

Democracy Without Choice: A Legal Evaluation of the 2024

Banjarbaru Regional Election

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ABSTRACT

The phenomenon of a single candidate and the absence of a blank vote option in the 2024 Banjarbaru local election has raised serious concerns about the quality of local democracy in Indonesia. Although legally valid, the limited political choice reflects a degradation of democratic substance and threatens public trust. This study aims to analyze the legal and political dynamics surrounding the case and to evaluate the legal mechanisms in place to safeguard the quality of democracy. This research uses a normative legal method with a case study approach, supported by qualitative analysis of legislation and Constitutional Court decisions. The findings indicate that elections without genuine alternatives violate the principles of participation and contestation as proposed in Robert A. Dahl's theory of polyarchy and contradict the values of public interest as outlined in Jasser Auda's concept of maqasid shariah. Although the Constitutional Court ordered a re-vote, the legitimacy of the election process had already been undermined. In conclusion, lawful procedures alone are insufficient to ensure a fair democracy if they are not implemented inclusively and participatively. A thorough evaluation of regulations and institutional integrity is necessary to ensure that democracy is not merely procedural, but also substantive.

Keywords: *Democracy, Regional Election, Single Candidate*

A. INTRODUCTION

Democracy as a system of government rests on the principle of popular sovereignty. In Indonesia, this principle is expressly regulated in the 1945 Constitution of the Republic of Indonesia Article 1 paragraph (2) (*Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 Pasal 1 ayat [2]*), which states that “sovereignty is vested in the

people and exercised according to the Constitution.”¹ One of the implementations of this principle is through the mechanism of general elections (*Pemilu*), including regional head elections (*Pilkada*), which are expected to reflect the aspirations of the people directly, freely, and fairly. The regional election system carries the principle of LUBER JURDIL (direct, general, free, secret, honest, and fair), as mandated by Law Number 10/2016 on Regional Head Elections (*Undang-Undang Nomor 10 Tahun 2016 tentang Pemilihan Kepala Daerah*).² Normatively, this system aims to ensure a healthy, participatory, and representative political competition

The implementation of electoral democracy at the local level often does not work ideally. The emergence of a single candidate pair is an anomaly in the local election contestation, because it does not compete with anything even an empty box. This phenomenon not only reflects the lack of participation of political actors, but is also an indicator of the weakening of the party regeneration system, the difficulty of the nomination mechanism, and the practice of local political pragmatism that tends to be transactional.³ When the space for competition is narrowed by the dominance of parties or large coalitions, the public loses diverse alternative choices, and the democratic process loses its participatory substance.⁴ In such a situation, electoral democracy only becomes a formal ceremony without any real competition. The phenomenon of limited political options in the 2024 Banjarbaru regional election is not merely an administrative issue, but a symptom of weak electoral democracy and electoral governance at the local level. With only one candidate pair, there is no battle of visions, no comparison of programmes, and no competitive pressure for candidates to offer a progressive agenda. The voting public becomes passive because they feel they have no real choice, which in turn has the potential to reduce the level of participation and trust in democracy.⁵ This condition needs to be studied as a mirror of the legal mechanism in maintaining the quality of democracy, so that it does not become a reference that reduces public

¹ *Undang-Undang Dasar Negara Republik Indonesia Tahun 1945, Pasal 1 ayat (2)*.

² *Undang-Undang Republik Indonesia Nomor 10 Tahun 2016 tentang Pemilihan Kepala Daerah, Pasal 2 ayat (1)*.

³ Jimly Asshiddiqie, *Hukum Tata Negara dan Pilar-Pilar Demokrasi* (Jakarta: Konstitusi Press, 2005).

⁴ M. Y Al Arif, “Politik Hukum Calon Tunggal dalam Putusan Mahkamah Konstitusi dan Implikasinya terhadap Sistem Pilkada Serentak,” *Jurnal Yuridis* 3, no. 2 (2016).

⁵ Al Arif.

confidence in the democratic system itself.

