

RATIO DECIDENDI AND THE CONSTITUTIONAL COURT JURISPRUDENCE IN EXAMINING CONSTITUTIONAL RIGHTS OF SINGLE CANDIDATE IN REGIONAL HEAD ELECTION

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Abstract

The first wave of simultaneous regional elections in 2015 emerged a new phenomenon: several regions that carried out regional elections had one pair of candidates. So there is a possibility that the celebration of the local democratic party at that time will have to be postponed, bearing in mind Law No. 8 of 2015 requires that regional elections can take place if there are at least two pairs of candidates contestations. The method used in this research will examine the main issues through a case approach, namely examining the ratio decidendi in the Constitutional Court decisions, which are the object of research, and the statutory approach. The data analysis method is a qualitative analysis and is presented in a descriptive form. The legal problems of a single regional head candidate in the simultaneous regional head elections in 2015 were motivated by negligence in the legislative process of Law No. 8 of 2015 regarding the emergence of the phenomenon of a single regional head candidate in several regions. The Pilkada Law requires that regional head elections have a minimum of two pairs of candidates in each region. However, on a *das sein* basis, three regions have only one pair of regional head candidates at the end of the registration extension period. Against this condition, a single-candidate solution emerged from the Indonesian General Elections Commission (*Komisi Pemilihan Umum/KPU*) with the issuance of General Election Commission Regulation No. 12 of 2015, which contains the postponement of the implementation of elections for regions with only one pair of candidates. Based on these conditions, Constitutional Court Decision No. 100/PUU-XIII/2015 provides a solution whereby regions with a single candidate can still carry out Pilkada so that the constitutional rights of the people in the area are not lost. For the constitution to live and be reflected in the administration of the state and the citizens' daily lives, the Constitutional Court and other state components must approach and make constitutional thoughts. This task is the responsibility of all state institutions, government agencies, and citizens.

Keywords: *Constitutional Rights, ratio decidendi, jurisprudence, Regional Head Election, Constitutional Court*

Abstrak

Pilkada serentak gelombang pertama tahun 2015 muncul fenomena baru, di mana beberapa daerah yang melaksanakan Pilkada hanya mempunyai satu pasangan calon. Sehingga ada kemungkinan perayaan pesta demokrasi lokal kala itu harus tertunda, mengingat Undang-Undang No.8 tahun 2015 mensyaratkan bahwa Pilkada dapat berjalan apabila minimal ada dua pasangan calon yang bertarung. Metode yang digunakan penelitian ini akan mengkaji pokok permasalahan melalui pendekatan kasus, yakni mengkaji ratio decidendi dalam putusan Mahkamah Konstitusi yang menjadi objek penelitian dan pendekatan perundangundangan (statute approach). Adapun metode analisis data yang digunakan adalah analisis kualitatif dan disajikan dalam bentuk deskriptif. Problematika hukum calon tunggal kepala daerah dalam pemilihan kepala daerah serentak di 2015 dilatarbelakangi oleh kealpaan proses legislasi Undang-Undang No. 8 Tahun 2015 terhadap munculnya fenomena calon tunggal kepala daerah di beberapa daerah. Undang-undang Pilkada menghendaki bahwa pemilihan kepala daerah memiliki minimal dua pasangan calon di masing-

masing daerah. Akan tetapi, secara das sein terdapat tiga daerah yang pada akhir masa perpanjangan pendaftaran hanya memiliki satu pasangan calon kepala daerah. Terhadap kondisi demikian muncul solusi calon tunggal yang berasal dari Komisi Pemilihan Umum (KPU) dengan dikeluarkannya Peraturan Komisi Pemilihan Umum No. 12 Tahun 2015 yang berisi penundaan pelaksanaan pemilihan bagi daerah yang hanya memiliki satu pasangan calon. Atas kondisi tersebut, Putusan MK No. 100/PUU-XIII/2015 memberikan solusi daerah-daerah dengan calon tunggal tetap dapat melaksanakan Pilkada agar hak konstitusional masyarakat di daerah tersebut tidak menjadi hilang. Agar konstitusi dapat hidup dan tercermin dalam penyelenggaraan negara dan keseharian hidup warga negara, Mahkamah Konstitusi dan komponen negara lainnya harus mendekatkan dan menjadikan pemikiran-pemikiran konstitusional. Tugas inilah yang menjadi tanggungjawab seluruh lembaga negara, lembaga pemerintah, dan setiap warga negara.

