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Blank Vote on the Simultaneous Regional Elections in Indonesia: Islamic Constitutional Law Perspective

Irma Mangar

Universitas Bojonegoro, Bojonegoro, Indonesia
irmamangar403@gmail.com

Nur-Amimi Tahe

Thaksin University, Thailand
miminur.038@gmail.com

Yunas Derta Luluardi

Universitas Islam Negeri K.H. Abdurrahman Wahid Pekalongan
yunas.derta.luluardi@uingusdur.ac.id

Muhammad Rosyid Ridho

Sekolah Tinggi Agama Islam Mulia Astuti, Wonogiri, Indonesia
muhammadrosyid726@gmail.com

Asri Elies Alamanda

Universitas Bojonegoro, Bojonegoro, Indonesia
alamandaelies@gmail.com

Shinta Azzahra Sudrajat

Universitas Muhammadiyah Kuningan, Kuningan, Indonesia
shintaazzahrasudrajat@umkuningan.ac.id

Abstract

The increasing number of single candidates and blank votes in the simultaneous regional elections is a fact in the democratic process in Indonesia. This paper discusses blank votes in simultaneous regional elections, which are a dilemma in enforcing the principles of democracy.



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Furthermore, it discusses blank votes from the perspective of Islamic constitutional law. The research method uses normative juridical with a statutory, conceptual and case approach. The results show that the fact of single candidates in the simultaneous regional elections which are legitimized by laws and regulations opens up the opportunity for blank votes to emerge which are "deemed" as a solution in the democratic process in the regions. The author argues that the single candidates and blank votes in the simultaneous regional elections are a dilemma in realizing the principles of democracy. On the one hand, the principles of democracy must be upheld as mandated by the constitution, but on the other hand, the regional election process must continue even with only a single candidate. Islam offers principles in the implementation of state administration, namely prioritizing *syura* (deliberation), fairness, not siding with the wrong and prioritizing equality. Al-Mawardi emphasized that political practices in the election of state leaders require religion as a moral force, charismatic leaders and justice for all people. That idea is relevant to the principles of democracy in Indonesia, where religion, humanity, unity, deliberation and justice are its basis. This study is expected to be a reflection material to realize a more democratic election.

KEYWORDS: Blank Vote, Democracy, Regional Elections; Single Candidate,

Abstrak

Peningkatan jumlah calon tunggal dan blank vote pada Pilkada serentak, merupakan fakta dalam proses demokrasi di Indonesia. Paper ini membahas tentang blank vote dalam Pilkada Serentak di Indonesia yang menjadi dilemma dalam penegakan prinsip Demokrasi. Selanjutnya membahas tentang blank vote dalam perspektif hukum tata negara islam. Metode penelitian menggunakan yuridis normatif dengan pendekatan perundang-undangan, konseptual dan kasus. Hasil kajian menunjukkan bahwa, fakta adanya calon tunggal dalam Pilkada serentak yang dilegitimasi oleh peraturan perundang-undangan membuka peluang munculnya blank vote yang "dianggap" sebagai solusi dalam proses demokrasi di daerah. Penulis berargumen bahwa, fakta mengenai calon tunggal dan kotak kosong dalam Pilkada serentak justru menjadi dilemma dalam mewujudkan prinsip demokrasi. Di satu sisi prinsip demokrasi harus ditegakkan sebagaimana yang diamanahkan oleh konstitusi, namun di sisi lain proses Pilkada harus tetap berjalan meskipun hanya dengan calon tunggal. Islam menawarkan prinsip-prinsip dalam penyelenggaraan ketatanegaraan, yaitu mengutamakan syura (musyawarah), adil, tidak memihak yang salah dan, mengedepankan kesetaraan. Al-Mawardi menegaskan bahwa praktik politik dalam pemilihan pemimpin negara memerlukan agama sebagai kekuatan moral, pemimpin yang kharismatik dan, keadilan bagi semua

orang. Pemikiran tersebut relevan dengan prinsip demokrasi di Indonesia, dimana agama, kemanusiaan, persatuan, musyawarah dan keadilan menjadi basisnya. Kajian ini diharapkan dapat menjadi bahan refleksi untuk mewujudkan pemilu yang lebih demokratis.

KATA KUNCI: Calon Tunggal, Demokrasi, Kolom Kosong; Pilkada

Introduction

In Indonesia, the number of single candidates against Blank Vote in simultaneous regional elections every year is increasing, even in 2024 there will be 9 Regional Elections with a single candidate against Blank Vote from 37 Regional Elections with a single candidate.¹ The Constitutional Court's Decision No. 60/PUU-XXII/2024 regarding changes in the threshold for the nomination of Regional Heads is a middle way in resolving the problem of single candidates, but at the same time, it is a driver of the emergence of blank votes.² The Constitutional Court's decision emphasizes that the election of regional heads with a blank vote is the last resort after a series of efforts are made to present other candidate pairs, and the contestation is carried out by asking the people to vote for or disagree with the candidate pair. If the majority of the people vote in favour of the candidate, the candidate pair will be designated as the elected regional head, but if it is the opposite, it will be postponed until the next simultaneous regional election period.³

Previously, much research has been conducted on blank votes in regional head elections. For example, Lestari's research found that the

¹ Aida Mardatillah, "Dinamika Keabsahan Memilih Kotak Kosong Di Pilkada," <https://www.hukumonline.com/>, 2024, <https://www.hukumonline.com/stories/article/lt6707981208cof/dinamika-keabsahan-memilih-kotak-kosong-di-pilkada/>.