As a theoretical footing, Robert A. Dahl's thoughts in *Democracy and Its Critics* are the main foundation in assessing the quality of democracy, especially through the concept of polyarchy that emphasises the importance of broad participation and competition between political elites as the main characteristics of modern democratic systems.⁶ As a strengthening perspective on the context of Islamic law, Jasser Auda's thoughts on the benefits in the objectives of sharia (*maqashid sharia*) are relevant to assessing local political policies and processes, including the implementation of regional elections. Auda emphasises that *maqasid* does not merely preserve the five classical objectives of sharia, but rather reflects universal moral values such as justice, equality, human rights, development and civilization.⁷ In the context of the 2024 Banjarbaru regional election, which only presents one candidate pair, this *maslahat* theory can be used to criticise whether the democratic process truly upholds the values of justice and equality for all citizens in exercising their voting rights, or instead ignores the public good for the sake of practical political interests.

Previous research by Rofi Aulia Rahman, et al (2023) in the *Journal of Constitution and Local Democracy* highlighted that the phenomenon of single candidates in Pilkada has the potential to create a representation crisis and reduce public confidence in elections, even though it is legally valid.⁸ Meanwhile, Mahardika (2022) in the *Adhyasta Pemilu Journal* emphasises the weak regulation of empty boxes, which leaves voters without substantial alternative choices.⁹ However, these two studies have not normatively examined this dynamic in the context of the 2024 Banjarbaru regional election, and have not used the theoretical framework of democracy with the concepts of polyarchy and *maslahat* as the main analytical tools. Therefore, this research is here to fill the gap, by reviewing the legality and substance of local democracy based on the theory of democracy and *maslahat*.

⁶ Robert A Dahl, *Democracy and Its Critics* (New Haven: Yale University Press, 1971), 233.

⁷ Jasser Auda, *Maqashid Al-Shariah as Philosophy of Islamic Law* (Herndon: The International Institute of Islamic Thought, 2008).

⁸ Rofi Aulia Rahman, Iwan Satriawan, dan Marchthy Riwani Diaz, “Calon Tunggal Pilkada: Krisis Kepemimpinan dan Ancaman bagi Demokrasi,” *Jurnal Konstitusi* 19, no. 1 (2022): 112–29.

⁹ Ahmad Gelora Mahardika, “Fenomena Kotak Kosong dalam Pemilukada Serta Implikasinya dalam Sistem Ketatanegaraan Indonesia,” *Jurnal Adhyasta Pemilu* 1, no. 2 (2018): 55–70.

B. METHOD

This research is a normative legal research that focuses on the study of written legal norms through theoretical approaches and applicable laws and regulations. The approach used is a case approach, namely by examining certain legal events in this case the Banjarbaru City Election in 2024 which is only followed by one candidate pair and the absence of an empty box mechanism to understand the application of law and its juridical implications in the context of local democracy.¹⁰

The data collection technique is conducted through a literature study that includes primary legal materials such as the 1945 Constitution, *Pilkada* Law, Constitutional Court Decisions, secondary legal materials such as books and scientific journals, and tertiary legal materials, namely legal dictionaries and encyclopedias. All data was analysed using a qualitative analysis method, namely by processing and interpreting data descriptively-analytically in order to find an in-depth understanding of the law and draw systematic and argumentative conclusions.¹¹

C. ANALYSIS/DISCUSSION**1. JURIDICAL ASPECTS OF THE 2024 BANJARBARU REGIONAL ELECTION**

The 1945 Constitution explicitly guarantees the political rights of citizens. Article 1 paragraph (2) (*UUD 1945 Pasal 1 Ayat [2]*) states that ”Sovereignty is in the hands of the people”, which implies that the people have the right and obligation to democratically elect both legislative and executive leaders.¹² Furthermore, Article 28D paragraph (3) (*UUD 1945 Pasal 28D Ayat [3]*) states that ”Every citizen has the right to equal opportunity in government”, which includes the right to elect and be elected without discrimination.¹³ The Constitutional Court (MK) has repeatedly affirmed that the right to vote and be elected is a basic constitutional right of citizens that should not be arbitrarily restricted. The Plenary Session of the Constitutional Court in 2014 even stated that the restriction or removal of such

¹⁰ Irwansyah dan Ahsan Yunus, *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel* (Yogyakarta: Mirra Buana Media, 2021).

