as the right of interpellation (request for information), the right of inquiry (conduct investigations), and the right to express opinions to oversee the course of government. These rights have been *de facto* lost. It is difficult to imagine DPRD members from the supporting party initiating the right of inquiry against the regional head they themselves nominated. Such an action would be considered political disobedience that risks their position and political future. As a result, potential policy deviations or alleged violations by the executive will not receive the appropriate oversight response from the DPRD. The situation of a single candidate can reduce enthusiasm and voter participation because they feel the choice is "determined" or less attractive.

From a Constitutional Perspective (Based on the Constitutional Court's Decision). The Constitutional Court is of the opinion that this mechanism guarantees citizens' constitutional rights to vote and the right to be elected. Without this mechanism, if there is only one candidate, the regional elections will continue to be postponed, which means that citizens' right to obtain a definitive leader chosen by the people is also delayed. This mechanism ensures the continuity and certainty of regional government administration by continuing to hold regional elections even if there is only one candidate pair. The empty box is considered a form of channeling votes for people who disagree with the sole candidate, so that sovereignty remains in the hands of the people to accept or reject the candidate. If the empty box wins, it is a manifestation of the people's sovereignty. With the Constitutional Court's Decision being final and binding, and accommodated in the revised Regional Election Law (Law No. 10 of 2016), this mechanism is formally and constitutionally valid and applicable in Indonesia.

3.2. The Impact of Single Candidate Elections Against Empty Boxes on Political Stability

The empty box will impact the development of democracy and political stability in Indonesia (Anisah Aura, 2021). First, it will reduce the level of democracy. With only one candidate nominated, people in certain regions have no options in local government. This situation inevitably forces people to choose: face a duet with one candidate or choose the empty box. This empty choice demonstrates the public's distrust of the existing candidate pairs. The public is permitted to carry out a peaceful but effective constitutional resistance movement against the single-candidate electoral system by checking the empty box on the ballot paper.

Second, the declining voter turnout. When choices are very limited, there's no motivation for people to go to the polling stations and exercise their right to vote. This is especially true given the perceived bias of independent candidates as pro-status parties. In the current situation, when a regime is in power, people will consider their votes wasted because the winning candidate was chosen through a "fraudulent" process. Going to the polling stations to vote in such a situation would be futile. The lower the turnout, the lower the legitimacy of the elected leader. Citizenless states, on the other hand, require attention. For example, when an elected government wins, when legitimacy is very low, citizens automatically become passive towards the policies it issues, and controlling public governance creates authoritarian and out-of-control leaders.

Third, ruling oligarchies control political parties. Large parties can maintain their power and avoid potential candidates in local elections because coalition governments serve the public interest. Furthermore, this demonstrates the failure of party leadership structures, as parties prefer candidates with strong reputations and social, political, and economic power when participating in local elections.

In this regional election, the empty box phenomenon can be viewed from two perspectives. First, the empty box trend threatens the future of democracy in Indonesia because it lacks competition and transparency in the election process, leaving the public without a viable option for electing regional leaders. This phenomenon also demonstrates the failure of the democratic system, which should provide people with ample choice in general elections.

Democracy should be viewed as a system that enables fair and healthy competition, not merely as a procedure. The "empty box" phenomenon is both a technical political issue and a potential threat to the future of Indonesian democracy (Anggraini, 2024) .

Regional elections are a process in which citizens directly elect their leaders. This represents a significant advancement in Indonesia's well-functioning democratic system. One proof of equality among all citizens in a democratic system is the right to vote and be elected in the process of electing leaders. These direct elections demonstrate the level of public participation in political decision-making. Elections are a direct representation of democracy and a way for the people to assert their sovereignty over the state and government. The objectives of holding elections are as follows: (1) strengthening the democratic constitutional system; (2) ensuring fair elections; (3) ensuring the consistency of the electoral system; (4) providing legal certainty and preventing duplication in the direction of elections; and (5) ensuring effective elections.