² Rofi Aulia Rahman, Iwan Satriawan, and Marchethy Riwani Diaz, "Calon Tunggal Pilkada: Krisis Kepemimpinan Dan Ancaman Bagi Demokrasi," *Jurnal Konstitusi* 19, no. 1 (2022): 47-72, <https://doi.org/10.31078/Jk1913>.

³ Andika Muhammad Arifin Mooduto and Uu Nurul Huda, "Urgensi Keberadaan Lembaga Pemantau Pemilihan Sebagai Pengawal Suara Kolom Kosong," *ADLIYA: Jurnal Hukum Dan Kemanusiaan* 15, no. 1 (2021): 19-36, <https://doi.org/10.15575/adliya.v15i1.9409>.

factors that cause a single candidate to oppose the Blank Vote in the Regional Elections are the high cost of the nomination process, the weak competitiveness of candidates in political competition, and the interests of the political elite.⁴ Sanjaya's research discusses the political marketing analysis of six pairs of single candidates against Blank Vote in the 2020 regional head election in Central Java. The study found that variations in the strength of support for Blank Vote determined the winning strategy of the campaign teams of single pairs of candidates who fought.⁵ Mulyadi, et al, studied the phenomenon of Blank Vote in the 2024 regional elections from the perspective of Constitutional Court Decision No. 60/PUU-XXII/2024. The study found that the Blank Vote phenomenon emerged as a result of incumbent dominance, major party coalitions, threshold requirements, and political strategies that hindered the diversity of candidates.⁶ Many other studies are not listed here that discuss blank votes in regional head elections, but all of these previous studies have not examined them from the perspective of Islamic Constitutional Law.

This research aims to fill the void and expand on the previous research that discusses blank votes in simultaneous regional elections from the perspective of Islamic Constitutional Law. Specifically, this study contains several main themes, namely the first about the fact of blank votes in the Simultaneous Regional Elections in Indonesia, the second about blank votes and the dilemma of the principle of Democracy in the Simultaneous Regional Elections, and the third examining the Blank Vote of the Regional Elections from the perspective of Islamic Constitutional Law.

⁴ A Lestari, "Kotak Kosong Memenangkan Pemilihan Umum Kepala Daerah," *Lex LATA* 1, no. 2 (2019): 80–90, <https://doi.org/10.28946/lexl.v1i2.468>.

⁵ Andreas Ryan Sanjaya and Yohanes Thianika Budiarsa, "Melawan Kotak Kosong': Analisis Marketing Politik Enam Pasangan Calon Tunggal Pada Pilkada 2020 Di Jawa Tengah," *Interaksi: Jurnal Ilmu Komunikasi* 13, no. 1 (2024): 115–34, <https://doi.org/10.14710/interaksi.13.1.115-134>.

⁶ Dedi Mulyadi et al., "Fenomena Kotak Kosong Dalam Pilkada Tahun 2024," *Jurnal Hukum Ius Publicum* 5, no. 2 (2024): 233–63, <https://doi.org/10.55551/jip.v5i2.185>.

Methods

The research method uses normative juridical with a legislative, conceptual and case approach. Sources of legal materials include laws and regulations related to the focus of study, journals, books, and various relevant literature. The technique of collecting legal materials uses a document study that begins with taking inventory of legal materials, systematization and categorization of legal materials. The analysis technique uses prescriptive analysis with logic and legal reasoning.

Discussion

Blank Vote: Facts about Simultaneous Regional Elections in Indonesia

Blank vote is a political phenomenon that has been known for a long time in various countries,⁷ In fact, in the United States, it has been known since 1975 at the time of the Boston mayoral election.⁸ Other countries that have implemented blank voting, such as Brazil,⁹ Colombia,¹⁰ India¹¹ France, Wales, Canada, the United Kingdom and several other countries. The practice of blank voting in some of these countries is a form of resistance to public dissatisfaction with the government and the available options.¹²

Figure 1: Single Candidate on Simultaneous Regional Elections

⁷ Adriano Gianturco Gulisano and Isadora Darwich, "Abstentionism, Blank Vote and Invalid Ballot Papers: Evidences from Brazil and EU," *Available at SSRN 2548161*, 2015, <https://doi.org/10.2139/ssrn.2548161>.

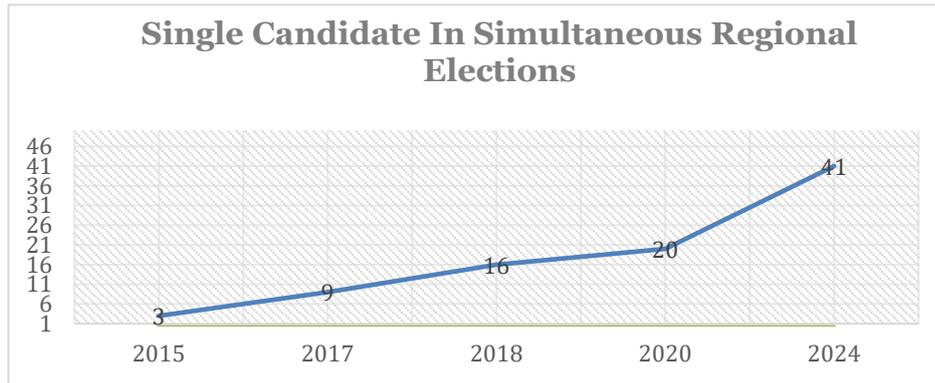
⁸ Chiara Superti, "The Blank and Null Vote: An Alternative Form of Democratic Protest?," *Manuscript. Harvard University* (Harvard University, 2016), www.almendron.com/tribuna/wp-content/uploads/2018/04/blankasprotest-final.pdf.