¹¹ Soerjono Soekanto, *Pengantar Penelitian Hukum* (Universitas Indonesia Press, 2012).

¹² “Undang-Undang Dasar Negara Republik Indonesia tahun 1945 Pasal 1 ayat (2)”.

¹³ “Undang-Undang Dasar Negara Republik Indonesia tahun 1945 Pasal 28 D ayat (3)” .

rights ”constitutes a violation of the human rights of citizens”.¹⁴

In the context of a single candidate, although democracy ideally requires the contestation of more than one candidate, the constitution does not require a minimum number of candidates. Even with only one pair of candidates, the *Pilkada* process must still be organised democratically, because the sovereignty of the people must be realized in elections.¹⁵ Constitutional Court has affirmed that voting in general elections is a citizen’s right guaranteed by the 1945 Constitution. This means that the people’s constitutional right to determine whether or not to vote for a candidate must be guaranteed, including providing a mechanism for voters to have a choice even if there is only one candidate.

The Constitutional Court in its decision Number 100/PUU-XIII/2015 has emphasised the need to safeguard the rights of the citizen.¹⁶ In its jurisprudence, the Constitutional Court stated that one candidate pair can still participate in the *Pilkada* even though there is only one candidate.¹⁷ The Constitutional Court rejected the governmental vacuum caused by the cancellation of one party’s candidacy, by applying the concept of *maslahat*, by providing an option as a way to reject the legal vacuum for a long period of time and instead create *maslahat* (expediency) for the implementation of local election.¹⁸ That is, rather than cancelling the elections and causing a leadership vacuum, the Constitutional Court chose to continue the elections with one candidate. This decision shows that the people’s right to choose should not be sacrificed for procedural requirements, the people still have the right to make their choice, even if the alternative choice is an empty box.¹⁹

The Constitutional Court also affirmed the fulfilment of voters’ constitutional

¹⁴ Mahkamah Konstitusi, “MK: Hak Memilih adalah Hak Asasi Warga Negara | Mahkamah Konstitusi Republik Indonesia,” diakses 5 Juli 2025, <https://www.mkri.id/index.php?page=web.Berita&id=9724>.

¹⁵ Mahkamah Konstitusi, “Kotak Kosong Hanya Diterapkan Untuk Pilkada Calon Tunggal | Mahkamah Konstitusi Republik Indonesia,” diakses 5 Juli 2025, <https://www.mkri.id/index.php?page=web.Berita&id=21848&menu=2>.

¹⁶ “Putusan Nomor Nomor 100/PUU-XIII/2015” .

¹⁷ Lia Nurhasanah, “Putusan Mahkamah Konstitusi No. 100/PUU-XIII/2015 Terkait Pemilihan Calon Tunggal Dalam Perspektif Hukum Islam,” *Jurnal Hukum dan HAM Wicarana* 2, no. 2 (September 2023): 70.

¹⁸ Nurhasanah, 71.

¹⁹ Iqbal Resa Satria dan Hamdani Kurniawan, “Telaah Teori Demokrasi Prosedural: Refleksi Pilkada Di Kota Cimahi,” *Khazanah Multidisiplin* 3, no. 2 (2022): Jurnal UIN Sunan Gunung Djati.

rights down to the technical stages. For example, in the 2024 Banjarbaru Regional Election which only left one candidate pair because another candidate pair was cancelled. The Constitutional Court ordered the implementation of re-voting (PSU) by using ballots with a single candidate’s picture against an empty box.²⁰ In considering its decision, the Constitutional Court stated that the situation constituted an election with 1 (one) candidate pair and must be applied based on Article 54C and Article 54D of Law 10/2016 (*Pasal 54C dan Pasal 54D UU 10/2016*).²¹ In other words, the Constitutional Court affirmed that the people’s right to choose only one candidate pair (or not to vote with an empty box) must be respected through the two-column mechanism on the ballot paper. The Constitutional Court even underlined that the use of the empty box option in single-candidate elections is a last resort to save citizens’ voting rights that are in danger of being lost.²² Thus, both positive law and the jurisprudence of the Constitutional Court agree that the right to elect and be elected is a fundamental right of citizens that should not be reduced without valid constitutional reasons, including in conditions of minimal contestation.

