

PROTEST VOTE: MITIGATING THE IMPACT OF SINGLE CANDIDATES IN LOCAL HEAD ELECTIONS

¹Rizki Ramadani, ¹Asriati, ²Wahida

¹ Faculty of Law, Universitas Muslim Indonesia, Makassar, South Sulawesi, Indonesia

² Law School, University of Ankara, Ankara, Turkey

*Corresponding author: rizkiramadani@umi.ac.id

Abstract

In the 2024 local head elections, voters in 37 regions face a growing trend of single candidates. While voters can express dissent, the blank box option is often viewed as a mere procedural formality, with current regulations failing to address the negative impact of single candidates. This paper examines the protest vote as a form of voter engagement and explores its potential institutionalization as a solution to the single-candidate issue in local head elections. Using a normative approach, the research combines conceptual and legislative analysis, along with a qualitative review of existing literature. The protest vote, viewed from a political participation perspective, should not be seen as anti-political, but rather as a way for voters to voice dissatisfaction with the system or political elites. Few countries officially recognize the protest vote, but this study argues for its institutionalization through four measures: 1) ensuring the right to protest votes in local head elections, 2) recognizing blank, null, or spoiled ballots as valid votes, 3) defining empty boxes as "None of The Above" (NOTA) and preventing unsuccessful single candidates from re-running, and 4) protecting and encouraging campaigns for protest votes.

Keywords: *Local Head Election; Protest Vote; Single Candidate; Voter Participation.*

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1. Introduction

Since 2005, direct elections for local heads have represented the pinnacle of local democratic expression in Indonesia. These direct elections are deemed more democratic due to their capacity to enhance public political participation¹, bolster the legitimacy of elected officials², and foster governmental accountability.³ Consequently, local head elections have emerged as a significant measure of democracy at the national level.⁴ Nevertheless, the evolution of local head elections has also led to the emergence of various paradoxical phenomena, including the

¹ Rizki Ramadani and Farah Syah Rezah, "Regional Head Election During COVID-19 Pandemic: The Antinomy in the Government Policies," *Yuridika* 36, no. 1 (2021): 213, <https://doi.org/10.20473/ydk.v36i1.23528>.

² Pangwi Syarwi Chaniago, "Mempertahankan Pilkada Langsung," *Jurnal Polinter: Kajian Politik Dan Hubungan Internasional* 2, no. 1 (2016): 33–45, <https://doi.org/10.52447/polinter.v2i1.501>.

³ Suyatno Suyatno, "Pemilihan Kepala Daerah (Pilkada) Dan Tantangan Demokrasi Lokal Di Indonesia," *Politik Indonesia: Indonesian Political Science Review* 1, no. 2 (2016): 212, <https://doi.org/10.15294/jpi.v1i2.6586>.

⁴ Fayreizha Destika Putri and Ani Purwanti, "Legal Politics In The Amendment Of Regional Head Electoral Law," *Diponegoro Law Review* 3, no. 1 (2018): 122, <https://doi.org/10.14710/dilrev.3.1.2018.122-132>.

prevalence of money politics⁵, clientelism⁶, vote-buying⁷, and the establishment of political dynasties.⁸

A recent concern is the public's encounter with the phenomenon of single candidates in the 2024 simultaneous local head elections.⁹ Specifically, there are at least 37 pairs of single candidates spanning 37 regions—comprising one provincial-level region, 31 districts, and five city elections. Since the initial occurrence of this phenomenon in the 2015 local head elections, the prevalence of single candidates has risen significantly over time. Data indicates that there were three single regional head candidates in the 2015 Local Head Elections, which increased to nine candidates in 2017, 16 candidates in 2018, and 25 candidates in the 2020 election.¹⁰

In electoral literature, a single candidate is commonly referred to as an "uncontested election" or an "election without competitors." According to Robert, this situation arises when the number of candidates vying for election is equal to or less than the available seats in the electoral district.¹¹ The occurrence of single candidates in local head elections presents a significant challenge, adversely affecting the overall quality of national democracy. Research conducted by Konisky and Ueda in the United States revealed that state legislators elected in uncontested elections exhibited poorer performance compared to their counterparts elected through competitive processes.¹² Similarly, a study by Kouba and Lysek demonstrated that the presence of single candidates in the Czech Republic has substantially diminished voter turnout.¹³

The historical and legal context surrounding the prevalence of single candidates in local head elections is inextricably linked to the stipulations put forth in Law No. 8 of 2015 regarding the elections for Governors, Regents, and Mayors (hereafter referred to as the Local Head Election Law), alongside KPU Regulation 12/2015, which mandates that local head elections must engage a minimum of two pairs of candidates. This regulatory framework subsequently prompted a judicial review process at the Constitutional Court, which resulted in the introduction of the plebiscite mechanism as articulated in Decision No. 100/PUU-XIII/2015. Notably, the plebiscite mechanism has since been discontinued in favour of an electoral methodology that utilizes a ballot paper format, wherein one column features the likeness of the candidate pair while the adjacent column is left blank. This method has garnered popularity as the 'blank box'.

However, the evolving dynamics surrounding the blank box option have led to a growing consensus that it has proven ineffective in alleviating the implications associated with single-

⁵ Firman Noor et al., "The Implementation of Direct Local Election (Pilkada) and Money Politics Tendencies: The Current Indonesian Case," *Politik Indonesia: Indonesian Political Science Review* 6, no. 2 (2021): 227–46, <https://doi.org/10.15294/ipsr.v6i2.31438>.

