

## **Reconstructing The Regulation Of The Empty Box In Single-Candidate Pilkada Based On Electoral Law Justice**

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### **Abstract**

*The phenomenon of regional elections with a single candidate in Indonesia continues to increase and raises serious problems for the quality of local democracy. The Constitutional Court Decision Number 100/PUU-XIII/2015 has provided constitutional legitimacy for "empty boxes" as a legitimate choice of voters, which was then accommodated in Law Number 10 of 2016. However, the recognition has not been followed by adequate administrative arrangements. In contrast to candidate pairs who have complete legal and institutional tools, blank boxes do not have the status of formal legal subjects, thus creating a void in arrangements related to representation, facilitation, supervision, funding, legal protection, and dispute resolution. This condition creates inequality of contestation and weakens the principle of level playing field in the single-candidate Regional Elections. This research is normative legal research with legislative, case, conceptual, and historical approaches. Legal materials are analyzed qualitatively through the identification of legal gaps, regulatory gaps, and implementation gaps, and using electoral law justice theories which are built on three main dimensions: legal certainty, equality of contestation, and protection of political rights. This study examines the legal position of empty boxes after the Constitutional Court Decision Number 100/PUU-XIII/2015, the impact of regulatory voids on electoral justice, and the model of restructuring its arrangements. The results of the study show that the main problem no longer lies in the legality of empty boxes, but in the incompleteness of the regulatory design. The void causes legal uncertainty and inequality between a single candidate supported by a full institutional apparatus and an empty box that is only present as a symbol on the ballot. Therefore, this study offers a reconstruction model based on limited administrative representation for the support group of empty boxes through multi-level arrangements in the Regional Election Law, KPU Regulations, Bawaslu Regulations, and technical guidelines for implementation. This reconstruction includes the facilitation of neutral information, limited recognition of support groups, funding accountability, supervision, legal protection, and limited objection and dispute mechanisms. The model is expected to strengthen legal certainty, maintain the integrity of local democracy, and realize electoral justice in single-candidate elections*

**Keywords:** *Single Candidate Elections; Empty Boxes; Electoral Legal Justice; Legal Certainty; Equality Of Contestation; Local Democracy; Regulatory Reconstruction.*

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## **INTRODUCTION**

Direct local elections in Indonesia were designed as instruments of popular sovereignty that presuppose the availability of meaningful political choice for voters. Local democracy over the past decade, however, tells a different story. The *Pilkada* with only one candidate pair has expanded steadily, from three regions in 2015 to nine in 2017, sixteen in 2018, twenty-five in 2020, and thirty-seven in 2024. Far from an isolated anomaly, this trend reflects a systemic dynamic linked to local elite dominance, party cartelisation, demanding nomination thresholds, and the narrowing of competitive space.

The Constitutional Court of the Republic of Indonesia addressed the risk of governance disruption through Decision Number 100/PUU-XIII/2015. The ruling allowed the *Pilkada* to proceed even when only a single candidate pair had registered, by treating the empty box as a constitutional mechanism that protects each citizen's right to express either approval or rejection of the sole candidate. The recognition was absorbed into Law Number 10 of 2016, particularly Article 54C on ballot design and Article 54D on the fifty-percent threshold of valid votes required to declare a single candidate elected. The empty box's victory in the 2018 Makassar mayoral

election demonstrated that this mechanism is not a hypothetical formulation but an operational democratic instrument.

What looks settled at the level of recognition becomes unsettled at the level of administration. In a conventional *Pilkada*, every contestant carries a complete legal apparatus, including a candidate pair as a juridical subject, nominating parties, a registered campaign team, a dedicated campaign-fund account, accredited witnesses, and access to dispute mechanisms. The empty box possesses none of these, since it is neither an electoral participant nor a formal juridical subject. Empty-box supporters therefore operate within an uncertain legal space, the General Elections Commission (KPU) and the Election Supervisory Body (Bawaslu) face interpretive dilemmas when asked to facilitate or supervise a valid choice without a formal subject, and voters make their political decisions inside an asymmetric information ecosystem.