Kata Kunci: *Hak Konstitusional, Ratio Decidendi, Yurisprudensi, Pemilihan Kepala Daerah, Mahkamah Konstitusi*

A. Introduction

The tension over reporting on the nomination of regional heads has always been a hot topic in every region approaching the Regional Head Election (*Pilkada*). Reports about which figures, which parties are supporting them, and which individual candidates will contest for the regional head crown have become a never-ending discourse by looking at the fluidity of the regional political process style itself. In the first batch of simultaneous regional elections in 2015, a new phenomenon emerged: several regions that carried out regional elections only had one pair of candidates¹ (read: single candidate). So, there is a possibility that the celebration of the local democratic party at that time will have to be postponed, bearing in mind that Law 8 of 2015 requires that Pilkada can take place if there are at least two pairs of candidates contestations. This local democracy impasse can actually threaten the loss of the right to vote and the right to vote for local citizens guaranteed by the constitution if an alternative solution is not found.

It is this potential impasse of local democracy that underlies the Constitutional Court (MK) decision No.100/PUU-XIII/2015 which opened the Pilkada faucet to be carried

out even though there is only a single candidate contestation against an empty column. Of course, the Constitutional Court's decision must be read in context as a form of the Constitutional Court's efforts to protect and guarantee the constitutional rights of local citizens, especially the right to be elected and the right to vote for local citizens in the political field which cannot be ignored if it is abolished simply because there are no two pairs of candidates contestations.

Moreover, the empty column is not the object of the Pilkada implementation but must be interpreted as a subject that is positioned as a Pilkada contestant against a single candidate. Bearing in mind the philosophical value adopted here is that for local residents who do not agree with the single candidate that has been determined by the Provincial, Regency or City Election Commission (*Komisi Pemilihan Umum/KPU*), local residents can vote in the blank column as an alternative.² Thus, the element of competition as a characteristic of democracy can still be fulfilled, rather than winning the single candidate by acclamation, which actually denies the essence of democracy through a process of competition. After the Constitutional Court's decision appeared, the phenomenon of a single

¹ Natalia, Angga. "Peran Partai Politik Dalam Mensukseskan Pilkada Serentak Di Indonesia Tahun 2015." *Jurnal Tapis: Jurnal Teropong Aspirasi Politik Islam* 11, no. 1 (2015): 45-66.

² Darmawan, Irfan. *Desain Surat Suara Pemilihan Kepala Daerah Dengan Satu Pasangan Calon di Kabupaten Blitar tahun 2015 dan Kabupaten Pati Tahun 2017*. Surabaya: Universitas Airlangga (Doctoral Dissertation), 2017.

candidate in every Pilkada event showed a tendency to increase the number of single candidates, which continued to rise. From the data collected by the authors, the single candidate shows an increase in the number from 3 in 2015 to 9 in 2017.³

Thus, a single candidate against an empty column with an ever-increasing trend in each simultaneous local election period. The trend of increasing Pilkada with only a single candidate is certainly interesting to observe. Especially with the single candidate's absolute victory in several regions. Suppose you look at a significant increasing trend from 2015 to 2017. In that case, it is possible that in the next simultaneous Pilkada the trend of Pilkada only with a single candidate will also increase in number.

B. Method

This research is normative legal research, namely research conducted by examining library research or secondary data consisting of 1) primary legal materials consisting of a) Constitutional Court decision No. 100/PUU-XIII/2015, b) Law No. 8 of 2015. 2) Secondary legal materials consist of literature books, journals, research results and other scientific works related to this research. 3) Tertiary legal materials, which consist of a) Big Indonesian Dictionary; b) English – Indonesian Dictionary; c) Dictionary of Legal Terms; d) Encyclopedia. The method used in this study will examine the main issues through a case approach, namely examining the ratio decidendi in the Constitutional Court decisions, which are the object of research and the statutory approach (statute approach). The data analysis method used is the qualitative analysis and is presented in a descriptive form.

C. Research Results and Discussion

1. Driving Factors for the Emergence of a Single Candidate in Regional Head Elections

The lack of regional head candidates is a new phenomenon, and the dimming of the democratic party in Indonesia is because the value of competition in democracy is reduced by only bringing up one regional head candidate.