⁶ Edward Aspinall and Wawan Mas'Udi, "The 2017 Pilkada (Local Elections) in Indonesia: Clientelism, Programmatic Politics and Social Networks," *Contemporary Southeast Asia* 39, no. 3 (2017): 417–26, <https://doi.org/10.1355/cs39-3a>.

⁷ Luky Djani and Philips Vermonte, "Election in Indonesia: The Problem of Vote-Buying Practices" 42, no. 1 (n.d.): 5–16.

⁸ Edward Aspinall and Muhammad Uhaib As'ad, "Understanding Family Politics: Successes and Failures of Political Dynasties in Regional Indonesia," *South East Asia Research* 24, no. 3 (2016): 420–35, <https://doi.org/10.1177/0967828X16659571>.

⁹ Rizki Ramadani et al., "Unraveling Legal Antinomies: Key Insights from the 2024 Simultaneous Regional Head Election," *Padjajaran Jurnal Ilmu Hukum (Journal of Law)* 12, no. 137 (2025): 137–59, <https://doi.org/10.15294/ipsr.v6i2.31438>.

¹⁰ Rofi Aulia Rahman, Iwan Satriawan, and Riwani Marchethy Diaz, "Calon Tunggal Pilkada: Krisis Kepemimpinan Dan Ancaman Bagi Demokrasi [Single Candidate Pilkada: Leadership Crisis and Threat to Democracy]," *Jurnal Konstitusi* 19, no. 1 (2022): 47–72.

¹¹ Robert Nordström, "The Effects of Uncontested Elections on Legislative Speechmaking: An Analysis of Legislative Performance in Japan's Prefectural Assemblies," *Electoral Studies* 87, no. 5 (2024), <https://doi.org/https://doi.org/10.1016/j.electstud.2023.102732>.

¹² David M Konisky, "Legislative Studies Quarterly," *Electoral Studies* 3, no. 2 (1984): 217, [https://doi.org/10.1016/0261-3794\(84\)90075-1](https://doi.org/10.1016/0261-3794(84)90075-1).

¹³ Karel Kouba and Jakub Lysek, "The Return of Silent Elections: Democracy, Uncontested Elections and Citizen Participation in Czechia," *Democratization* 30, no. 8 (2023): 1527–51, <https://doi.org/10.1080/13510347.2023.2246148>.

candidate scenarios. The box appears to function merely as a superficial requirement for the execution of electoral processes, failing to address substantive concerns such as the pressing issue of societal engagement in what is perceived as a 'non-ideal' electoral contest. Additionally, candidates who are defeated in elections against the empty box option are permitted to contest in subsequent electoral cycles.

Conversely, it has been observed that single candidates opposing the empty box statistically exhibit a markedly high probability of winning. Data from 2015 to 2020 reveals that, of 53 instances involving single candidates, only one has encountered electoral defeat, translating to a victory probability of 98.11 percent for single candidates. This statistic starkly illustrates the efficacy with which political pragmatism and the influence of political cartels operate to undermine the integrity of democratic elections.¹⁴ This situation also characterized the emergence of single candidates as indicative of a political party system that is incapable of providing a diverse array of options for the electorate.¹⁵

Drawing on foundational democratic theory, political competition is widely regarded as a core requirement for legitimate democracy. Robert Dahl emphasizes that meaningful contestation and participation are essential features of a democratic system he terms "polyarchy."¹⁶ Similarly, Schumpeter conceptualizes democracy as an institutional method for the competitive selection of political leaders.¹⁷ Lijphart underscores the importance of inclusive and competitive structures for maintaining democratic legitimacy.¹⁸ However, in the Indonesian context, the increasing prevalence of single-candidate elections highlights a critical breakdown in political competition. This trend not only reveals the fragility of the party system but also underscores the absence of institutionalized avenues for electoral protest.

In contrast to the concept of the blank box in Indonesia, the phenomenon of the "protest vote" is prevalent in various countries worldwide. This term denotes the resistance or dissatisfaction of voters towards available electoral choices, leading them to opt for unconventional alternatives such as supporting minor parties, casting blank or null ballots, or abstaining from voting altogether.¹⁹ This phenomenon serves as a means for individuals dissatisfied with existing options to express their discontent, simultaneously reflecting a crisis of trust in political institutions or the candidates presented.²⁰ Unfortunately, the topic of protest voting is still rarely discussed in Indonesia, especially in the context of preventing the negative impact of the single candidate phenomenon in local head elections.

Despite a growing body of literature examining single-candidate elections and the phenomenon of the empty box in Indonesian local head elections, current scholarship has primarily approached the topic from political, sociological, and democratic theory perspectives. Prior studies have predominantly analyzed the causes of single-candidate phenomena (e.g., political oligarchy²¹, lobbying, and financial capital²²), its impact on democratic quality (e.g.,

¹⁴ Endah Yuli Ekowati, "Pragmatisme Politik: Antara Koalisi, Pencalonan, Dan Calon Tunggal Dalam Pilkada," *Jurnal Transformative* 5, no. 1 (2019): 16–37.

¹⁵ Nur Rohim Yunus, "Calon Tunggal Sebagai Wujud Disfungsi Partai Politik," *Adalah* 1, no. 4 (2018), <https://doi.org/10.15408/adalah.v1i4.8216>.

¹⁶ Robert A. Dahl, *Polyarchy: Participation and Opposition*, 5 Illustra (United State: Yale Univeristy Press, 1971).

¹⁷ Joseph A. Schumpeter, *Capitalism, Socialism and Democracy* (London. George Allen., 1942).