Facing the reality of single-candidate elections, the House of Representatives and the government have made regulations through Law Number 10 of 2016. The law emphasises the need to improve the implementation of democratic governor/regent/mayor elections.²³ One of the articles that needs to be highlighted is Article 54C paragraph (2) of Law 10/2016 (*Pasal 54C UU 10/2016*), which requires that in elections with a single candidate, the ballot paper must contain two columns, one column of photos of candidate pairs and one empty column without pictures. This provision follows up on the idea of an empty box into the *Pilkada* law which was previously only regulated by the Constitutional Court,²⁴ and ensures that voters are still given the choice to accept or reject existing candidates.

²⁰ Anggi Muliawati, “MK Batalkan Hasil Fenomenal Pilkada Banjarbaru, Perintahkan Pencoblosan Ulang,” diakses 5 Juli 2025, <https://news.detik.com/pilkada/d-7793205/mk-batalkan-hasil-fenomenal-pilkada-banjarbaru-perintahkan-pencoblosan-ulang>.

²¹ “Undang-Undang Nomor 10 tahun 2016 tentang Pemilihan Kepala Daerah”.

²² Mahkamah Konstitusi, “Kotak Kosong Hanya Diterapkan Untuk Pilkada Calon Tunggal | Mahkamah Konstitusi Republik Indonesia.”

²³ Undang-Undang Nomor 10 tahun 2016 tentang Pemilihan Kepala Daerah.

²⁴ Putusan Nomor Nomor 100/PUU-XIII/2015.

Furthermore, Article 54D (*Pasal 54D UU 10/2016*) also regulates the consequences of the votes obtained, if one pair obtains more than 50% of the valid votes, then the pair is declared elected, and if it does not reach 50%, then a re-vote must be held. Thus, the *Pilkada* Law provides an empty box option as a measure of public acceptance, and maintains the continuity of government through the PSU mechanism if a single candidate pair fails to win a majority of votes.²⁵

The *Pilkada* Law (UU *Pilkada*) recognises that the empty box option is not an ideal choice in a competitive democratic system, but is necessary to protect the constitutional rights of voters. As affirmed by the Constitutional Court, the use of an empty box in an election with a single candidate is only a last resort to save people's voting rights that would be lost if there were no other alternatives. From the point of view of constitutional law, the amendment to the Election Law brings adjustments to maintain the continuity of government without negating the democratic process, the state still organises elections and provides instruments for the people to reject single candidates.²⁶

2. BANJARBARU ELECTION CHRONOLOGY 2024

Initially, there were two candidate pairs that would contest the Banjarbaru City South Kalimantan Regional Head Election. However, there was a report from candidate pair 01 (Wartono) to the General Election Supervisory Agency (*BAWASLU*) that there was a misuse of public programmes and government slogans, namely the tagline “*JUARA*” for campaigning.²⁷ This “*JUARA*” tagline is a tagline carried by candidate pair 02.²⁸ In fact, this tagline has been used by Aditya-Wartono in the previous election.²⁹ The results of the investigation from *BAWASLU* found that there was indeed abuse. *BAWASLU* recommended the

²⁵ Nurhasanah, “Putusan Mahkamah Konstitusi No. 100/PUU-XIII/2015 Terkait Pemilihan Calon Tunggal Dalam Perspektif Hukum Islam.”

²⁶ Undang-Undang Nomor 10 tahun 2016 tentang Pemilihan Kepala Daerah.

²⁷ Muhammad Hasby, “Petahana Didiskualifikasi Tagline Sendiri, Kotak Kosong Terwujud di Banjarbaru - apakabar.co.id,” 1 November 2024, <https://apakabar.co.id/flash/petahana-didiskualifikasi-tagline-sendiri-kotak-kosong-terwujud-di-banjarbaru/>.

²⁸ Muhammad Syaiful Riki, “Pasca Didiskualifikasi dari Pilkada Banjarbaru 2024, Aditya-Said Bisa ‘Lawan’ KPU Lewat MA,” *Banjarmasinpost.co.id*, diakses 6 Juli 2025, <https://banjarmasin.tribunnews.com/2024/11/01/pasca-didiskualifikasi-dari-pilkada-banjarbaru-2024-aditya-said-bisa-lawan-kpu-lewat-ma>.