The phenomenon of a single pair of candidates is still a polemic for the implementation of the 2015 simultaneous local elections.⁴ Observers believe that this condition is due to the high electability of a candidate in the region. By analyzing electability, the candidates certainly don't want to lose or lose because Pilkada's costs are very expensive. Only candidates who have strong capital and high electability do not want to back down. If it is just a trial and error, they prefer to withdraw because the Pilkada costs are too expensive. For example, the case in Surabaya, East Java. That Tri Rismaharini, as Mayor of Surabaya has very high electability in the area. It is also what allegedly made a number of competitors' turn around' to fight him.⁵

Several factors have contributed to the lack of candidates for regional heads in the simultaneous regional head elections, including:

1. Law. The main factor in the crisis for regional head candidates is the difficulty of the requirements for nominating pairs of candidates regulated in Article 40 (1) of Law No. 10 of 2016, every political party or coalition of political parties can nominate a pair of candidates with a minimum of 20% of the votes in the House of Representatives Area.

The criteria stipulated in the law regarding the conditions for support from political parties are increased by 30%, and the conditions for support for individual

³ Ardiantoro, Juri. "Catatan Singkat Penyelenggaraan Pilkada Serentak 2017." *Pemilu Demokrasi* (2017): 1.

⁴ Chaniago, Pangi Syarwi. "Evaluasi Pilkada Pelaksanaan Pilkada Serentak Tahun 2015." *Politik Indonesia: Indonesian Political Science Review* 1, no. 2 (2016): 196-211.

⁵ Nazriyah, R. "Calon Tunggal dalam Pilkada Serentak Tahun 2015 terhadap Putusan Mahkamah Konstitusi No 100/PUU-XIII/2015." *Jurnal Konstitusi* 13, no. 2 (2016): 379-405., p.381.

nominations are increased by more than 65%. This may need to be reviewed because the Indonesian people are people who are just learning democracy, so they are not ready to fulfill the requirements stipulated in the law, so this makes it difficult for political parties and individual candidates to advance as candidates in the local elections.⁶

According to political observer from the Statesmanship & Political Campaign (PARA Syndicate) Toto Sugiarto said that political parties that want to nominate candidates for Regional Heads still choose to be on the side that has the potential to win because they (the party) do not want to make decisions that are detrimental to their own party where in their judgment they feel it is difficult to compete with the strongest candidate which will harm the economy of the party itself.

2. Political parties. The role of political parties in regional head candidates is vital, where regional head candidates are carried out from political parties or a combination of political parties as described in Article 40 (1) of Law No. 10 of 2016.

This single candidate was born because of the high dowry from the bearer party. So rationally, if there is a strong incumbent candidate, other candidates will definitely make rational calculations. Instead of losing everything, it's better to give up your intention to become a candidate because to become a candidate, they already have to pay a dowry. Not to mention the funds that will be used for campaigns, funds to win voters' votes, funds to secure votes starting from the TPS level to securing votes at the KPU, Regency/City KPU, Provincial KPU, central KPU and even at the MK level if a dispute occurs.⁷

Meanwhile, Populi Center senior researcher Nico Harjanto said the emergence of the phenomenon of having a single pair of candidates in the 2015

simultaneous local elections proved that political education in Indonesia was not good. Political parties (political parties) that do not put forward their cadres as candidates are considered to have broken their electoral promises. This means that political parties in the area are not ready to compete to win or lose. Even though their promise was that they were electorally ready to win, ready to lose. In Nico's opinion, political parties should not be afraid of losing in the local elections, even if they have to face very strong competitors. Political parties that dare to compete will be taken into account in the future.⁸

3. Execution time. Because the regional head elections are held simultaneously, the time for political parties to prepare regional head candidates for each political party is minimal. The chairman of the General Election Commission (Juri Ardianto) said that the campaign period in the 2017 Pilkada, the three-month outreach period had an impact on the emergence of time arrangements for regional head candidates' activities. Thus, the candidates cannot campaign as they please.

2. The Impact of the Emergence of a Single Candidate in Regional Head Elections

A single candidate is a new phenomenon in regional elections where each region only presents a few candidates. In the 2017 post-conflict local election, based on data entered at the KPU regarding candidates who registered until the registration schedule was closed, there were nine regions that only had less than two candidate pairs, namely:

1. Umar Zunaidi Hasibuan - Oki Doni Siregar (City of High Cliffs, North Sumatra)
2. Umar Ahmad - Fauzi Hasan (West Bone Onions, Lampung)
3. Haryanto - Saiful Arifin (Pati, Central Java)

⁶ RS, Iza Rumesten. "Fenomena Calon Tunggal dalam Pesta Demokrasi." *Jurnal Konstitusi* 13, no. 1 (2016): 72-94., p. 81.