¹⁸ Arend Lijphart, *Patterns of Democracy*, first (New York: Yale Univeristy Press, 1999).

¹⁹ Simon Otjes, Katherine Stroebe, and Tom Postmes, "When Voting Becomes Protest: Mapping Determinants of Collective Action Onto Voting Behavior," *Social Psychological and Personality Science* 11, no. 4 (2020): 513–21, <https://doi.org/10.1177/1948550619872482>.

²⁰ Carlo Altomonte, Gloria Gennaro, and Francesco Passarelli, "Collective Emotions and Protest Vote," *SSRN Electronic Journal*, no. January (2019), <https://doi.org/10.2139/ssrn.3315401>.

²¹ Maringan Panjaitan and Simson Berkhat Hulu, "Analisis Proses Dan Faktor Penyebab Lahirnya Pasangan Calon Tunggal Versus Kotak Kosong Pada Pilkada Serentak Tahun 2020," *Jurnal Ilmu Sosial Dan Politik* 1, no. 2 (2021): 116–30, <https://doi.org/10.51622/jispol.v1i2.411>.

²² Cornelis Lay et al., "The Rise of Uncontested Elections in Indonesia: Case Studies of Pati and Jayapura," *Contemporary Southeast Asia* 39, no. 3 (2017): 427–48, <https://doi.org/10.1355/cs39-3b>.

democratic weakening²³, reduced political competition²⁴), as well as the role of civil society in mobilizing protest against single candidates.^{25, 26} However, what remains unclear is how the protest vote—including the use of the empty box as a tool of political expression—fits within Indonesia's legal framework. In other words, to what extent can or should the empty box be understood as a legally recognized mechanism of protest vote within Indonesian electoral law? This legal dimension remains under-theorized and under-explored in existing literature.

In light of the identified research gap, this study is motivated by the growing dysfunction within Indonesia's electoral democracy, as evidenced by the increasing prevalence of single-candidate elections. This trend underscores the fragility of party system competitiveness and the lack of institutionalized avenues for electoral protest. Accordingly, this research introduces the concept of protest voting as a potential corrective mechanism to respond to the ongoing crisis in local democratic practice. While the author concentrates on the issues of single candidates in local elections, this study diverges from previous research by examining the potential for protest votes to be institutionalized as a viable alternative to address the challenges posed by single candidates and blank boxes in Indonesia's local head elections. Consequently, this research aims to offer new constructive insights and perspectives that enhance the findings of prior studies, while also proposing alternative policies for the improvement of local head election frameworks in the future.

2. Method

In alignment with the issues addressed, this study employs secondary data, encompassing legal materials derived from pertinent laws and regulations (primary legal materials) as well as relevant literature and prior research (secondary legal materials). Consequently, this study is categorized as doctrinal legal research. The legal materials are gathered through library research methods and subsequently analyzed using conceptual approaches, normative approaches (statutory approach), and case law approaches. The findings of the analysis are then presented qualitatively using descriptive-analytical techniques.

3. Results and Discussion

3.1. The Concept and Phenomenon of 'Protest Vote': Participation or Antipathy?

Voter participation is a comprehensive concept that is frequently used interchangeably with voter turnout. Both terms refer to the engagement of citizens in the electoral process through the act of voting. However, voter participation encompasses a broader range of activities related to elections, extending beyond the act of voting itself. In contrast, voter turnout specifically refers to the proportion of eligible voters who cast their ballots in an election. While voter participation tends to focus on qualitative aspects of citizen engagement, voter turnout is typically quantified as a percentage of the total eligible voting population. For instance, if there are 100 eligible voters and 60 of them participate in the election, the voter turnout would be 60%.

²³ Lili Romli and Efriza Efriza, "Single Candidate and the Dynamics of 2020 Indonesian Simultaneous Election: A Perspective on Internal Contestation," *Politik Indonesia: Indonesian Political Science Review* 6, no. 3 (2021): 265–88, <https://doi.org/10.15294/ipsr.v6i2.31439>.

²⁴ Rahman, Satriawan, and Diaz, "Calon Tunggal Pilkada: Krisis Kepemimpinan Dan Ancaman Bagi Demokrasi [Single Candidate Pilkada: Leadership Crisis and Threat to Democracy]."

²⁵ Kevin Nathanael Marbun, Jonah Silas, and Tedy Nurzaman, "Gerakan Koko (Kotak Kosong): Studi Kasus Pada Pilkada Humbang Hasundutan Tahun 2020," *Epistemik: Indonesian Journal of Social and Political Science* 3, no. 2 (2022): 16–30, <https://doi.org/10.57266/epistemik.v3i2.95>.

²⁶ Asita Widyasari, Reyke Anggia Dewi, and Viera Mayasari Sri Rengganis, "Gerakan Politik Pendukung Kotak Kosong: Keterlibatan Civil Society Dalam Pilkada Kabupaten Pati Tahun 2017," *Jurnal PolGov* 1, no. 1 (2022): 89–119, <https://doi.org/10.22146/polgov.v1i1.5053>.