²⁹ Riki.

cancellation of the nomination to the General Election Commission (*KPU*).³⁰

The *KPU* followed up on the recommendation by stipulating the cancellation of the candidacy of candidate pair 02, considering that the tagline “*JUARA*” had already been officially used by the local government and was considered government property, so therefore it could not be used for electoral campaign purposes.³¹ The consequence of the cancellation of the nomination was that a single candidate was automatically left, who was supposed to face an empty box. However, at that time the empty box column was not available on the grounds that the ballot papers had been printed prior to the cancellation of the nomination.³² As a result, the votes cast for candidate 02 were invalid and not considered as votes for the empty box.³³ Thus, candidate pair 01 won all the valid votes, although the invalid votes were much higher. The Banjarbaru *KPU* stated that the votes obtained by candidate pair 02 were invalid so that the votes were zero or empty. This means that candidate pair 02 won absolutely 100 per cent by obtaining 36,165 votes compared to zero votes for candidate pair 02.³⁴ The mechanism for calculating and determining the winner refers to *KPU RI*'s Authorisation Letter Number 1774 of 2024 which was stipulated on 31 October 2024.³⁵

This incident then triggered two Banjarbaru residents³⁶ and one election

³⁰ Hasby, “Petahana Didiskualifikasi Tagline Sendiri, Kotak Kosong Terwujud di Banjarbaru - apakabar.co.id.”

³¹ Andi Muhammad Haswar dan Gloria Steyvani Putri, “Aditya-Said Abdullah Didiskualifikasi dari Pilkada Banjarbaru, KPU Persilakan Tempuh Langkah Hukum,” *KOMPAS.com*, 1 November 2024, <https://regional.kompas.com/read/2024/11/01/215810778/aditya-said-abdullah-didiskualifikasi-dari-pilkada-banjarbaru-kpu>.

³² Admin, “Lisa Halaby Vs Suara Tidak Sah: Prof. Halim Berikan Pencerahan Terkait Aturan di Pilkada Banjarbaru,” *Harian Aksara* (blog), 2 Desember 2024, <https://harianaksara.net/2024/12/02/lisa-halaby-vs-suara-tidak-sah-prof-halim-berikan-pencerahan-terkait-aturan-di-pilkada-banjarbaru/>.

³³ M. Oscar Fraby, “Tak Ada Kotak Kosong di Pilwali Banjarbaru, Suara Aditya-Said Abdullah Dinyatakan Tidak Sah - Radar Banjarmasin,” Tak Ada Kotak Kosong di Pilwali Banjarbaru, Suara Aditya-Said Abdullah Dinyatakan Tidak Sah - Radar Banjarmasin, diakses 6 Juli 2025, <https://radarbanjarmasin.jawapos.com/politik/1975348504/tak-ada-kotak-kosong-di-pilwali-banjarbaru-suara-aditya-said-abdullah-dinyatakan-tidak-sah>.

³⁴ Antara, “Fenomena Pilkada Banjarbaru: Calon Raih 100% Suara Usai Lawan Didiskualifikasi,” *detiknews*, diakses 6 Juli 2025, <https://news.detik.com/pilkada/d-7673534/fenomena-pilkada-banjarbaru-calon-raih-100-suara-usai-lawan-didiskualifikasi>.

³⁵ Jumarto Yulianus- jumarto.yulianus@kompas.com, “Keputusan KPU Dinilai Untungkan Paslon yang Tidak Dibatalkan di Pilkada Banjarbaru,” *Kompas.id*, 25 November 2024, <https://www.kompas.id/artikel/keputusan-kpu-dinilai-untungkan-paslon-yang-tak-dibatalkan-di-pilkada-banjarbaru>.