⁷ RS, Iza Rumesten. Loc. Cit.,

⁸ Nazriyah, R. "Calon Tunggal dalam Pilkada Serentak Tahun 2015 terhadap Putusan Mahkamah Konstitusi No 100/PUU-XIII/2015." *Jurnal Konstitusi* 13, no. 2 (2016): 379-405., p. 382.

4. Karolin Margaret Natasa - Herculanus Heriadi (Landak District, West Kalimantan)
5. Samsu Umar Abdul Samiun - La Bakry (Buton Regency, Southeast Sulawesi)
6. Tuasikal Abua - Martlatu Leleury (Central Maluku)
7. Benhur Tomi Mano - Rustan Saru (Jayapura)
8. Gabriel Asem - Mesak Metusala Yekwam (Tambrau, West Papua)
9. Lamberthus Jitmau - Pahima Iskandar (Sorong, West Papua)

If the general election for regional heads is carried out with only one pair of candidates, then democratic values will not run completely. Where in terms of competition in democracy it will disappear because there are no opponents in regional head elections. If this continues to happen, it will give fresh air to the ruling party which will continue to be made in one region only one single candidate so that it becomes a form of democratic decline.

A single candidate is dangerous for democracy. A single candidate presupposes no competition. In fact, the more candidates competing, the better the quality of democracy.⁹ However, the large number of candidate pairs that appear in the Pilkada will also cause problems, among others, making it difficult for voters to recognize each pair of candidates, so that voters are encouraged to be irrational in making their choices. In terms of government effectiveness the number of candidate pairs is too large which causes political fragmentation in the DPRD to be very high, so this affects the effectiveness of government policy making after the elections, because the elected candidate pairs have to deal with many factions or factions in the DPRD. In the end, the policies adopted were not based on the interests of the common people, but based

on the politics of “cow trading” between regional heads and the DPRD.¹⁰

One example of an area that has experienced the impact of a single candidate in the Blitar area is the lack of socialization carried out by the Blitar Regency KPUD regarding the procedures for the voting process at TPS with “agree” and “disagree” ballots. In addition to the fact that several regions did not know correctly the voting procedures for the referendum election, public participation in the regional elections on 9 December 2015 was also still low. Due to the weather factor, namely during the regional elections in Blitar Regency it was raining, many residents preferred to go to the rice fields rather than go to the polling stations (TPS). Other factors such as the absence of voters in Blitar Regency also support the low level of community participation. Simultaneous local elections also had minimal participation because some residents deliberately did not vote on the grounds that candidate figures did not match their conscience. Some residents feel that there is no competition in the pilkada. Therefore, the level of participation of political parties or independent candidates to participate in the election process also affects the level of public participation in voting and giving their right to vote.¹¹

3. Analysis of the Constitutional Rights of a Single Candidate in Regional Head Elections

Pilkada in Indonesia since the Old Order to the Reform Order have never held direct elections. Even though the trend of reform that was touted by students in 1997-1998 included the direct participation of the community in determining leaders at the executive level as a manifestation of people's sovereignty which had been guaranteed by the constitution. In the context of the executive leadership at the national level, the voice for reform has become

⁹ Ardipandanto, Aryojati. “Calon Tunggal dalam Pilkada Serentak 2015.” *Info Singkat Kajian Singkat terhadap Isu Aktual dan Strategis* 7, no. 15 (2015).

¹⁰ Supriyanto, Didik. *Penataan Kembali Sistem Pemilihan dalam Pemilukada*. Jakarta: Seminar Nasional Evaluasi Pemilukada: Antara Teori dan Praktik, 2012.

¹¹ Rini, W. S. “Calon Tunggal dalam Pemilihan Umum Kepala Daerah dan Konsep Demokrasi (Analisis terhadap Pemilihan Kepala Daerah Kabupaten Blitar Tahun 2015).” *Jurnal Cita Hukum* 4, no. 1 (2016): 87-104. pp. 101-102

a reality with changes to the 1945 Constitution, especially Article 6A. So that for the first time in Indonesia, in the 2004 election the people could elect their President and Vice President directly.