Scholars have long posited that high levels of voter participation are invariably linked to a thriving democracy,^{27,28} as it serves as a clear measure of citizen engagement within a democratic framework.²⁹ Elevated voter participation has also been shown to enhance satisfaction with the democratic process, particularly in certain electoral systems.³⁰ In contrast, Lijphart argues that low voter participation leads to the underrepresentation of specific groups, such as the economically disadvantaged, resulting in a skewed distribution of political influence and policy outcomes.³¹

The discourse surrounding voter participation and its relationship with democracy is highly nuanced. While high voter participation is often seen as indicative of a more representative electoral process, it may also lead to an increase in the number of voters who are less politically informed, potentially undermining the overall quality of election outcomes.³² While Lijphart expresses concern that low participation from marginalized groups, such as the poor and less educated, can result in political inequities, John Stuart Mill takes a contrasting view. Mill contends that the inclusion of uneducated and economically disadvantaged voters could degrade the quality of political decision-making and policy formulation. In light of this, Mill argued that individuals who do not contribute to the tax system (non-taxpayers) should either be excluded from voting entirely or be granted a vote of lesser weight.³³

Despite the ongoing debate, voter participation remains a fundamental element of democracy, typically measured by the level or percentage of eligible voters who cast their ballots in an election (voter turnout). This leads to a contrary interpretation, where abstaining from voting, or more specifically, failing to appear at the polling station, is equated with a lack of participation. While this reasoning appears straightforward, the reality is more complex. The question cannot be conclusively answered without delving into the underlying concept of voter participation itself.

Essentially, voter participation is the most important and symbolic form of political participation.³⁴ In voting, citizens express their political choices and rights. However, conceptually, political participation is not just about voting but also includes various actions of society to influence political decisions or policies, both directly and indirectly.³⁵ This includes various activities such as participating in political campaigns or joining non-governmental organizations (NGOs),³⁶ from joining a member of a political party to simply participating in protests and

²⁷ William A. Galston, "Political Knowledge, Political Engagement, and Civic Education," *Annual Review of Political Science* 4 (2001): 217–34, <https://doi.org/10.1146/annurev.polisci.4.1.217>.

²⁸ IDEA, *Voter Turnout Trends around the World*, International IDEA, 2016.

²⁹ Sanjay Bharadwaj and Joshua Eaton, "Constructing Democracy: The Underlying Factors That Create a Healthy Democracy," *Journal of Student Research* 12, no. 1 (2023): 1–9, <https://doi.org/10.47611/jsrhs.v12i1.4071>.

³⁰ Filip Kostelka and André Blais, "The Chicken and Egg Question: Satisfaction with Democracy and Voter Turnout," *PS - Political Science and Politics* 51, no. 2 (2018): 370–75, <https://doi.org/10.1017/S1049096517002050>.

³¹ Arend Lijphart, "Unequal Participation: Democracy's Unresolved Dilemma," *American Political Science Review* 91, no. 1 (1997): 201–31, <https://doi.org/10.4324/9780203934685>.

³² Lisa Hill, "Voting Turnout, Equality, Liberty and Representation: Epistemic versus Procedural Democracy," *Critical Review of International Social and Political Philosophy* 19, no. 3 (2016): 283–300, <https://doi.org/10.1080/13698230.2016.1144855>.

³³ John Stuart Mill, *Considerations on Representative Government*, ed. Currin V. Shields (New York: The Liberal Arts Press, 1956).

³⁴ J Shola Omotola and Gbenga Aiyedogbon, "Political Participation and Voter Turnout in Nigeria's 2011 Elections," *Journal of African Elections* 11, no. 1 (2012): 54–73, <https://doi.org/10.20940/jae/2012/v11i1a4>.

³⁵ Jan W Van Deth, "Studying Political Participation: Towards a Theory of Everything?," *European Consortium for Political Research*, no. April (2001): 1–19.

³⁶ Jennifer N. Brass, "Do Service Provision NGOs Perform Civil Society Functions? Evidence of NGOs' Relationship With Democratic Participation," *Nonprofit and Voluntary Sector Quarterly* 51, no. 1 (2022): 148–69, <https://doi.org/10.1177/0899764021991671>.

demonstrations.³⁷ In essence, political participation includes various mechanisms to voice interests or influence policies inside and outside elections.

Sindy Verba posits that political participation encompasses the actions of citizens aimed at influencing the governmental structure and decision-making processes, whether through voting or protest.³⁸ Supporting this perspective, Bernhagen and Marsh concluded in their research that, within the context of new democracies, voter participation should also encompass various forms of protest actions, which ought to be regarded as extensions or complements to more formalized political participation mechanisms, such as voting.³⁹ Consequently, it can be asserted that a protest vote represents a distinct form of political participation characterized by acts of dissent.

Protest voting, wherein voters deliberately choose options that signal their discontent with mainstream candidates or parties, has become a focal point in political science literature. This behavior often emerges in response to perceived political inefficacies, dissatisfaction with current governance, or socio-economic crises, and its manifestations can be noted across various countries. The protest vote can be interpreted from two distinct viewpoints. The first perspective characterizes a protest vote as a phenomenon wherein voters, dissatisfied with the prevailing traditional parties, redirect their allegiance towards emerging mainstream parties. For instance, Verney and Bosco, who examined protest voting in Italy and Greece, align the concept of a protest vote with the act of supporting a challenger party that has not previously been part of a governing coalition.⁴⁰ However, this interpretation is often perceived as conventional and lacks popularity. Brug et al. further contend that such an understanding is problematic, as it engenders controversy and raises additional inquiries.⁴¹

In contrast to the initial definition, an alternative perspective frames the protest vote as intrinsically linked to the internal motivations of voters. Kselman and Niou articulate this notion by describing a protest vote as the act of selecting a party other than the voter's most preferred option in order to convey a message of dissatisfaction to that preferred party.⁴² In certain instances, voters may abandon a candidate or party they favor, even when that candidate has a significant chance of victory, with the expectation that this expression of discontent will prompt improved performance in subsequent elections. Thus, the protest vote is characterized by a tactical motivation aimed at communicating a specific message.