³⁶ Kurniawan Eka Mulyana, “Tidak Sediakan Opsi Kotak Kosong di Pilkada 2024, 2 Warga Gugat KPU Banjarbaru ke MK,” *Kompas.tv*, diakses 6 Juli 2025, <https://www.kompas.tv/nasional/565808/tidak-sediakan-opsi-kotak-kosong-di-pilkada-2024-2-warga-gugat-kpu-banjarbaru-ke-mk>.

monitoring institution to file a lawsuit to the Constitutional Court.³⁷ Of the two lawsuits, the lawsuit of two Banjarbaru residents was not accepted by the Constitutional Court on the grounds that the applicants did not have legal standing to sue because they only had the status of voters in the 2024 *Pilkada*.³⁸ Only the lawsuit of the election monitoring institution was accepted by the Constitutional Court to conduct a judicial review of Article 128 letter k of Law Number 10 Year 2016 on *Pilkada (Pasal 128 huruf k Undang-Undang Nomor 10 Tahun 2016 tentang Pilkada)*.³⁹ In its ruling, the Constitutional Court granted the lawsuit and ordered to conduct a re-vote election (*PSU*) with a single candidate mechanism against an empty box.⁴⁰

3. LEGAL ANALYSIS OF THE 2024 BANJARBARU REGIONAL ELECTION

The 2024 Banjarbaru regional election experienced dynamics that made the voting held without presenting the empty box option in the first stage after the cancellation of candidate pair 02 by the *KPU* which occurred after the printing of ballots so that the vote for that candidate was not recognised as a rejection by the community, but was categorised as invalid so that the single candidate 01 was recorded as obtaining 100% of the valid votes and was confirmed to win the Banjarbaru regional election contestation without a fight, which ultimately made the Constitutional Court decide to order the *KPU* to conduct a Re-voting Election (*PSU*).⁴¹

This incident has harmed the quality of democracy when examined through the perspective of Robert A. Dahl's theory of democracy. Dahl asserts

³⁷ Rumondang Naibaho, “Jubir MK Sebut Ada 4 Gugatan Terkait Cawalkot Banjarbaru Raih Suara 100%,” *detiknews*, diakses 6 Juli 2025, <https://news.detik.com/pilkada/d-7677059/jubir-mk-sebut-ada-4-gugatan-terkait-cawalkot-banjarbaru-raih-suara-100>.

³⁸ Singgih Wiryono dan Ardito Ramadhan, “3 Sengketa Pilkada Banjarbaru Gugur, 1 Lanjut Ke Pembuktian,” *KOMPAS.com*, 4 Februari 2025, <https://nasional.kompas.com/read/2025/02/04/19550661/3-sengketa-pilkada-banjarbaru-gugur-1-lanjut-ke-pembuktian>.

³⁹ Muhammad Syaiful Riki, “MK Kabulkan Gugatan UU Pilkada, LPRI Kalsel Desak Hentikan Kriminalisasi,” *Banjarmasinpost.co.id*, diakses 6 Juli 2025, <https://banjarmasin.tribunnews.com/2025/07/03/mk-kabulkan-gugatan-uu-pilkada-lpri-kalsel-desak-hentikan-kriminalisasi>.

⁴⁰ Putusan Nomor 05/PHPU.WAKO-XXIII/2025, No. 05/PHPU.WAKO-XXIII/2025 .

⁴¹ “Putusan Nomor 05/PHPU.WAKO-XXIII/2025” .

five minimum requirements for a political process to be considered democratic:⁴²

- a) Voting equality;
- b) Effective participation
- c) Enlightened understanding;
- d) Control of the agenda; and
- e) Inclusion.

All of these are implemented through a direct, general, free, secret, honest and fair election contestation system.⁴³

In the Banjarbaru regional head election, voting equality was violated when the voices of disapproval from the community that should have been facilitated through the empty box mechanism were not recognised at all by the *KPU*, but were stamped invalid so that the weight of the rejection vote against the single candidate was not considered to exist. This contrasts with Dahl's principle that every political preference, whether in favour or against, should be counted equally.⁴⁴

In addition, the principle of effective participation is also threatened by the absence of real competition. The citizens of Banjarbaru are only faced with the choice of supporting candidate pair 01 or choosing a void ballot, which is not really a choice. As a result, the community's involvement in seeing and assessing the candidates' vision & mission becomes meaningless. Citizens only participate procedurally, not substantively.⁴⁵ And although in the end the Constitutional Court in its verdict ordered the *KPU* to conduct a re-voting (*PSU*), public participation tends to decline due to the disappointment of the people of Banjarbaru towards the *KPU* and *Pilkada* in general.⁴⁶

⁴² Robert A. Dahl, *Democracy and Its Critics* (London: Yale University Press, 1989).