⁹ Magda Cardoso et al., "Simplified Model Relating Blank and Null Votes to Voter Turnout from Brazilian State Elections Results," *Physica A: Statistical Mechanics and Its Applications* 645, no. 1 (2024): 129777, <https://doi.org/10.1016/j.physa.2024.129777>.

¹⁰ Mónica Pachón, Royce Carroll, and Hernando Barragán, "Ballot Design and Invalid Votes: Evidence from Colombia," *Electoral Studies* 48 (2017): 98–110, <https://doi.org/10.1016/j.electstud.2017.05.005>.

¹¹ Rekha Diwakar, "The 16th General Election in India, April–May 2014," *Electoral Studies* 37 (2015): 120–25, <https://doi.org/10.1016/j.electstud.2014.11.005>.

¹² R Michael Alvarez, D Roderick Kiewiet, and Lucas Núñez, "A Taxonomy of Protest Voting," *Annual Review of Political Science* 21 (2018): 135–54, <https://doi.org/10.1146/annurev-polisci-050517-120425>.



Source: General Election Commission

The increase in the number of single candidates in the simultaneous regional elections was followed by the choice of a Blank Vote as opposed to a single candidate. Some of the regions that have fought against Blank Votes in the Simultaneous Regional Elections from 2015 to 2020, as shown in the table below.

Table 1. Regional Elections Against Blank Vote in Indonesia in 2015-2020

Year	Area	Condition
2015	North Central Timor Regency, Blitar City, Tasikmalaya City	No candidate loses to Blank Vote
2017	Tebing Tinggi City, Tulang Bawang Barat Regency, Pati Regency, Buton Regency, Landak Regency, Central Maluku Regency, Tambrauw Regency, Sorong City, Jayapura City	No candidate loses to Blank Vote.
2018	Deli Serdang Regency, North Padang Lawas Regency, Prabumulih City, Pasuruan Regency, Lebak Regency, Tangerang Regency, Tangerang City, Tapin Regency, Southeast Minahasa Regency, Bone Regency, Enrekang Regency, Mamasa Regency, Central Memberamo Regency, Puncak Regency, Jayawijaya Regency, Makassar City	Makassar Regional Election Single Candidate Loses to Blank Vote

2020	Humbang Hasundutan Regency, Gunungsitoli City, Pematangsiantar City, Pasaman Regency, Ogan Komering Regency, Ogan Komering Ulu Selatan Regency, Bengkulu Regency, Boyolali Regency, Grobogan Regency, Kebumen City, Semarang City, Sragen Regency, Wonosobo City, Kediri City, Ngawi City, Badung Regency, West Sumbawa Regency, Balikpapan City, Kutai Kartanegara Regency, Gowa Regency, Soppeng Regency, Central Mamuju Regency, South Manokwari Regency, Mountainous Regency Arfak, Raja Ampat Regency	No candidate loses to Blank Vote.
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Source: <https://www.cnbcindonesia.com>

The data above shows that no Candidate Pair lost the Blank Vote, except in the Makassar Mayor election in 2018. The victory of the Blank Vote in the Makassar Mayor election is the first time in the Simultaneous Regional Elections since 2015.¹³

In 2024, there are 41 regions that have a single pair of candidates, but there are nine (9) regions that are against Blank Vote in the simultaneous Regional Elections.

Table 2: Regional Elections Against Blank Vote in Indonesia in 2024

Area	Province	Information
West Papua	West Papua	Candidate pairs DoaMu wins a landslide against the quick count version of Blank Vote.
Tarakan City	North Kalimantan	Candidate pairs Khairul-Ibnu Saud Kharisma wins against Blank Vote quick count version

¹³ Harianto Harianto, Wawan Budi Darmawan, and Muradi Muradi, "Kemenangan Kotak Kosong Pada Pilkada Kota Makassar Tahun 2018," *Society* 8, no. 2 (2020): 546–56, <https://doi.org/10.33019/society.v8i2.203>.

City of Surabaya	East Java	Candidate pairs Eri Cahyadi-Armuji (ErJi) wins against the Blank Vote quick count version.
Pangkal Pinang City	Bangka Belitung Islands	Candidate pairs 2 Maulan Aklil-Masagus M Hakim lost against the quick count version of Blank Vote.
Sukoharjo Regency	Central Java	Candidate pair Etik Suryani-Eko Supto Purnomo wins against Blank Vote quick count version.
Gresik Regency	East Java	Candidate pairs Fandi Akhmad Yani and Asluchul Alif lost the fight Blank Vote quick count version
Brebes Regency	Central Java	Candidate pairs Paramitha-Wurja wins against Blank Vote quick count version.
Banyumas Regency	Central Java	Candidate pairs Sadewo Tri Lastiono-Dwi Asih Lintarti wins against Blank Vote quick count version.
Bangka Regency	Bangka Belitung Islands	Candidate pair 1 Mulkan-Ramadian lost against Blank Vote in the quick count version.

Source: <https://www.cnbcindonesia.com>

Based on the table above, of the 9 regions that fought against the Blank Vote and those defeated by the Blank Vote, there were 2 regions, namely the Pangkalpinang City Election and the Bangka Regency Election. According to the Decree of the General Election Commission of Bangka Regency Number 683 of 2024, the number 1 candidate pair, Mulkan-Ramadian, received 42.75 per cent of the votes. Meanwhile, Blank Vote won with the most votes at 57.35 per cent. In Pangkalpinang City, the candidate paired

with the number 2, namely, Maulan Aklil and Maagus Hakim received only 35,177 votes or around 41 per cent. This pair of candidates was defeated by Blank Vote who won with 48,528 votes or around 57.98 percent.¹⁴

Meanwhile, an example of a pair of regional head candidates who won votes by fighting against the Blank Vote is shown in the following table.