Himmelweit refers to the protest vote as a "dissatisfaction vote," emphasizing that such a choice signifies a social movement that seeks to distance itself from mainstream parties rather than offering support to them; it is conceptualized as a vote that symbolizes departure rather than arrival.⁴³ In this context, the protest vote functions primarily as a means of punishing the overarching political system and/or current political elites.⁴⁴ A commonality among the various

³⁷ David Beetham, "Political Participation, Mass Protest and Representative Democracy," *Parliamentary Affairs* 56, no. 4 (2003): 597-609+i+iv, <https://doi.org/10.1093/pa/gsg115>.

³⁸ Harvey W. Kushner et al., "Participation and Political Equality: A Seven-Nation Comparison," *The Western Political Quarterly* 33, no. 3 (1980): 431, <https://doi.org/10.2307/447278>.

³⁹ Patrick Bernhagen and Michael Marsh, "Voting and Protesting: Explaining Citizen Participation in Old and New European Democracies," *Democratization* 14, no. 1 (2007): 44-72, <https://doi.org/10.1080/13510340601024298>.

⁴⁰ Susannah Verney and Annah Bosco, *Protest Elections and Challenger Parties: Italy and Greece in the Economic Crisis*, 1st ed. (New York: Routledge, 2014).

⁴¹ Wouter van der Brug, Meindert Fennema, and Jean Tillie, "Anti-Immigrant Parties in Europe: Ideological or Protest Vote?," *European Journal of Political Research* 37, no. 8 (2000): 77-102.

⁴² Daniel Kselman and Emerson Niou, "Protest Voting in Plurality Elections: A Theory of Voter Signaling," *Public Choice* 148, no. 5 (2011): 395-418, <https://doi.org/DOI.10.1007/s1127-010-96>.

⁴³ Won Taek Kang, "Protest Voting and Abstention under Plurality Rule Elections: An Alternative Public Choice Approach," *Journal of Theoretical Politics* 16, no. 1 (2004): 79-102, <https://doi.org/10.1177/0951629804038903>.

⁴⁴ Stefano Camatarri, "Voting Against? Toward a Comprehensive Framework for The Assessment of Protest Voting in Europe," 2017, 118.

definitions provided by experts is the recognition that the protest vote stems from a sentiment of discontent towards mainstream parties and/or politicians.⁴⁵

Kang identifies three common behaviors exhibited by voters who are dissatisfied with the quality of an election: abstention, shifting support to a rival major party, and protest voting.⁴⁶ This differentiation underscores that protest voting is distinct from both traditional voting and abstention. While protest voting represents a "vote of dissatisfaction," it manifests in the form of not supporting any candidate. Therefore, it is important to note that protest voting is not synonymous with abstention, nor should it be interpreted as a lack of voter participation. Based on this understanding, Van der Brug, Fennema, and Tillie characterize protest voters as "rational voters whose objective is to demonstrate rejection of all other parties."⁴⁷

Verba, Scholzman, and Brady outline three primary reasons for individuals' tendency to refrain from political participation (non-participation): (1) an inability to participate, (2) a lack of desire to engage, or (3) a lack of solicitation to participate.⁴⁸ In the protest voting phenomenon, these three reasons are actually irrelevant. However, in the context of protest voting, these reasons are largely irrelevant. Protest voting is not rooted in political apathy; rather, it reflects a proactive expression of voter support for anti-establishment sentiments and serves as a form of dissent against mainstream politics, stemming from dissatisfaction with conventional political choices.⁴⁹

Furthermore, protest voting is influenced by ideological factors, distrust of political elites, and the impacts of campaign dynamics.⁵⁰ Given the socio-political climate, contextual factors often play a significant role in shaping protest voting patterns. Studies indicate that regional characteristics, such as economic decline or social fragmentation, can increase the prevalence of protest votes. For example, Bourdin and Tai's findings suggest that territorial decline influences voter behavior, leading to higher protest voting rates in declining areas.⁵¹ Additionally, Lioy notes that invalid voting has been treated as a form of protest behavior, particularly in Latin American contexts where the association is prevalent during specific political events.⁵² In a specific context, research by Castro and Retamal shows that civil unrest, such as protests, can significantly alter electoral behavior in countries like Chile and Bolivia, thereby exhibiting the interconnectedness of street protests and voting decisions.⁵³ Harris and Hern assert that in situations where voting does not yield significant change, protests become the preferred method for expressing political preferences.⁵⁴

A recent instance of a protest vote phenomenon transpired in the weeks preceding the 2016 US presidential election. During that period, Democratic Party advocate Bernie Sanders implored

⁴⁵ Sarah Birch and James Dennison, "How Protest Voters Choose," *Party Politics* 25, no. 2 (2019): 110–25, <https://doi.org/10.1177/1354068817698857>.

⁴⁶ Kang, "Protest Voting and Abstention under Plurality Rule Elections: An Alternative Public Choice Approach."

⁴⁷ Brug, Fennema, and Tillie, "Anti-Immigrant Parties in Europe: Ideological or Protest Vote?"

⁴⁸ Sidney Verba, Kay Lehman, and Henry E. Brady, *Voice and Equality: Civic Voluntarism in American Politics* (Cambridge: Harvard University Press, 1995).

⁴⁹ Stefano Camatarri, "Piecing the Puzzle Together: A Critical Review of Contemporary Research on Protest Voting," *Political Studies Review* 18, no. 4 (2020): 611–19, <https://doi.org/10.1177/1478929919862149>.