The people's strong desire to be able to directly elect their leaders at the regional executive level is a wish that is difficult not to be granted. Although Article 18 paragraph (4) of the 1945 Constitution does not emphasize the procedure for direct election of regional heads, it only requires that the election of Governors, Regents and Mayors be carried out democratically, and further mandates that the procedures for administering regional government are regulated in law. Through Law No. 32 of 2004 concerning Regional Government, direct regional head elections (pilkada) can finally be realized. The first direct regional election was held in Kutai Kartanegara Regency on June 1 2005. As for the settlement of regional election disputes at this time, it was held by the judiciary under the Supreme Court.

However, in 2007, through Law No. 22 of 2007 concerning the Implementation of General Elections, the Pilkada was included in the electoral regime. This naturally also has an impact on post-conflict local election disputes which were originally held by a judiciary under the Supreme Court, now shifting to the Constitutional Court in accordance with the mandate of Article 24C paragraph (1) of the 1945 Constitution which stipulates that one of the powers of the Constitutional Court is to decide disputes over election results, which means that in it including post-conflict local election disputes. To provide an operational basis for the transfer of regional election disputes, Law No. 32 of 2004 was amended through Law No. 12 of 2008, which explicitly states in Article 236C that "The handling of disputes over the results of the vote count for regional heads and deputy regional heads by the Supreme Court is transferred to the Constitutional Court. No later than 18 (eighteen) months after the promulgation of this law. Furthermore, through the Law on Judicial Powers No. 48 of 2009 Article 29 paragraph (1) letter e, in its explanation, explicitly states that "This provision includes

the authority to examine and decide on regional head election results disputes in accordance with the provisions of the applicable laws and regulations".

Subsequent developments, through decision No. 97/PUU-XI/2013, the Constitutional Court has annulled and stated that Article 236C of Law No. 12 of 2008 concerning Regional Government and Article 29 paragraph (1) letter e of Law No. 48 of 2009 concerning Judicial Power, declared not legally binding. With the annulment of the two norms of the quo law, the Constitutional Court has restored the paradigm of regional head elections which was originally an election regime, returned to its origins and is no longer an election regime. This of course has implications for which institution has the authority to resolve disputes in regional head elections. In Decision No. 97/PUU-XI/2013, according to the Constitutional Court based on the interpretation of the original intent, basically the authority of the Constitutional Court has been clearly and clearly outlined in the 1945 Constitution, so that it is limited and it is not possible to be given other powers. Moreover, this other authority is given by regulations at the level of laws, which are hierarchically level under the constitution. Therefore, from this perspective, regional elections are not part of the Constitutional Court's authority. However, in order to avoid a legal vacuum, in the final paragraph of its opinion, the Constitutional Court stated that it had the authority to try regional head election disputes as long as there was no law governing this.

A quo MK decision received follow-up in the regulation of Law No. 10 of 2016 concerning the Election of Governors, Regents and Mayors (UU Pilkada). In the provisions of Article 157 paragraph (1) of the Law a quo, the settlement of disputes over regional head election results (PHP cases) is resolved by a special judicial body. However, considering that a special judicial body has not yet been formed, based on the mandate of Article 157 paragraph (3) of Law No. 10 of 2016 it is the responsibility of the Constitutional Court to decide on it until the special judicial body is formed. Based on this provision, even though

the Constitutional Court has the authority to adjudicate regional election disputes because regional elections are no longer part of the electoral regime, regional elections can no longer be called post-conflict local elections, although, of course, this can be debated academically.

As the saying goes, “there is no ivory that is not cracked,” efforts to improve the democratic system, especially regional elections, are constantly changing. What the legislators of the law might not have thought of before is the existence of a single candidate in the local elections. Because naturally, the desire to run for election in regional elections, of course, should have increased along with the opening of independent candidates to run for candidates other than regional head candidate pairs carried by political parties. However, in practice, it turned out that in the 2015 local elections, there were 3 regions that only had a single candidate pair, namely Blitar Regency, Tasikmalaya Regency, and East Tengah Utara Regency.¹² Even before, there were single candidates in more than the three regions mentioned above, before the KPU issued regulations to extend the registration time for pairs of candidates who would compete in their respective regions.