This regulatory void is not a purely normative concern. It produces tangible contestational injustice. The single candidate enters the contest with a complete, mutually reinforcing institutional structure, while the empty box exists only as a marker on the ballot, lacking the institutional design that would allow it to function meaningfully across the stages of the election. A single-candidate *Pilkada* may therefore proceed lawfully on procedural terms while still falling short of the *level playing field* principle, since the option of rejecting the single candidate enjoys insufficient room to be known, understood, supported, supervised, and protected.

Earlier scholarship has mapped portions of this terrain. Burhanuddin (2018) reads the empty box as a valid choice with constitutional legitimacy, yet without detailed technical guidance. Suhendra and Fahmi (2024) document campaign-stage asymmetries in Pasaman Regency, where the local Bawaslu found no enforceable provision against empty-box volunteer activity. Priswari (2021) approaches the issue through the lens of supervision and proposes redesigning the single-candidate *Pilkada* by strengthening the empty box's standing. Ramelan (2021) defends the political activity of empty-box supporters as a constitutionally protected expression. Alyonni et al. (2025) widen the discussion to local democracy as a system; Yandy et al. (2025) frame the empty box within questions of democratic legitimacy and institutional balance; Fikri et al. (2025) argue that the prevailing regulatory paradigm is trapped in *legal positivism* and treats the empty box as an administrative safeguard rather than a substantive instrument of popular will.

Existing studies have contributed important insights into the development of single-candidate *Pilkada* and the legal-political position of the empty box. Safa'at (2022) explains that the emergence of single candidates is closely related to party strategy, incumbent advantage, and the tendency of political parties to support candidates with the greatest probability of victory. This study is relevant because it shows that single-candidate *Pilkada* is not merely an administrative anomaly, but also a product of local electoral competition and elite calculation. However, its analysis remains focused on the political logic behind single candidacy and does not examine how the empty box should be reconstructed as a regulated electoral option. Febrian et al. (2022) further connect the increasing number of single candidates with the decline of democratic contestation and the weakening of participatory local democracy. Their contribution lies in locating single-candidate *Pilkada* within the broader problem of democratic backsliding, yet they do not provide a detailed legal model for addressing the regulatory imbalance between the single candidate and the empty box.

Other studies have examined the empty box from the perspective of local electoral dynamics and democratic legitimacy. Purwaningsih and Widodo (2021) demonstrate that the victory of the empty box in the 2018 Makassar mayoral election reflected public dissatisfaction with elite-dominated nomination politics and the absence of meaningful contestation. Similarly, Harianto et al. (2020) show that the success of the empty box in Makassar was shaped by local political resistance, disappointment toward the available candidate, and the mobilisation of voters against uncontested electoral politics. These studies are significant because they prove that the

empty box is not a symbolic electoral column, but a real democratic instrument capable of producing binding electoral consequences. Nevertheless, their focus remains largely empirical and political, rather than normative and regulatory. They do not yet formulate how the empty box should be institutionally facilitated, supervised, protected, and integrated into the legal architecture of Pilkada administration.

More specific legal studies have also mapped several parts of this problem. Burhanuddin (2018) confirms the constitutional legitimacy of the empty box as a valid electoral choice, but does not elaborate the administrative implications of representation, facilitation, supervision, legal protection, and dispute resolution. Suhendra and Fahmi (2024) identify campaign-stage asymmetries in the 2020 Pasaman Regency election, particularly the absence of an enforceable legal basis for regulating empty-box volunteer activities. Priswari (2021) approaches the issue through the lens of electoral supervision and proposes a redesign of single-candidate Pilkada administration, while Ramelan (2021) discusses the legal position of empty-box supporters as an expression of citizens' political rights. Alyonni et al. (2025) and Yandy et al. (2025) broaden the discussion by linking the empty box to local democracy, democratic legitimacy, and institutional imbalance. Fikri et al. (2025) further criticise the prevailing legal paradigm for treating the empty box as a formal administrative safeguard rather than as a substantive expression of popular sovereignty.