⁵⁰ Birch and Dennison, "How Protest Voters Choose."

⁵¹ Sebastien Bourdin & Jiwan Tai, "Abstentionist Voting – Between Disengagement and Protestation in Neglected Areas: A Spatial Analysis of The Paris Metropolis" (2022) 45:3 *Int Reg Sci Rev* 263–292.

⁵² Alberto Lioy, "I Would Prefer Not To': Establishing the Missing Link between Invalid Voting and Public Protest in Latin America," *Latin American Politics and Society* 66, no. 1 (2024): 106–32, <https://doi.org/10.1017/lap.2023.29>.

⁵³ Francisca Castro and Renata Retamal, "Does Electoral Behavior Change after a Protest Cycle? Evidence from Chile and Bolivia," *Electoral Studies* 89, no. September 2023 (2024): 102777, <https://doi.org/10.1016/j.electstud.2024.102777>.

⁵⁴ Adam S. Harris and Erin Hern, "Taking to the Streets: Protest as an Expression of Political Preference in Africa," *Comparative Political Studies* 52, no. 8 (2019): 1169–1199., <https://doi.org/https://doi.org/10.1177/0010414018806540>.

voters to refrain from casting protest votes for Green Party presidential candidate Jill Stein and Libertarian Party candidate Gary Johnson. Nevertheless, nearly eight million people opted for Sanders, Stein, or other minor party candidates. As a means of dissent against the politicians and political agendas of the Democratic and Republican parties as the predominant factions. In Florida, which Donald Trump won by a margin of 113,000 votes, over 160,000 voters selected names not listed among the candidates, such as Mickey Mouse or the Norse god Thor, inscribed messages like “We can do better,” or left their ballots unmarked. These protest voting phenomena were documented at twice the rate observed in the 2008 and 2012 elections.⁵⁵

The theory of secular societal modernization posits that enhanced societal awareness and a transition from materialist to post-materialist values have led to heightened demands for political participation, especially in the form of protest.⁵⁶ Environmental activists typically align with a model of political engagement characterized by protest, abstention, and boycott, rather than consensus and voting.⁵⁷ Nonetheless, this does not imply that protest actions equate to antipathy towards politics. Saunders’ research findings indicate that most protesters are actively engaged in formal political activities, despite their limited trust in political institutions.⁵⁸

3.2. Institutionalization Model of ‘Protest Vote for More Democratic Local Head Elections’

The literature analysis indicates that protest voting can be understood as a distinct form of voter participation beyond traditional voting methods. A protest vote represents a voter's expression of dissatisfaction, aimed at conveying a specific message or penalizing a political system and/or current political elites. Voters often express dissatisfaction with available candidates or the existing political system rather than selecting a preferred candidate.

Protest votes, while a component of political participation, are typically not formally institutionalized, in contrast to the established practice of voting for specific candidates. The right to vote is explicitly outlined in multiple regulations pertaining to elections, including those governing local head elections in Indonesia. Elections are fundamentally designed to democratically select candidates and yield the results of legitimately elected public officials. Law Number 7 of 2017 concerning General Elections defines elections as a mechanism for the exercise of popular sovereignty in selecting members of the People's Representative Council (DPR), members of the Regional Representative Council (DPD), the President and Vice President, and members of the Regional People's Representative Council (DPRD). These elections are conducted directly, generally, freely, secretly, honestly, and fairly. Local head elections, as stipulated in Law Number 8 of 2015 on Local Head Election, serve as a mechanism for the exercise of popular sovereignty through the direct and democratic election of regional leaders.

The regulation concerning voting rights is primarily confined to the qualifications of voters and election participants, along with the technical procedural provisions governing the voting process. Generally, there are no explicit regulations concerning protest votes, including guarantees for the right to protest or specific prohibitions against such actions. There exists a legal prohibition against the act of ‘bribing’ voters to sway their decisions. Article 73 paragraph (4) of the Local head election Law stipulates that, in addition to Candidates or Candidate Pairs, members of Political Parties, campaign teams, volunteers, and other parties are prohibited from promising or providing money or other materials as compensation to Indonesian citizens for the

⁵⁵ R. Michael Alvarez, D. Roderick Kiewiet, and Lucas Núñez, “A Taxonomy of Protest Voting,” *Annual Review of Political Science* 21 (2018): 135–54, <https://doi.org/10.1146/annurev-polisci-050517-120425>.

⁵⁶ Bernhagen and Marsh, “Voting and Protesting: Explaining Citizen Participation in Old and New European Democracies.”

⁵⁷ Sarah Pickard, Benjamin Bowman, and Dena Arya, “‘We Are Radical In Our Kindness’: The Political Socialisation, Motivations, Demands and Protest Actions of Young Environmental Activists in Britain,” *Yoth and Globalization* 2, no. 2 (2020): 251–80, <https://doi.org/https://doi.org/10.1163/25895745-02020007>.

⁵⁸ Clare Saunders, “Anti-Politics in Action? Measurement Dilemmas in the Study of Unconventional Political Participation,” *Political Research Quarterly* 67, no. 3 (2014): 574–88, <https://doi.org/10.1177/1065912914530513>.

following purposes: a. to influence Voters not to exercise their right to vote; b. to encourage Voters to cast their votes in a manner that leads to invalid votes; and c. to sway Voters to select or not select a specific candidate. The primary element prohibited under these provisions is the act of "promising or giving money or other materials" to voters, commonly referred to as vote-buying, which falls under the broader prohibition of money politics. The Local head election Law does not restrict voters from abstaining from voting or casting their votes in a manner that renders them invalid, provided such actions are based on personal choice and do not contravene legal stipulations.