⁴³ Adi Prayitno, “Ironi Calon Tunggal Pilkada 2024 | Universitas Islam Negeri Syarif Hidayatullah Jakarta Website Resmi,” diakses 5 Juli 2025, <https://uinjkt.ac.id/id/ironi-calon-tunggal-pilkada-2024>.

⁴⁴ Risnandy Miftah, “Analisis Teori Demokrasi Robert A. Dahl Dan Imamah Terhadap Penunjukan Kepala Otorita Ibu Kota Negara Dalam Undang - Undang Nomor 3 Tahun 2022” (Salatiga, UIN Salatiga, 2024).

⁴⁵ Munawar Noor, “Tahun Politik: Antara Demokrasi Prosedural-Substansial,” *Mimbar Administrasi* 2, no. 1 (2018): 80–86.

⁴⁶ Muliawati, “MK Batalkan Hasil Fenomenal Pilkada Banjarbaru, Perintahkan Pencoblosan Ulang.”

Then, the principle of enlightened understanding was also disrupted after the *KPU* and related parties provided information that votes given to candidate pair 02 would be considered invalid votes without providing clear reasons why the empty box was eliminated.⁴⁷ This caused polemics in the community when many voters did not know how to officially reject a single candidate. Without free and comprehensive access to information, voters cannot make truly informed decisions.

The same goes for control of the agenda, where citizens must be able to insert issues into the political process through supporting candidates who represent their interests. However, in these single elections, single candidates face no pressure to respond to diverse aspirations as there is no risk of losing votes to competitors. This results in less space for minority political groups to participate, so that control of the public agenda is concentrated on one figure.

Finally, the principle of inclusion is also substantively tainted because although all citizens are registered as voters, citizens who intend to vote for an empty box are not accommodated administratively and close the path of public representation.⁴⁸

In addition, the *maqasid sharia* framework according to Jasser Auda provides guidelines so that every public policy respects the value of benefit (*maslahat*).⁴⁹ The process that eliminates the empty box mechanism in accordance with the provisions of the law violates this value, because voters who reject the single candidate pair do not have the right to express their choice legally, which then has implications for the decline in public participation and trust in the democratic process itself.

Based on what the author has described above, it can be concluded that the 2024 Banjarbaru regional election was not only procedurally flawed, but also failed to realize the public good that is the substantive goal of democracy. Thus, the election is not a political contestation, but a deconstruction of democracy

⁴⁷ Fath Putra Mulya, “Pilkada Banjarbaru diulang lawan kotak kosong - ANTARA News Kalimantan Selatan,” diakses 5 Juli 2025, <https://kalsel.antaranews.com/berita/453757/pilkada-banjarbaru-diulang-lawan-kotak-kosong>.

⁴⁸ Noor, “Tahun Politik: Antara Demokrasi Prosedural-Substansial.”

⁴⁹ Jasser Auda, *Maqasid al-Shari'ah as Philosophy of Islamic Law :A Systems Approach* (London: The International Institute of Islamic Thought, 2008).

under the pretext of promoting practical political stability, but at the expense of the people's right to vote and reject meaningfully.

4. IMPLICATIONS THAT OCCUR IN THE CASE OF THE 2024 BANJARBARU REGIONAL ELECTION

Based on the Constitutional Court's decision on the lawsuit filed by the election monitoring institution, the *PSU* of the Banjarbaru's mayor election was conducted and ran smoothly. However, the voter participation rate actually decreased compared to the 2024 elections. The Coordinator of the Social Division, Voter Education, Participation and Human Resources at the South Kalimantan *KPU* confirmed this and stated that the decline in participation was due to many factors, one of which was because it was held on a holiday.⁵⁰