Table 3. Candidate Pairs Who Won Against Blank Vote in Indonesia

No.	Kota	Pasangan Calon	Tahun
1	Lampung	Mabsus-Mad Hasnurin in Lampung Barat and Novrian Jaya-Nadirisyah in Tulang Bawang Barat.	2024
2	Humbang Hasundutan	Dosmar Banjarnahor and Oloan Nababan	2020
3	West Sumbawa Regency	HW Musyarifin and Fud Saifudin .	2020
4	Semarang City	Hendrar Prihadi and Hevearita Gunaryanti Rahayu	2020
5	Enrekang Makassar	Muslimin Bando and Asman	2019

Source: Compiled from various literature

The winning candidate pair against the empty box in the city of West Lampung with the votes of the Parosil Mabsus and Mad Hasnurin pair as many as 87.79% or 121,098 votes, while the empty box obtained 151,662 votes or 12.21%. The Novrian Jaya-Nadirisyah candidate pair in the Regional Election in Tulang Bawang Barat was declared superior by obtaining 63.54% of the votes and the empty box received 34.46% of the votes.¹⁵ Similar to what happened in Lampung Province, the pair of candidates Dosmar Banjarnahor and Oloan Nababan, the pair of candidates HW Musyarifin and Saifudin from West Sumbawa Regency, and the pair of candidates Muslimin Bando and Asman from Enrekang Makassar Regency, also won a

¹⁴ Haura Hamidah, Nandito Putra, Servio Maranda, "Daftar Pilkada Serentak Yang dimenangkan Kota Kosong, <https://www.tempo.com>, 12 Desember 2024.

¹⁵ Harianto, Darmawan, and Muradi, "Kemenangan Kotak Kosong Pada Pilkada Kota Makassar Tahun 2018."

landslide and defeated the empty box in the Simultaneous Regional Elections.

These facts are a real picture of democracy in Indonesia, which is more of a procedural form of democracy rather than a substantial democracy. Robert Dahl's opinion about the model of procedural democracy is a reference in the implementation of democratic parties, where democracy is not only about the process of selecting leaders but also about the continuous involvement of citizens in decision-making.¹⁶ This means that if a single candidate and an empty box become inevitable in the Regional Elections in Indonesia, then we must still pay attention to the substantial values of democracy itself.

Blank Vote and the Dilemma of Democracy in Simultaneous Regional Elections

Indonesia is a democratic country, as contained in Alenia IV Preamble to the 1945 Constitution of the Republic of Indonesia which is emphasized by Article 1 Paragraph (2) of the 1945 Constitution of the Republic of Indonesia that sovereignty is in the hands of the people which is carried out according to the Constitution.¹⁷ Sovereignty in the hands of the people can be interpreted as the government of the people by the people and for the people which is the essence of democracy.¹⁸

The direct election of regional heads is the manifestation of the principle of democracy. Direct elections aim to ensure that people's sovereignty can be realized.¹⁹ Article 18 paragraph (4) of the 1945

¹⁶ Brian Flanagan, "A Dilemma for Proceduralist Theories of Democracy: Elected Delegates or Elected Monarchs?," *The American Journal of Jurisprudence* 69, no. 3 (2024): 205–16, <https://doi.org/10.1093/ajj/auae018>; Spiros Makris, "Robert Dahl: Democracy De-Territorialized," in *Global Encyclopedia of Territorial Rights* (Champ: Springer, 2024), 1–8.

¹⁷ Waisol Qoroni and Indien Winarwati, "Kedaulatan Rakyat Dalam Konteks Demokrasi Di Indonesia," *Inicio Legis* 2, no. 1 (2021): 51–64, <https://doi.org/10.21107/il.v2i1.11079>.

¹⁸ Hans Kelsen, *The Essence and Value of Democracy* (New York: Rowman & Littlefield Publishers, 2013); Clare Woodford, "Democracy, Sovereignty, and the People," *Journal of Social and Political Philosophy* 3, no. 1 (2024): 97–101.

¹⁹ St Hartina and Hernadi Affandi, "Pilihan Tanpa Pilihan: Kolom Kosong Dan Perlindungan Ham Dalam Pemilukada Calon Tunggal," *Masalah-Masalah Hukum* 53, no.

Constitution of the Republic of Indonesia states that the Governor, Regent, and Mayor respectively as heads of provincial, regency and city local governments are democratically elected. This means that the regional elections that are held must increase the legitimacy of the people in the regions, improve the quality of sovereignty through direct participation by the people, reduce transactional politics and facilitate the leadership selection process by involving all people as the holders of the leadership.²⁰

However, democracy in Indonesia is experiencing a dilemma in its manifestation with the emergence of facts about single candidates and blank votes in the simultaneous regional elections. On the one hand, the principle of democracy must be upheld as mandated by the constitution, but on the other hand, the Regional Election process must continue to run even with only one Candidate Pair or a single candidate. To keep the Regional Election process running even though there is only one candidate who passes verification, 2015 General Election Commission Regulation Number 14 of 2015 was issued concerning the Election of Governor and Deputy Governor, Regent and Deputy Regent, Mayor and Deputy Mayor with One Candidate Pair.²¹

Law Number 10 of 2016 concerning the Election of Regional Heads also legalizes the existence of a single candidate using a Blank Vote. Article 54 C paragraph (2) states that the election of 1 (one) candidate pair is carried out using a ballot containing 2 (two) columns consisting of 1 (one) column containing a photo of the candidate pair and 1 (one) blank column without a picture. This law is a follow-up to the Constitutional Court Decision Number 100/PUU-XIII/2015 which states that regions that only have one pair of regional head candidates can participate in the simultaneous

1 (2024): 67–78, <https://doi.org/10.14710/mmh.53.1.2024.67-77>.