Should that be the case, what about the blank box setup for single candidates in the local head elections? Could this be seen as an institutionalization of protest votes in Indonesian local head elections? The empty column or empty box reflects the decision of the community who disagree or are unhappy with the one regional head candidate presented. More specifically, Article 54C paragraph (2) of the Local head election Law says that ballot papers with 2 (two) columns made up of 1 (one) column with a photo of the candidate pair and 1 (one) empty column without a picture run the Election of 1 (one) pair of candidates. Moreover, Article 54D paragraph (1) underlines that the elected candidate pair is set by the Provincial KPU or Regency/City KPU should they receive more than 50% (fifty percent) of the legitimate votes. Should the empty box win (over 50%), a re-election will be conducted the next year under Article 54 D paragraph (3) of laws and rules.

The blank box has a different background context from the Protest Vote, which has been noted somewhat in the background. Initially chosen by the Constitutional Court in Decision No. 100/PUU-XIII/2015, the plebiscite method underlies the empty box. Its foundation for consideration was the dicta that the Local head election Law at that time did not permit local head elections to be held with a single candidate, thereby requiring a postponement of the election. The Court believed that delaying the election to the next local head election would deprive the people of their right to be elected and to vote in the local head election at that time. The Court suggested a plebiscite system consisting of a statement of "agree" and "disagree" on that premise. Law 10/2016 then turned this into a blank column/blank box.

In this context, it can be stated that the empty box serves a formal purpose related to the implementation of local head elections, or at minimum, provides legal protection for voters to ensure that their voting rights are not deferred. The empty box mechanism addresses only the procedural dimensions of democracy, as the election's postponement merely delays the exercise of the right to vote without abolishing it entirely. This contrasts significantly with the protest vote, which is rooted in a more fundamental aspect of democracy: the provision of a mechanism for voters to articulate their discontent with the current electoral process. If the empty box is utilized to safeguard against the loss of voters' votes, then during a protest vote, voters may choose to "discard" their votes for a specific purpose.⁵⁹

Drawing on the foregoing considerations, the author believes that the protest vote has not been institutionalized as an alternative in Indonesia's local head elections. This creates several issues for single candidates in local head elections whose numbers keep rising with time. Researchers generally agree that the occurrence of single candidates in local head elections in Indonesia has the possibility to severely harm democracy, particularly in light of the fact that this does not always occur naturally but is also "by design" and is linked with political cartels and mafias. Cornelis Lay, et al.'s study unequivocally shows how the increase of single candidates in Indonesia corresponds with the growing power of elites in local politics, particularly if it concerns incumbents. For instance, the sole candidate in the 2017 Pati local head elections was motivated by the influence of the incumbent and his affluent running mate, blocking candidates from rival parties from standing.⁶⁰

Table 1.

⁵⁹ David P. Myatt, "A Theory of Protest Voting," *Economic Journal* 127, no. 603 (2017): 1527–67, <https://doi.org/10.1111/eoj.12333>.

⁶⁰ Lay et al., "The Rise of Uncontested Elections in Indonesia: Case Studies of Pati and Jayapura."

Number of Single Candidates in Local Head Elections

Year	Incumbent	Non-Incumbent
2015	3	-
2017	8	1
2020	23	2
2024	31	6

Source: Secondary Data, 2025 (edited)

Current reports indicate that certain incumbent candidates often seek to consolidate rival parties to prevent the nomination of alternative candidates. This argument pertains to the situation involving three single candidates in the 2015 local head elections, all of whom were incumbent regents, and 23 incumbents out of 25 single candidates in the 2020 simultaneous local head elections. This explains the significant increase in the number of single candidates in the 2024 simultaneous local head elections (37), which remain dominated by incumbents. This trend persists despite the Constitutional Court (MK) issuing Decision No. 60/PUU-XXII/2024, aimed at facilitating more accessible and inclusive nominations for political parties. Previously, candidate pairs were mandated to secure a minimum of 20% support from DPRD seats or 25% of the total valid votes in the DPRD legislative election. However, following the MK decision, they are now required to obtain votes ranging from 6.5% to 10%, depending on the number of permanent voter lists (DPT) in each region. This percentage aligns with the individual path requirement, indicating that as the number of voters increases, the percentage of support required decreases. Titi Anggraini, a member of the Association for Elections and Democracy (Perludem) Advisory Board, expressed suspicion regarding the occurrence of single candidates in the local head election, deeming it an anomaly typically seen in countries with a limited voter base.

Based on the aforementioned reasons, it is essential to institutionalize protest voting as an alternative for voters to mitigate the influence of political cartels resulting from the prevalence of single candidates in local head elections. In their article titled "A Taxonomy of Protest Voting," Michael Alvarez, Kiewiet, and Núñez identify five general patterns of protest voting as follows:⁶¹

- 1) Voters may opt to support candidates or parties that are anti-establishment, unorthodox, ideologically extreme, or a combination of these traits, rather than selecting from the mainstream candidates or parties on the ballot (insurgent party);
- 2) Voters express dissatisfaction with their party by reallocating their votes to less preferred alternatives. Grounded in tactical considerations to convey dissent regarding their party's stance;
- 3) Voters intentionally submit blank, null, or spoiled ballots (BNS) rather than selecting the party or candidate indicated on the ballot;
- 4) The presence of a social movement or structured campaign aimed at promoting protest votes.
- 5) In recent years, several countries and governments have introduced a "None of The Above" (NOTA) option on the ballot for voters.