According to the Constitutional Court, a " *blank vote*" is not the right choice for Indonesia, which desires competitive direct elections, because what is expected from a "*blank vote*" is healthy competition between the ideas and programs of the candidates. To show the strengths and weaknesses of each candidate pair, so that voters can be more careful and selective in choosing the one that suits their wishes. A "*blank vote*", also known as "empty voting", is simply an option that goes against the mainstream which, if chosen, will only expand the electoral advantage. Therefore, a "*blank vote*" for a single candidate is a solution to the legal uncertainty that occurs, but not an ideal option ((Kartika, 2024) .

Viewed negatively, the long-term impact of a single candidate versus an empty box on political stability is that if a single candidate's victory is influenced by significant "party buying" or low turnout, their public legitimacy may be undermined. This can lead to public disapproval and hinder policy implementation. If people feel they lack real choices, they may become dissatisfied and distrustful of democracy and political institutions as a whole. Instability can arise as a result of accumulated dissatisfaction. Strong party coalitions often support single candidates. This can lead to regional executives gaining excessive power, the DPRD being unable to mount an effective opposition, and the potential for abuse of power due to the lack of a balancing mechanism. In the long term, this is detrimental to democratic political stability. If an empty box wins, it means a repeat election will be required. This will create a period of leadership uncertainty, additional costs for the regional elections, and potential political fatigue among the public. This has the potential to cause temporary uncertainty until definitive regional head elections are held. The phenomenon of single candidates may indicate the existence of political cartels among party elites that prioritize the distribution of power over the competition of ideas and programs. This can undermine the stability and health of democracy in the long term.

Meanwhile, if viewed from a positive perspective in the short term, it avoids a power vacuum. By continuing with the regional elections, a permanent vacancy in the regional head position can be avoided. Delaying the elections too long can create uncertainty and potential instability

in governance and public service delivery. Continuously postponing elections due to the presence of only one candidate can create political tension in the region. The solution is the empty box mechanism. As long as the election process is conducted honestly, fairly, and transparently, the sole candidate who wins the election will receive formal legitimacy to govern, which is crucial for stability.

With the emergence of single-candidate pairs, democracy in regional elections is in decline. This situation could jeopardize democracy and the quality of regional head leadership for the next five years. Unwittingly, this situation is gradually leading to democratic decline. Participation is key to the implementation of political democracy, so the emergence of single candidates remains an integral part of democracy. Therefore, even if there is only one candidate pair in a regional election, voting must take place, as the people's right to vote is a sovereign right protected by the constitution.

4. Conclusion

The Constitutional Court's ruling is final and binding. Ultimately, Indonesia's constitutional system faces several decisions, one of which is the decision that allows a single candidate to face an empty ticket. Decision Number 100/PUU-XII/2015, which allows the public to vote with an affirmative or disapproval answer, has resulted in a single candidate running against an empty ticket. The election is postponed until the next period in cases where the majority vote disagrees. The regional election law should be amended to maintain the minimum requirement of two candidate pairs. Furthermore, the requirements for independent candidates should be reduced to prevent political party influence over those interested in local governance. It should be noted that these requirements are so stringent that candidates find them difficult to meet. To prevent power-sharing, each political party must nominate a candidate pair. In the case of a single candidate, the political party typically has more control over the incumbent than it does over the candidate itself. Furthermore, sanctions should be imposed if a political party refuses to nominate its candidate. This sanction bars the possibility of participating in the next regional election. Thus, the "empty box" phenomenon impacts political stability by being uncompetitive because only one candidate is running. A single candidate pair has no competitors, so the public can only choose that pair or the empty box. In the regional election system, the existence of the empty box stems from the Constitutional Court's decision, which the General Elections Commission (KPU) decided to choose between a candidate or an empty box in single-candidate elections. Initially, this tends to be unbalanced because the empty box is not an opponent with equal political power to the single candidate pair. This will inevitably have both positive and negative lasting impacts.

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