Despite these contributions, existing scholarship remains limited in scope and prescriptive reach. Studies on single candidacy tend to explain the political and institutional causes of uncontested elections, but do not reconstruct the regulatory design of the empty box. Studies on the empty-box victory in Makassar explain voter behaviour and local resistance, but do not translate these findings into a comprehensive normative model. Legal studies have identified problems of campaign asymmetry, supervision, supporter standing, and democratic legitimacy, but they have not yet developed an operational reconstruction model that connects the Pilkada Law, KPU Regulations, Bawaslu Regulations, and implementing guidelines into a coherent regulatory framework. Therefore, the main gap is not merely the lack of studies on the empty box, but the absence of a comprehensive legal reconstruction model that treats the empty box as a valid electoral choice, an unresolved administrative problem, and an object of electoral law justice.

The novelty of this article rests on three contributions. First, it situates the empty box across three dimensions simultaneously: a valid electoral choice, a problem of electoral administration that lacks a formal juridical subject, and a democratic instrument that requires comprehensive regulatory reconstruction. Second, it develops the Theory of Electoral Law Justice, built on three integrated dimensions: legal certainty, equality of contestation, and integrity and protection of political rights. This theoretical lens allows the empty box to be examined not only as a matter of democratic legitimacy, but also as a problem of legal design, administrative certainty, and fair electoral contestation. Third, it proposes a layered reconstruction model anchored in limited administrative representation for registered empty-box supporter groups. This model spans the Pilkada Law, KPU Regulations, Bawaslu Regulations, and implementing guidelines as a single coherent regulatory architecture intended to strengthen legal certainty, proportional equality of contestation, protection of political rights, and the integrity of local democracy.

## RESEARCH METHODS

This study is a normative legal study that focuses on the norms regulating the single-candidate *Pilkada* and the empty box, the identification of normative gaps and ambiguities, and the formulation of regulatory reconstruction needs (Marzuki, 2014; Soekanto & Mamudji, 2003).

A normative method matches the character of the problem at hand, namely the tension between the juridical recognition of the empty box and the incompleteness of its administrative framework. That tension cannot be resolved by measuring voter behaviour; it requires a reorganisation of the legal system itself.

Four approaches operate in tandem. The *statute approach* examines the 1945 Constitution of the Republic of Indonesia, Law Number 1 of 2015, Law Number 8 of 2015, Law Number 10 of 2016, the relevant KPU Regulations including KPU Regulation Number 13 of 2018, and the Bawaslu Regulations governing supervision and the handling of violations. The *case approach* reads the *ratio decidendi* of Constitutional Court Decision Number 100/PUU-XIII/2015 alongside the empirical dynamics of single-candidate elections that have made the empty-box problem visible, including the 2018 Makassar mayoral election and the 2020 Pasaman regency election. The *conceptual approach* builds the conceptual scaffolding around legal certainty, electoral justice, equality of contestation, *level playing field*, democratic integrity, juridical subjects, and limited representation. The *historical approach* is used in a focused way to trace the shift in the minimum-pair requirement from the regime of Law Number 1 of 2015 and Law Number 8 of 2015 to Law Number 10 of 2016 following Constitutional Court Decision Number 100/PUU-XIII/2015.

Legal materials fall into three layers. Primary materials comprise the 1945 Constitution, the *Pilkada* Law and its amendments, the relevant KPU and Bawaslu Regulations, and Constitutional Court Decision Number 100/PUU-XIII/2015. Secondary materials include monographs, national and international peer-reviewed articles, prior research on the single-candidate *Pilkada* and the empty box, and the doctrines of established scholars in constitutional and electoral law (Ibrahim, 2006). Tertiary materials include legal dictionaries, legal encyclopedias, and indices of legislation, used to clarify technical terminology and to assist in the systematic inventory of positive law. Material was collected through library research, legal-document study, the inventorying of positive law, and the tracing of court decisions, with particular attention to Constitutional Court rulings relevant to the topic. Inventorying followed the hierarchy of laws, allowing the relations among statute, KPU Regulation, and Bawaslu Regulation to be mapped systematically.