The existence of the three single candidate pairs, of course, does not meet the requirements for holding regional elections, based on the provisions of the Pilkada Law which require at least two pairs of candidates as election participants. Until finally, the provisions requiring that at least two pairs of candidates as election participants must participate in the holding of regional elections were canceled by the Constitutional Court in the review of Case Law No. 100/PUU-XIII/2015. In the *a quo* case, the Court uses the approach of the principle of people’s sovereignty, in which the people are placed as

the highest and sovereign power holders to determine whether a person (candidate pair, even if they are single) is entitled or not entitled to sit as regional head. Even in the current 2017 simultaneous regional elections, there are 7 regions that have a single candidate pair, namely Pati Regency (Central Java), Landak (West Kalimantan), Buton, Southeast Sulawesi), Kulon Progo (Yogyakarta), West Tulang Bawang (Bandar Lampung), Tambrauw (West Papua), and Tebing Tinggi City (North Sumatra).

If an area with a single candidate does not hold elections, the constitutional rights of the people in that area will be neglected. In addition, the plan to realize regional elections which are held simultaneously and starting from December 2015 to 2027, will be threatened if the issue of a single candidate often arises in every regional election implementation. On the basis of these considerations, the Constitutional Court is of the view that protection of the people’s constitutional right to vote and be elected in regional elections is a right that must be protected, even though there is only a single candidate pair to become constitutional. The people as sovereign holders have the right to determine their choice to agree or disagree with a single candidate in the local elections in their respective regions.¹³

Enforcement of the constitution, especially the protection of citizens’ constitutional rights, is a consequence of the adherence to the ideology of constitutionalism chosen by the 1945 Constitution.¹⁴ In this context, the constitution becomes “a living constitution”, in the life of the nation and state¹⁵. Constitutional values and norms will always be ‘alive’, in the sense that they are constantly developing and enriched with new values and systems, based on the practice of the constitution itself, and real experiences in

¹² Darmawan, Ikhsan. “Mengapa Kelompok” Tidak Setuju” Diperlakukan tidak Setara dalam Pilkada Calon Tunggal Tahun 2015?.” *Politica* 8, no. 1 (2017): 1-19.

¹³ Nasution, M. Khoiriza. *Analisis Putusan Mahkamah Konstitusi No. 33/PUU-XIII/2015 tentang Politik Dinasti dalam Undang-Undang No. 8 Tahun 2015 tentang Pemilihan Gubernur, Bupati dan Wali Kota*. Yogyakarta: Universitas Islam Indonesia (Doctoral Dissertation), 2016.

¹⁴ Siallagan, Haposan. “Masalah putusan ultra petita dalam pengujian undang-undang.” *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada* 22, no. 1 (2010): 71-83.

¹⁵ Wardaya, Manunggal K. “Perubahan Konstitusi Melalui Putusan MK: Telaah Atas Putusan Nomor 138/PUU-VII/2009.” *Jurnal Konstitusi* 7, no. 2 (2016): 019-046.

everyday life. Therefore, the constitution must be understood not only textually, based on norms regulated in laws and regulations, but also seen as a living document that continues to grow and develop from time to time, accompanying the changing conditions, needs, and values of society.

As the supreme law of the land for the Indonesian state, the 1945 Constitution must be guided and implemented by all elements, both state officials and citizens, in carrying out their respective duties. In such a position, the constitution must be able to be upheld and function as a reference to find solutions in resolving the problems of statehood and nationality that come one after another as if they never stop.

D. Conclusion

Based on the description of the previous discussion, it can be concluded that the legal problems of a single regional head candidate in the simultaneous regional head elections in 2015 were motivated by negligence in the legislative process of Law No. 8 of 2015 regarding the emergence of the phenomenon of

a single regional head candidate in several regions. The Pilkada Law requires that regional head elections have a minimum of two pairs of candidates in each region. However, based on *das sein*, three regions at the end of the registration extension period only have one regional head candidate pair. Against this condition, a single candidate solution emerged from the KPU with the issuance of General Election Commission Regulation No. 12 of 2015, which contains a delay in holding elections for regions that only have one pair of candidates. Based on these conditions, Constitutional Court Decision No. 100/PUU-XIII/2015 provides a solution whereby regions with a single candidate can still carry out Pilkada so that the constitutional rights of the people in the area are not lost. For the constitution to live and be reflected in the administration of the state and the citizens' daily lives, the Constitutional Court and other components of the state must approach and make constitutional thoughts. This task is the responsibility of all state institutions, government agencies, and every citizen.

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