²⁰ R Nazriyah, “Calon Tunggal Dalam Pilkada Serentak Tahun 2015 Terhadap Putusan Mahkamah Konstitusi No 100/PUU-XIII/2015,” *Jurnal Konstitusi* 13, no. 2 (2016): 379–405, <https://doi.org/10.31078/jk1327>.

²¹ Septifa Indah Larasati and Gamalel Rifqi Samhudi, “Analisis Pengaturan Dan Implementasi Pemilihan Kolom Kosong: Tinjauan Terhadap PKPU Dan Undang-Undang Pemilihan Kepala Daerah,” *Jurnal Hukum Legalita* 6, no. 2 (2024): 123–32, <https://doi.org/10.47637/legalita.v6i2.1540>.

regional elections. Even the Constitutional Court also provides technical directions if there is a Blank Vote, the public can give it by agreeing or disagreeing.²²

Political dynamics that continue to develop, especially at the local level, require a revision of the General Election Commission Regulation Number 14 of 2015 which was revised with the General Election Commission Regulation of the KPU Number 13 of 2018. This revision strengthens the provisions regarding election procedures in regions with a single pair of candidates, including more detailed rules regarding the mechanism for determining the winner and arrangements for the implementation of re-election if the Blank Vote gets more votes. Furthermore, the Regulation of the General Election Commission of the Republic of Indonesia Number 20 of 2020, which is the second revision of the Regulation of the General Election Commission Number 14 of 2015, reaffirms the importance of maintaining a healthy democratic process, including providing clearer guidance on determining the winner and the steps that must be taken if the Blank Vote wins in the Regional Elections.²³

In 2024, the Constitutional Court Decision Number 60/PUU-XXII/2024 changes the threshold for nomination of regional heads, where political parties that do not have seats in the DPRD can nominate pairs of candidates for regional heads on the condition that they obtain a minimum of 6.5% to 10% of valid votes, thus opening up opportunities for political parties to be more flexible in carrying candidates without having to form a coalition. This change is expected to be able to reduce the dominance of major parties, minimize the potential for the emergence of a single candidate against an empty box in the simultaneous regional elections and improve the quality of local democracy.²⁴

²² Hendrawan and Agassi, "Penerapan Blank Vote Dalam Pemilihan Kepala Daerah Di Indonesia: Solusi Atau Anomali Bagi Demokrasi."

²³ Wawan Kurniawan, "The Legal Analysis Of The Nomination Of Former Convicts Corruptions In Convinient Elections In 2020," *DiH: Jurnal Ilmu Hukum* 20, no. 1 (2024): 25–33, <https://doi.org/10.30996/dih.v20i1.9521>.

²⁴ Hasim Hartono, "Urgensi Putusan MK Nomor 60/PUU-XXII/2024 Terhadap

However, the efforts made in fact are still not in accordance with expectations because the number of single candidates will actually increase in the 2024 Regional Elections, where there are, 1 Province, 37 Regencies and 5 Cities that have a single candidate in the simultaneous Regional Elections.²⁵ Of these, there are 9 regions that resist the Blank Vote and those defeated by the Blank Vote are 2 regions, namely the Pangkalpinang City Election and the Bangka Regency Election.²⁶

Research in various regions found that the factors that cause the emergence of single candidates and blank votes in the simultaneous regional elections in Indonesia, among others: the candidacy process requires high costs, weak candidate competitiveness in political competition and, the interests of the political elite,²⁷ incumbent dominance, major party coalitions, threshold requirements, and political strategies that hinder the diversity of candidates,²⁸ oligarchic power, weak party regeneration and expensive political costs,²⁹ Candidate Pairs' desire to secure victory from the initial phase of candidacy, obstacles to threshold requirements, hegemony of incumbent power, centralization of candidacy through a three-door mechanism, problems of regeneration within the party, the distance between the electability of one candidate and another, in the solid internal party and high-cost politics.³⁰

Penyelenggaraan Pilkada Tahun 2024,” *Jurnal Intelek Dan Cendekiawan Nusantara* 1, no. 4 (2024): 5374–83.

²⁵ Mardatillah, Aida “Dinamika Keabsahan Memilih Kotak Kosong di Pilkada”, <https://www.hukumonline.com>, 11 October 2024

²⁶ Haura Hamidah, Nandito Putra, Servio Maranda, “Daftar Pilkada Serentak Yang dimenangkan Kota Kosong”, <https://www.tempo.com>, 12 Desember 2024

²⁷ Alvarez, Kiewiet, and Núñez, “A Taxonomy of Protest Voting.”

²⁸ Mulyadi et al., “Fenomena Kotak Kosong Dalam Pilkada Tahun 2024”; Melina Vasni Jovita Sari, “Pengaruh Kampanye Negatif Dan Keberpihakan Calon Petahana Kepada Pemodal Terhadap Perilaku Memilih Kotak Kosong (Studi Kasus Pilkada Kabupaten Pati 2017),” *Journal of Politic and Government Studies* 8, no. 2 (2019): 71–80.