The analysis was qualitative-normative. It moved through five stages: an inventory of the norms relating to the empty box; identification of normative gaps using three categories, namely *legal gap*, *regulatory gap*, and *implementation gap*; analysis of the impact of those gaps on legal certainty and electoral justice; interpretation of the *ratio decidendi* of Constitutional Court Decision Number 100/PUU-XIII/2015; and formulation of a reconstruction model as *ius constituendum* (Mertokusumo, 2009). Five interpretive techniques were combined: grammatical, systematic, historical, sociological, and teleological interpretation, joined to deductive reasoning and analogy where the gap-bridging function required it. The Theory of Electoral Law Justice was operationalised by assigning each dimension a distinct analytical role. Legal certainty served as a diagnostic lens for identifying gaps; equality of contestation served as an evaluative lens for assessing the effects of those gaps on the contestational arena; and integrity and protection of political rights served as a prescriptive lens guiding the reconstruction.

## RESULTS AND DISCUSSION

### The Legal Standing of the Empty Box in the Single-Candidate *Pilkada*

The legal standing of the empty box in a single-candidate *Pilkada* rests on a layered constitutional and statutory configuration. Article 1 paragraph (2), Article 1 paragraph (3), Article 18 paragraph (4), and Article 28D paragraphs (1) and (3) of the 1945 Constitution position the *Pilkada* as a medium for realising citizens' constitutional rights, not merely as a procedural

device for filling regional executive office (Prof. Dr. Jimly Asshiddiqie & Asshiddiqie, 2021). The constitutional tension emerged when Law Number 1 of 2015 and Law Number 8 of 2015 required at least two candidate pairs for a Pilkada to proceed. Under that framework, insufficient candidacy could result in postponement, thereby affecting citizens' right to vote.

Constitutional Court Decision Number 100/PUU-XIII/2015 resolved this tension by recognising that the right to vote cannot be defeated by a nomination process beyond the control of voters. The Court reasoned that repeated postponement would shift the legitimacy of regional leadership from democratic election toward administrative appointment, which would weaken the constitutional meaning of local democracy (Kurniawan et al., 2023). The decision therefore made the single-candidate Pilkada constitutionally permissible only when voters retain two valid options: acceptance of the single candidate or rejection through the empty box. In this sense, the decision legitimates the rejection option, but does not transform the empty box into an electoral participant (Akbar & Maisa, 2024).

This recognition was subsequently operationalised through Articles 54C and 54D of Law Number 10 of 2016 and KPU Regulation Number 13 of 2018. Article 54C paragraph (2) requires a ballot containing one column with the image of the candidate pair and one empty column. Article 54D requires the single candidate to obtain more than fifty percent of valid votes to be declared elected. These provisions indicate that the empty box has binding legal effect because votes cast for it are valid, counted, and capable of affecting the final result. The 2018 Makassar mayoral election confirms that the empty box is not merely a symbolic ballot design, but a valid electoral choice with determinative legal consequences (Akbar & Maisa, 2024).

However, the empty box must be distinguished from abstention. Abstention places the voter outside the formal electoral mechanism and produces no countable legal effect. By contrast, voting for the empty box is an active political act within the electoral system because the vote is officially counted and may prevent the single candidate from being declared elected (Alyonni et al., 2025). This finding confirms that the empty box is legally recognised as a valid electoral choice. Nevertheless, such recognition remains limited. An electoral choice is oriented toward the voter's right, whereas an electoral participant is oriented toward a juridical subject that passes through nomination, is designated by the KPU, and bears defined rights and obligations (Pasaribu, 2019).

The candidate pair possesses a complete juridical structure, including personal identity, nominating political parties or independent nomination documents, a registered campaign team, campaign-fund accounts, witnesses, and access to dispute mechanisms. The empty box has none of these institutional attributes. It is strong at the level of legal effect, but weak at the level of juridical subjecthood. Empty-box supporters may exercise general political rights guaranteed under Articles 28 and 28E paragraph (3) of the 1945 Constitution, but they do not automatically obtain formal representative status in Pilkada administration. The first result of this study is therefore that the empty box has valid electoral standing, but lacks administrative legal standing as a represented subject within the electoral process.