There were other responses from a number of civil society organisations concerned with the phenomenon of democratic, honest, fair, and dignified Banjarbaru elections. They believe that the Banjarbaru election was procedurally flawed, legally flawed, and invalid, and became a hollow democracy so that the entire process and results lost meaning and could be cancelled. They also consider that the *KPU* has played with regulations, justice, and transparency by taking actions that remove legitimacy in the election process because it is contrary to the Law and *PKPU*. Some even took symbolic actions to protest against the *KPU*'s decision.⁵¹ After the *PSU* results were announced, which were won by candidate 01, the Indonesian Reform Monitoring Institute (*LPRI*) of South Kalimantan together with a Banjarbaru resident filed a lawsuit to the Constitutional Court.⁵² The lawsuit was filed based on the testimony of the applicants' lawyers who conveyed that there were allegations of money politics practices that occurred in almost all sub-

⁵⁰ M. Fadlan Zakiri, “Partisipasi Pemilih di PSU Pilkada Banjarbaru 2025 Turun, KPU Kalsel: Karena Terjepit Hari Libur - Radar Banjarmasin,” Partisipasi Pemilih di PSU Pilkada Banjarbaru 2025 Turun, KPU Kalsel: Karena Terjepit Hari Libur - Radar Banjarmasin, diakses 6 Juli 2025, <https://radarbanjarmasin.jawapos.com/politik/1975919252/partisipasi-pemilih-di-psu-pilkada-banjarbaru-2025-turun-kpu-kalsel-karena-terjepit-hari-libur>.

⁵¹ jumarto.yulianus@kompas.com, “Keputusan KPU Dinilai Untungkan Paslon yang Tidak Dibatalkan di Pilkada Banjarbaru.”

⁵² Nistia Endah Juniar Prawita, “PSU Banjarbaru Diduga Tak Bersih - Berita Borneo,” 25 April 2025, <https://beritaborneo.com/main/psu-banjarbaru-diduga-tak-bersih/>.

districts,⁵³ which were considered to injure the principles of honest and fair elections.⁵⁴

D. CONCLUSION

The 2024 Banjarbaru regional election is a concrete illustration of the decline in the quality of electoral democracy at the regional level. Although considered legitimate according to the constitution and the *Pilkada* Law, the implementation of contestation with one candidate pair without an empty box option in the early stages shows serious defects, both in terms of procedural and democratic substance. The *KPU*’s decision to proceed with the election even without providing a rejection mechanism through an empty box not only violates the basic principles of democracy as proposed by Robert A. Dahl, but also ignores the values of public good in the *maqasid sharia* perspective developed by Jasser Auda, which demands justice, equality, and active community involvement. The Constitutional Court in its decision did try to restore the situation through an order to conduct a re-voting (*PSU*) with a single candidate format against an empty box. However, the damage to the legitimacy of the process had already been done. People who were not given the space to legitimately object felt marginalised and lost faith in the electoral system, which was reflected in the declining participation rate in the *PSU*. This fact was exacerbated by allegations of money politics after the *PSU*, which showed that efforts to restore democracy did not necessarily resolve the root of the problem.

Overall, the Banjarbaru 2024 election case reflects that formal legal procedures may not be able to maintain the quality of democracy if their implementation is not based on participatory values, electoral justice, and respect for citizens’ constitutional rights. The absence of real competition and the lack of assertiveness of the organising body in ensuring honest, fair and inclusive elections make the process more like the legalisation of power than a reflection of the will of the

⁵³ Rahmadhani, “Sidang Kedua MK Terkait Gugatan Hasil PSU Pilkada Banjarbaru Digelar Hari Selasa ini, Cek Agendanya - Banjarmasinpost.co.id,” diakses 6 Juli 2025, <https://banjarmasin.tribunnews.com/2025/05/19/sidang-kedua-mk-terkait-gugatan-hasil-psu-pilkada-banjarbaru-digelar-hari-selasa-ini-cek-agendanya>.

⁵⁴ Prawita, “PSU Banjarbaru Diduga Tak Bersih - Berita Borneo.”

people. Therefore, a serious evaluation of regulations, oversight mechanisms, and institutional integrity is needed so that democracy does not merely become a five-year ceremony, but a means to fight for public aspirations in a meaningful way.

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