²⁹ Prilani Prilani and Setio Budi H Hutomo, “Konfigurasi Komunikasi Politik Atas Fenomena Calon Tunggal Pada Pilkada Kabupaten Kediri Tahun 2020,” *Jurnal Komunikasi* 12, no. 2 (2020): 282–97, <https://doi.org/10.24912/jk.v12i2.9624>.

³⁰ Arioseno-Dwi Pradana, Nur Hidayat-Sardini, and Hendra Try Ardianto, “Hegemoni Politik Fenomena Calon Tunggal Dalam Pemilihan Kepala Daerah Dan Wakil Kepala Daerah Tahun 2020 (Studi Perbandingan Kota Semarang & Kabupaten Boyolali),” *Journal of Politic and Government Studies* 12, no. 1 (2022): 417.

The causes of Blank Votes versus single candidates in the 2018 Simultaneous Regional Elections in Deli Serdang district include: first, institutional factors, namely obstacles from regulations, namely: (i) difficulties for individual or non-party (independent) candidates to contest in the Regional Elections due to the provision of support from 6-10 per cent of the total population, and (ii) the holding of the Regional Elections with one round, which is at least 30 per cent to minimize the emergence of multiple candidates in the Regional Elections. Second, political parties, namely: (i) the hierarchy and influence of political party elites at the central level to determine prospective candidates, and (ii) the failure of political parties to present multiple candidates in the Regional Elections which is indicated by the existence of political dowries, boat money, campaign funds, and others. Third, the egoism of the rulers, namely: (i) the superiority of the incumbent so that it reduces other candidates, and (ii) the selfishness of the incumbent or non-incumbent candidate who buys all political parties.³¹

Based on these findings, presenting Blank Vote as an alternative for voters who use "the right not to vote" reflects the compulsion to vote, even though there is no candidate or party that is attractive to voters.³² This is contrary to the principle of free elections, where every citizen who has the right to vote is given the freedom to make his or her choice, without pressure and coercion, by his conscience and interests. Freedom to make choices is one of the indicators of the quality of democracy.³³ As mandated by Article 2 of Law of the Republic of Indonesia Number 7 of 2017 concerning Elections which states that elections are carried out based on the principles of direct, public, free, confidential, honest, and fair.

³¹ Erond L Damanik, "Pemilihan Tanpa Kontestasi: Kotak Kosong versus Kandidat Tunggal Pada Pilkada Serentak 2018 Di Kabupaten Deli Serdang," in *Tantangan Yang Dihadapi Dalam Dunia Pendidikan Di Era Revolusi Industri 4.0*; (Medan: Fakultas Ilmu Sosial Universitas Negeri Medan, 2018), 507–11.

³² Lisa Hill, "Does Compulsory Voting Violate a Right Not to Vote?," *Australian Journal of Political Science* 50, no. 1 (2015): 61–72, <https://doi.org/10.1080/10361146.2014.990418>.

³³ David Beetham, "The Quality of Democracy: Freedom as the Foundation," *Journal of Democracy* 15, no. 4 (2004): 61–75, <https://doi.org/10.1353/jod.2004.0057>.

Blank Vote can also be a threat to candidate pairs. For example, the Makassar Mayoral Election, Pangkalpinang City Election, and Bangka Regency Election, where the single candidate was defeated by a Blank Vote. This will lead to the appointment of a temporary leader by the Minister of Home Affairs until a re-election is held. In a situation where the elected leader does not come from a direct election process by the people, then the sovereignty of the people as the substance of democracy is not achieved

This condition is not to Bodin and Rousseau's theory of sovereignty. According to Bodin, the sovereignty of the people has 3 (three) elements, namely: supreme power, meaning that there is no higher sovereignty, and is original which can be interpreted as not coming from other higher sovereignty; absolute and perfect, i.e. no power can limit it; whole, round and eternal, i.e. indivisible.³⁴ Meanwhile, according to Rousseau, sovereignty is characterized by: unity, round and indivisible, inalienable and immutable.³⁵ This opinion shows that the sovereignty of the people is absolute, absolute, cannot be transferred and changed in the context of a democratic country.

The principle of honesty and fairness in single-candidate elections and blank votes is also not fulfilled if the nomination process is influenced by the interests of political elites, the hegemony of incumbent power, hierarchies and the influence of political party elites at the central level to determine candidates, high-cost politics and political party pragmatism. This condition is vulnerable to political corruption because the practice of political dowry is burdensome for the candidate pair. The dominance and hegemony of the incumbent that occurs in most of the Regional Elections with a single candidate is also at risk of transactional political practices.³⁶

³⁴ Julian H Franklin, "Bodin's Early Theory of Sovereignty," in *Jean Bodin* (Routledge, 2017), 53–83.

³⁵ Ethan Putterman, *Rousseau, Law and the Sovereignty of the People* (New York: Cambridge University Press, 2010), 92.

³⁶ Wawan Sobari, "Logika Politik Transaksional Petahana Dalam Pilkada: Analisis Pembelahan Politik," *Jurnal Keadilan Pemilu* 1, no. 2 (2020): 13–24, <https://doi.org/10.55108/jkp.v1i2.167>.

The transactional nature of the politics of the Regional Elections is contrary to the principle of honest and fair elections.

Therefore, to overcome the dilemma of single candidates and blank votes in the simultaneous regional elections, several actions are needed, including: First, comprehensive electoral and political reforms by: 1) lowering barriers for independent candidates and from small parties, thereby encouraging a more competitive political landscape; 2) opening the political arena for more diverse participants by creating equal opportunities for all candidates. Second, political finance reform, among others: 1) the existence of stricter regulations on campaign financing and spending, with a strong enforcement mechanism so that it can suppress the influence of money politics; 2) public funding for candidates and transparent reporting on campaign finances. Third, empowering civil society and the media to play the role of supervisors.