### **Regulatory Incompleteness and the Problem of Legal Certainty**

The second result concerns the incompleteness of the regulatory framework governing the empty box. The central issue is no longer the absence of constitutional recognition, but the incompleteness of regulation after recognition (Burhanuddin, 2018). Articles 54C and 54D of Law Number 10 of 2016 and the relevant KPU Regulations have regulated the final stages of the single-candidate Pilkada, particularly ballot inclusion, voting procedure, vote counting, recapitulation, and result declaration. However, they do not provide a comprehensive administrative framework for the earlier and middle stages of the electoral process.

This study identifies at least ten dimensions that remain insufficiently regulated: the legal standing of empty-box supporters, formal representation, the boundary of support activity, state facilitation, financing, access to media and public information, witnesses, specific supervision,

legal protection, and dispute resolution. These dimensions show that the empty box is recognised as a valid voting option, but is not yet supported by a complete regulatory design.

The incompleteness can be categorised into three types of gaps. First, a legal gap exists at the statutory level because the Pilkada Law does not define the legal position, rights, and obligations of empty-box supporter groups. Second, a regulatory gap exists because KPU and Bawaslu Regulations are still structured around a multi-candidate paradigm in which the candidate pair is the primary juridical subject. Third, an implementation gap appears when general provisions are applied inconsistently across regions due to the absence of operational guidance (Bagja et al., 2025).

The effects of these gaps are visible in several aspects of Pilkada administration. The KPU has a clear basis to count and certify votes for the empty box, but lacks a clear legal basis to provide balanced substantive information about the empty box beyond technical voting instructions. Bawaslu faces interpretive difficulties when empty-box support activity may be read as unregistered campaigning, voter education, political expression, or an electoral violation. The 2020 Pasaman case illustrates this problem because Bawaslu faced difficulty in acting against empty-box volunteer activity due to the absence of an enforceable legal basis (Suhendra & Fahmi, 2024). Civil society actors and volunteers also operate under legal uncertainty because basic operational questions regarding fundraising, campaign materials, witnesses, and reporting mechanisms are not uniformly answered by positive law.

The second result of this study is therefore that the current regulatory framework produces legal uncertainty. The empty box is legally recognised at the voting and counting stages, but remains under-regulated in relation to representation, facilitation, supervision, financing, protection, and remedies. This condition creates a gap between formal electoral recognition and administrative legal certainty.

### **The Impact of Regulatory Gaps on Electoral Justice**

The third result concerns the impact of regulatory incompleteness on electoral justice. Electoral justice requires that every valid electoral choice be accessible, intelligible, supervised, and protected in a meaningful way. In the single-candidate Pilkada, the candidate pair enters the contest with a complete legal and institutional structure: participant status, verified nomination documents, political party or independent support, a registered campaign team, state-facilitated campaign infrastructure, an audited campaign-fund account, access to media, accredited witnesses, and access to dispute mechanisms. The empty box does not possess an equivalent administrative structure.

This asymmetry produces five concrete consequences. First, information distribution is imbalanced because state-facilitated campaign mechanisms are primarily attached to the candidate pair, while information about the empty box depends largely on volunteer initiatives outside formal electoral structures (Suhendra & Fahmi, 2024). Second, vote protection is weaker because no accredited empty-box witness exists with comparable authority to monitor, object, or participate in vote-protection processes. Third, financing of empty-box support activity lacks transparency because no specific reporting mechanism applies to supporter groups. Fourth, support activity is vulnerable to inconsistent interpretation across regions due to the lack of specific normative reference. Fifth, voters do not encounter a fully equal electoral arena because the option of rejecting the single candidate lacks the administrative support available to the option of accepting the single candidate.

In the context of single-candidate Pilkada, the level playing field does not mean competition between two candidate pairs. Rather, it means a fair balance between the option to accept the single candidate and the option to reject the single candidate through the empty box (Sawer, 2021). The principle does not require the empty box to be equated with a candidate pair. It requires sufficient legal and administrative space for the rejection option to be known, understood, supervised, and protected.