Blank Vote Regional Elections Perspective on Islamic Constitutional Law

Islamic politics played an important role in the history of government in Indonesia, even before independence.³⁷ Since the reform era, more and more Islamic political parties have emerged that have enlivened political contests in Indonesia, including in the simultaneous regional elections.³⁸ This is undeniable because Islamic politics has indeed become part of the dynamics of the history of democratic politics in Indonesia, even though the Indonesian state is not an Islamic country.

Islam provides an alternative to elect representatives of the people but does not determine what kind of system will be used, Islam only offers basic rules or guidelines in state life.³⁹ This means that there are no standard rules

³⁷ Hamsah Hasan, "Hubungan Islam Dan Negara: Merespons Wacana Politik Islam Kontemporer Di Indonesia," *Al-Ahkam* 1, no. 25 (2015): 19–42, <https://doi.org/10.21580/ahkam.2015.1.25.192>.

³⁸ Sri Warjiyati, "Peranan Partai Politik Islam Dalam Pelaksanaan Pemilihan Kepala Daerah Serentak Di Indonesia," *Al-Daulah: Jurnal Hukum Dan Perundangan Islam* 9, no. 2 (2019): 274–99, <https://doi.org/10.37058/jipp.v1i3.2282>.

³⁹ Abdullah A Afifi and Afifi Fauzi Abbas, "Islam, Wacana Negara Dan Geliat Politik

on the implementation of the constitutional system, but it is adjusted to space and time so that it is relevant to the context of any country and in any time span. However, Islam provides standard rules on ethics and morals that concern social and state justice, deliberation and when it comes to the issue of people's livelihoods.⁴⁰

Ibn Taymiyah, one of the pioneers of Islamic reform and an advocate of *ijtihad* to return to the Quran and Sunnah, in his theory of statehood focuses more on the role of sharia in the state. He concluded that all forms of government in Islam are solely sharia tools.⁴¹ Thus, the country's constitution emphasizes more on the rule of Islamic law than on a formal form of government, which is based on the interests of human beings as social beings. According to him, there needs to be a reinterpretation of the concept of the state, the state must be able to accommodate the interests of the people or in his term as a "free man".⁴² The reform of Islamic constitutional law has shown the importance of adaptation and change in addressing local and global problems in Muslim countries by incorporating contemporary, universal norms and maintaining the principles of Islamic law.⁴³ Abu al-A'la Al-Maududi's view seems to confirm the view of Ibn Taymiyah, who advocated that Islamic discourse be interpretive, to move piety and faith into political action.⁴⁴

Meanwhile, the concept of statehood in al-Mawardi's view is a social contract which it contains the common desire of mankind to meet their

Di Indonesia," *Perwakilan: Journal of Good Governance, Diplomacy, Perlembagaan Adat and Social Networks* 1 (2023): 1–27.

⁴⁰ Rachmat Syafei, "Hukum Islam Sebagai Dasar Hukum Universal Dalam Sistem Pemerintahan Modern," *MIMBAR: Jurnal Sosial Dan Pembangunan* 16, no. 4 (2000): 289–304, <https://doi.org/10.29313/mimbar.v16i4.24>.

⁴¹ Zaky Ismail, "Penegakan Supremasi Hukum Dalam Al-Qur'an," *Al-Risalah* 11, no. 01 (2018): 43–64, <https://doi.org/10.30631/alrisalah.v11i01.474>.

⁴² Qamaruz Zaman, "Pemikiran Politik Ibnu Taimiyah," *Politea: Jurnal Politik Islam* 2, no. 2 (2019): 111–29, <https://doi.org/10.20414/politea.v2i2.1507>.

⁴³ Anton Afrizal Candra, "Pemikiran Siyasah Syar'iyah Ibnu Taimiyah (Kajian Terhadap Konsep Imamah Dan Khilafah Dalam Sistem Pemerintahan Islam)," *UIR Law Review* 1, no. 02 (2017): 161–72.

⁴⁴ Oleh Barsihannor, "Pemikiran Abu Al-A'la Al-Maududi," *Jurnal Adabiyah Vol. XIII Nomor* 8, no. 2 (2013): 139–48.

needs.⁴⁵ Al Mawardi, with his theory of social contracts, wanted to show Muslims that there is a reciprocal relationship between *Ahl al-Ikhtiyar* and *Ahl al-Imamah*. A caliph or leader has the right to be obeyed by the people and demand loyalty from the people to build the nation. On the other hand, a leader is obliged to provide protection, welfare guarantees, good service and equitable development. Therefore, the head of state can be replaced if he is unable to carry out his duties.⁴⁶

The system of government in al-Mawardi's view is based on his political theory and realistically offers suggestions for improvement or reform.⁴⁷ This means that the concept of leadership and its election methods are greatly influenced by the evolving political context. When faced with the modern context, al-Mawardi's concept of statehood tends to be a parliamentary system. The leaders of the ummah are chosen by competent people based on deliberation and the needs of the state.⁴⁸

The practice of selecting leaders in the context of Islamic state administration is indeed different from the democracy carried out in Indonesia. However, in the 7th century AD, Muslims practiced several systems of government which include: the caliphate system of government, the system of *imamah* government, the monarchical system of government, and the democratic system of government.⁴⁹ Syarif and Zada detailed that seven types of models of appointment of Heads of State were practised in the early days of Islamic growth, namely: the method of direct appointment by Allah SWT, the method of election by *ahl al-halli wa al-'aqdi*, the method of appointment through wills, the method of selection by the formation

⁴⁵ Eka Febriana Putri and Zainuddin Zainuddin, "Konsep Negara Menurut Perspektif Al-Mawardi," *JISRAH: Jurnal Integrasi Ilmu Syariah* 3, no. 1 (2022): 19–26, <https://doi.org/10.31958/jisrah.v3i1.5779>.