The study also finds structural limits in legal-control mechanisms. At the level of supervision, Bawaslu Regulations are designed around candidate pairs, nominating parties, and campaign teams, leaving the empty box outside the main supervisory categories. At the level of legal protection, empty-box volunteers rely only on general citizen-level protection and do not receive specific operational protection within Pilkada administration. At the level of dispute resolution, the empty box has no legal standing in process disputes or result disputes, and supporter groups are not formally recognised as its administrative representatives (Mochtar, 2025). These limits affect the integrity of the electoral process, since electoral integrity requires not only the formal availability of electoral choices, but also the legal system's capacity to respond to violations and protect meaningful participation (Norris, 2017).

The third result of this study is that the current regulation of the empty box creates contestational asymmetry. The single-candidate Pilkada may proceed lawfully on procedural terms, but it does not fully satisfy substantive electoral justice when one valid choice is supported by a complete legal apparatus while another valid choice remains administratively underdeveloped (Purwaningsih & Widodo, 2021).

### **A Reconstruction Model for the Empty Box Based on Electoral Law Justice**

The fourth result of this study is a reconstruction model for regulating the empty box based on electoral law justice. The reconstruction responds to incompleteness, not to the absence of recognition. Its constitutional basis lies in Articles 1 paragraph (3), 18 paragraph (4), 28D paragraph (1), and 28D paragraph (3) of the 1945 Constitution, which require fair legal certainty and equal opportunity in government, including for voters who reject a single candidate.

The reconstruction model is built on four principles. The first is legal certainty, which requires clear and applicable norms governing actors, procedures, rights, obligations, and remedies (Anjari, 2019). The second is proportional equality of contestation, which requires sufficient space for the empty box without transforming it into a candidate pair. The third is protection of political rights, which treats empty-box supporters as citizens exercising lawful political rights (Akbar & Maisa, 2024). The fourth is electoral integrity, which prevents the single-candidate Pilkada from becoming an acclamatory electoral process.

The conceptual core of the proposed model is limited administrative representation. This concept distinguishes between the empty box as an electoral choice and the empty-box supporter group as an administrative actor. The empty box remains a valid electoral choice and does not become an electoral participant. However, a registered empty-box supporter group may be given limited administrative standing for defined purposes. This approach is consistent with the concept of limited scope representation, which grants legal capacity for specific functions without transferring the full authority of the primary subject (Mosten, 2024).

The proposed status is that of a registered empty-box supporter group. This group would not become an electoral participant and would not obtain nomination rights, full campaign rights, equivalent state facilitation, or full legal standing in electoral disputes. Its role would be limited to administrative communication, public information, supervision access, reporting, and limited objection.

The model provides seven limited administrative rights: registering a responsible person with the KPU, communicating information or voting appeals within legal limits, accessing technical information, registering communication channels, reporting suspected violations to Bawaslu, proposing limited monitors or witnesses, and lodging limited objections. These rights are paired with seven duties: disclosing the identity of the responsible person, complying with general campaign prohibitions such as vote-buying, intimidation, hoaxes, hate speech, and black campaigning, submitting simplified fund reports, accepting Bawaslu supervision, not claiming electoral participant status, not presenting a governing vision and mission, and not transforming the empty box into a permanent political entity.

This model is operationalised through four regulatory clusters. The first cluster is the KPU's duty to provide neutral information, including the legal meaning of the empty box, the voting procedure, the legal effect of empty-box votes, and the consequence of the single candidate failing to meet the Article 54D threshold. The second cluster is the recognition of support activity and proportional facilitation, which clarifies the boundaries between voter education, outreach, voting appeals, and formal campaigning. The third cluster is financial accountability, which includes donor disclosure above a certain threshold, contribution limits, prohibition of illicit sources, scope-limited use of funds, and simplified reporting. The fourth cluster is legal control, which strengthens Bawaslu's supervisory basis, provides operational protection for volunteers, and creates a proportional mechanism for limited objections.

The model requires layered regulation. The Pilkada Law should close the legal gap by recognising the empty box as a valid electoral choice, recognising registered empty-box supporter groups, defining limited administrative rights and duties, providing a basis for protection, and granting access to limited objection mechanisms. KPU Regulations should close the operational side of the regulatory gap by regulating neutral information, supporter-group registration, outreach, facilitation, fund reporting, and vote protection. Bawaslu Regulations should close the supervisory side of the regulatory gap by regulating supervision, prohibitions on intimidation, violation-handling procedures, operational protection, and limited disputes. Implementing guidelines should close the implementation gap by establishing uniform standard operating procedures and administrative formats for KPU and Bawaslu at regional levels.

The fourth result of this study is therefore that limited administrative representation provides a proportional reconstruction model. It preserves the empty box as an electoral choice rather than an electoral participant, while granting registered supporter groups sufficient administrative space to communicate with organisers, accept supervision, report violations, and protect voters' political rights.

## **Discussion**

### **From Constitutional Recognition to Administrative Incompleteness**

The findings show that the main problem of the empty box is no longer constitutional recognition, but administrative incompleteness. Constitutional Court Decision Number 100/PUU-XIII/2015 successfully prevented the postponement of Pilkada and protected the right of voters to reject a single candidate. Articles 54C and 54D of Law Number 10 of 2016 then translated this recognition into statutory rules on ballot design and vote threshold. However, this constitutional and statutory recognition remains incomplete because it does not regulate the institutional environment needed for the empty box to function meaningfully throughout the electoral process.

This distinction is important for electoral law justice. A valid electoral choice does not become meaningful merely because it appears on the ballot. It must also be supported by rules that clarify how voters can understand it, how supporters may lawfully express political preferences, how violations can be supervised, how votes can be protected, and how legal remedies may be accessed. The empty box is therefore located in a paradoxical position. It is valid enough to defeat a single candidate, but not sufficiently regulated to be represented, facilitated, supervised, or protected during the electoral process. This paradox explains why single-candidate Pilkada may satisfy formal legality while still falling short of substantive justice.

### **Electoral Law Justice and the Meaning of Proportional Equality**

The findings also clarify the meaning of equality in a single-candidate Pilkada. Equality of contestation cannot be understood as equality between two candidate pairs because only one candidate pair exists. Instead, equality must be understood as proportional balance between the option to accept the single candidate and the option to reject the single candidate. This is the point at which electoral law justice differs from ordinary electoral administration. It does not

only ask whether the election is conducted according to written rules, but also whether those rules provide fair legal conditions for all valid electoral choices.

The current regulatory framework creates an imbalance because the single candidate is supported by a complete legal apparatus, while the empty box is present only as a ballot column. This imbalance affects voter information, supervision, funding transparency, witness mechanisms, and legal remedies. In practical terms, the voter's right to reject the single candidate becomes formally available but administratively weak. Such a condition weakens the level playing field and may reduce the empty box to a passive symbol, even though the Constitutional Court recognised it as an active mechanism for protecting citizens' political rights.

This article therefore argues that proportional equality does not require the empty box to be transformed into a candidate pair. Such transformation would contradict the logic of the single-candidate Pilkada and create doctrinal confusion between an electoral choice and an electoral participant. What is required is a middle position: the empty box remains an electoral choice, but its supporters may receive limited administrative recognition for specific electoral functions. This proportional approach avoids both extremes: leaving the empty box without any institutional support, or equating it fully with a candidate pair.

### **Limited Administrative Representation as a Regulatory Reconstruction Model**

The proposed concept of limited administrative representation provides a normative answer to the regulatory gap identified in the findings. This model is significant because it does not create a new electoral participant. Instead, it creates a limited administrative subject through registered empty-box supporter groups. The purpose is not to give the empty box nomination rights, full campaign rights, or full dispute standing. The purpose is to provide a lawful channel for communication, supervision, reporting, limited objection, and protection of voter rights.

This model is compatible with the constitutional character of the empty box. Since the empty box is not a person, political party, candidate pair, or legal entity, it cannot be treated as a full juridical subject in the same way as a candidate pair. However, because it is a valid electoral choice with binding legal consequences, the legal system cannot leave it entirely without administrative support. Limited administrative representation fills this gap by separating the legal status of the empty box from the administrative status of its supporters.