⁴⁶ Rashda Diana, "Al-Mawardi Dan Konsep Kenegaraan Dalam Islam," *Tsaqafah* 13, no. 1 (2017): 157–76.

⁴⁷ Rahmawati Rahmawati, "Sistem Pemerintahan Islam Menurut Al-Mawardi Dan Aplikasinya Di Indonesia," *DIKTUM: Jurnal Syariah Dan Hukum* 16, no. 2 (2018): 264–83.

⁴⁸ Zulfikar Yoga Widyatama, "Konsep Kepemimpinan Menurut Al-Mawardi," *Ijtihad* 8, no. 1 (2014): 87–104, <https://doi.org/10.21111/ijtihad.v8i1.2589>.

⁴⁹ Muhammad Iqbal, *Fiqh Siyasah Konstektualisasi Doktrin Politik Islam* (Jakarta: Kencana, 2016).

team or the deliberative board, the method of revolution or coup, the method of direct election by the people, and the method of appointment based on descent.⁵⁰ This means that the election of leaders through the democratic process was once carried out by Muslims.

Emphasizing the model of selecting leaders mentioned above, Al-Khayyat said that there are six wedges between democracy and Islamic law, including 1) the election of leaders by the people, 2) rejecting all forms of authoritarian, tyrannical, or racist government, and theocracy; 3) allowing multi-party, where in Islam, party diversity is recognized; 4) recognize private property by the *syura*, 5) grant public freedom and, 6) elect representatives to represent their aspirations.⁵¹ According to Qaradhawi, the essence of democracy is in line with Islam with the argument: first, in a democracy, the electoral process involves the people appointing a candidate who has the right to lead and the people have the freedom to choose the leader they like. Second, the efforts of every citizen to straighten out the tyrannical ruler are also in line with Islam. Third, the determination of the law based on the majority vote is also not contrary to Islamic principles.⁵² This makes it clear that the principles of the Islamic constitution and democracy do not contradict each other but support and strengthen each other.

The view of Islamic constitutional law on single candidates and blank votes in simultaneous regional elections must be seen from the perspective of Islamic Shariah principles used in the administration of the state. According to Quraish Shihab, the principles of the constitution that are by Quranic ethics include: 1) honesty. Islam teaches its people to behave honestly in words and deeds. Honesty is the most important element in constitutional politics to create a good life and there is no deception between

⁵⁰ Khamami Zada and Mujar Ibnu Syarif, *Fiqh Siyasah Doktrin Dan Pemikiran Politik Islam* (Jakarta: Erlangga, 2008).

⁵¹ Abdul Aziz Izzat Al Khayat, *An Nizham As Siyasi Fi Al Islam*, II (Kairo: Dar As Salam, 2004).

⁵² Yusuf Al-Qaradhawi, *Meluruskan Dikotomi Agama Dan Politik Terj. Khairul Amru Harahap* (Jakarta: Pustaka al-Kautsar, 2008).

leaders and the people, 2) trust. Trust is the most important element in instilling political ethics. The existence of human beings who are the caliph of Allah in the world gives them the responsibility to carry out missions by instilling the nature of trust. A trustworthy leader can fulfil the rights of the people he leads and is responsible for the fulfilment of the mandate, and 3) democracy. A government must be built based on the principle of deliberation because it can hinder the emergence of a dictatorship that aims to silence the political rights of citizens.⁵³ Al-Qardhawi emphasized that deliberation is a method of national and state life, which gives rise to mutual advice between leaders and their people.⁵⁴

Based on this thought, the practice of Blank Vote is not by democratic principles because it is vulnerable to various irregularities. For example: money politics, political manipulation, injustice, violating the principle of freedom and the domination of power, of course, are not by the principles of Islamic constitution which uphold honesty, trust, freedom of choice and deliberation to be able to straighten out leaders who deviate from the rules and norms of the state.

Conclusion

Islam provides an alternative to how to elect representatives or leaders and offers rules or guidelines in the life of the state, although it does not determine which system to use. The practice of Blank Vote and single candidates in simultaneous regional elections that deviate from democratic principles because they are susceptible to money politics, political manipulation, injustice, violating the principles of freedom and domination of power is certainly not by the principles of the Islamic constitution which upholds honesty, trust, freedom of choice and deliberation. Theoretically,

⁵³ Muhammad Rusdi Muhammadiyah, "Etika Qurani Ketatanegaraan Indonesia Perspektif Quraish Shihab," *Politica: Jurnal Hukum Tata Negara Dan Politik Islam* 9, no. 1 (2022): 1–14, <https://doi.org/10.32505/politica.v9i1.3967>.

⁵⁴ Sigit Ridwan Abdullah, "Tujuan Negara Dalam Islam Menurut Yusuf Al-Qaradhawi," *Asy-Syari'ah* 19, no. 1 (2017): 15–36.

al-Mawardi shows that, politically, the state needs religion as a moral force, to support a ruler who is charismatic, authoritative and fair to all its people. This study provides an understanding of Blank Votes in the simultaneous Regional Head Election and provides a basis for further reflection related to policies and the implementation of democratic principles in Indonesia that are by the principles and ethics of the Islamic constitution.

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