The model also provides a practical route for regulatory reform. Revision of the Pilkada Law is needed to create the statutory basis for recognising registered empty-box supporter groups and their limited rights and duties. KPU Regulations are needed to regulate registration, neutral information, proportional facilitation, and simplified fund reporting. Bawaslu Regulations are needed to regulate supervision, protection, violation reporting, and limited dispute mechanisms. Technical guidelines are needed to ensure consistent implementation across regions. This layered arrangement is necessary because the problem of the empty box is not located in one legal instrument only, but across the entire architecture of Pilkada administration.

### **Theoretical and Regulatory Implications**

Theoretically, this article contributes to the development of electoral law justice by showing that electoral justice must include three integrated dimensions: legal certainty, equality of contestation, and protection of political rights. Legal certainty is required because voters, organisers, supervisors, volunteers, and candidates need clear rules. Equality of contestation is required because the electoral arena must not structurally privilege acceptance of the single candidate over rejection through the empty box. Protection of political rights is required because voting for the empty box and supporting the empty box are lawful forms of political expression within a constitutional democracy.

Regulatively, the article contributes a reconstruction model that can guide future amendments to the Pilkada Law, KPU Regulations, Bawaslu Regulations, and implementing guidelines. The model strengthens legal certainty by defining actors, procedures, rights, duties, prohibitions, and remedies. It strengthens equality of contestation by ensuring that the rejection

option is not left without information, supervision, and protection. It strengthens political rights by recognising that empty-box supporters are citizens exercising constitutionally protected political expression. It also strengthens electoral integrity by preventing the single-candidate *Pilkada* from becoming a merely acclamatory process.

This discussion confirms that the reconstruction of empty-box regulation should not be understood as an effort to create a second candidate. Rather, it is an effort to make a constitutionally recognised electoral choice administratively meaningful. The integrity of local democracy depends not only on whether voters are formally allowed to vote, but also on whether the legal system provides fair, clear, and enforceable rules for all valid choices available on the ballot. In this sense, limited administrative representation offers a proportional path for transforming the empty box from an under-regulated ballot option into a protected mechanism of electoral law justice.

## CONCLUSION

The empty box in the single-candidate *Pilkada* holds constitutional and juridical legitimacy as a valid electoral choice with determinative legal effect on the result, as confirmed by Constitutional Court Decision Number 100/PUU-XIII/2015 and elaborated through Articles 54C and 54D of Law Number 10 of 2016. The central problem is no longer the legality of the empty box but the incompleteness of its regulatory design, including the absence of comprehensive provisions on the standing of supporters, administrative representation, the boundary of support activity, state facilitation, financing, specific oversight, legal protection, and dispute resolution. The resulting incompleteness produces systemic effects on legal certainty and creates a contestational imbalance between a single candidate equipped with a complete legal apparatus and an empty box that exists only as a ballot option without formal representation. The single-candidate *Pilkada* therefore proceeds lawfully on procedural terms while falling short of substantive justice.

Electoral law justice calls for more proportional regulation, and the reconstruction proposed here moves toward limited administrative representation for registered empty-box supporter groups, articulated through four instrument clusters (neutral voter information, proportional facilitation, financial accountability, and oversight, protection, and limited dispute), implemented through a layered model across the *Pilkada* Law, KPU Regulations, Bawaslu Regulations, and implementing guidelines. The normative recommendations are addressed to legislators, who should revise the *Pilkada* Law to recognise registered empty-box supporters along with the basis for their protection and limited objection rights; to the KPU, which should develop technical regulation on neutral information, supporter-group registration, proportional facilitation, and simplified fund reporting; and to the Bawaslu, which should strengthen supervision through specific normative measures, operational protection for volunteers, and mechanisms for limited reports and disputes. The reconstruction does not seek to make the empty box equivalent to a candidate pair. It provides a space of limited administrative representation so that a lawful voter choice no longer occupies an empty regulatory space, and so that the integrity of local democracy in the single-candidate *Pilkada* can be preserved in a meaningful way.

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