To address the influence of single candidates in local head elections, the institutionalization of protest votes in Indonesia can be approached through four key aspects: first, ensuring the right to express oneself in local head elections, including the casting of protest votes, is enshrined in relevant laws and regulations; second, recognizing and counting blank, null, or spoiled ballots (BNS) as valid protest votes; third, institutionalizing empty boxes as "None of The Above" (NOTA) options and prohibiting single candidates who lose from running in subsequent elections; fourth, guaranteeing and protecting the right to campaign for protest votes for existing candidates.

3.2.1. Guarantee of the Right to cast Protest Vote

The legal framework in a democratic nation must safeguard the freedom of expression of voters during elections by prohibiting intimidation, threats, and censorship of political viewpoints. This guarantees that all citizens may articulate their aspirations free from coercion or intimidation, whether from individuals or governmental entities. The right and freedom of expression in

⁶¹ Alvarez, Kiewiet, and Núñez, "A Taxonomy of Protest Voting."

elections are widely recognized by the international community, as evidenced by numerous international conventions and the constitutions of democratic nations.⁶²

In Indonesia, the right to freedom of expression during elections is constitutionally guaranteed by the 1945 Constitution of the Republic of Indonesia. Article 28E paragraph (2) articulates that "Everyone has the right to freedom of belief, to express thoughts and attitudes, in accordance with his conscience." Several of the aforementioned provisions ensure that voters can hold their beliefs and express their opinions freely. When considering the notion of a protest vote, it follows that any voter dissatisfied with the electoral system, the choices presented by political parties or candidates, and wishing to convey their discontent through a protest (electoral protest), is entitled to have this right ensured and safeguarded by the state.

Freedom of expression in local head elections in Indonesia constitutes a critical element for facilitating a robust democratic process. This freedom encompasses the right of citizens to express political aspirations, articulate support or criticism of candidates, and access and disseminate electoral information. Nonetheless, the local head election Law provides limited regulation concerning the freedom of expression for voters, particularly regarding the matter of protest votes. The current regulations are confined to stipulations concerning campaign rights for election participants and their supporters, allowing for open campaigns, public meetings, and the expression of opinions via various media.⁶³

Conversely, empirical evidence indicates that intimidation and the criminalization of freedom of expression in the political sphere are on the rise. SAFEnet monitoring identified 30 instances of criminalization of freedom of expression in the digital sphere from January to March 2024, with political motives and issues predominating the violations as a consequence of the February 2024 elections. This condition indicates that, although freedom of expression is a constitutional right, it continues to encounter significant challenges in practice. Consequently, the institutionalization of freedom of expression within the political sphere, particularly regarding protest votes in local head elections, necessitates the establishment of more precise regulations, including amendments to the local Election Law. In this context, the government may implement provisions that ensure voters' rights and expressions, allowing them not only to select preferred candidates but also to critique and protest against candidates they oppose, including sole candidates for regional leadership.

3.2.2. Recognition of Blank, Void, or Damaged Ballot Papers (BNS) by Voters as Valid Choices (Protest Vote)

Scholars in election administration recognize the persistent presence of anomalies in vote counting. Anomalies may arise from technical errors or voter mistakes during the voting process, such as marking the ballot outside the designated area (e.g., between two columns or in an empty space), which can result in the vote being deemed invalid. Similarly, ballots marked multiple times will be deemed invalid. To mitigate these errors, voters are typically guided by election officers prior to entering the voting booth and are given examples of the proper voting procedures.

Besides technical issues, certain anomalies may also stem from intentional actions by voters. Voters who deliberately submit blank, null, or spoiled ballots (BNS) may be classified as participating in protest voting. Data indicates that the rate of BNS voting has generally increased in over 2,000 elections globally in recent decades. The IDEA report indicates that BNS votes have surpassed 15% of total votes in one-third of Latin American elections since 2000, with comparable rates observed in developing democracies globally.⁶⁴

⁶² Bohdan Mokhonchuk and Pavlo Romaniuk, "Towards a Legal Framework That Protects Freedom of Expression in Electoral Processes," *Baltic Journal of European Studies* 9, no. 3 (2019): 43–62, <https://doi.org/10.1515/bjes-2019-0021>.

⁶³ Hijrah Adhyanti Mirzana, Andi Muhammad Aswin Anas, and Aditya Dwi Rohman, "Current Regulations and Anticipations on Criminalizing Black Campaigns for the 2024 Regional Head Elections," *Diponegoro Law Review* 9, no. 2 (2024): 258–76, <https://doi.org/10.14710/dilrev.9.2.2024.258-276>.

⁶⁴ International Institute for Democracy, and Electoral Assistance. *International electoral standards: Guidelines for reviewing the legal framework of elections*. International Idea, 2002.

Research conducted by Silva et al. on local elections in France found that in electoral systems where choice is very limited, voters tend to cast more blank, void, or spoiled (BNS) ballots intentionally.⁶⁵ Participation levels are anticipated to be reduced in elections involving a single candidate. Kouba and Lysek indicate that single-candidate elections, or uncontested elections, are becoming more prevalent in local governments, resulting in "silent elections" and a decline in voter turnout.⁶⁶ This phenomenon is natural, considering that one of the things that can increase participation is contestation or a high level of competition.⁶⁷

Local head elections featuring a sole candidate exhibit poor contestation, which may consequently diminish voter participation. This will result in a decline in the quality of democratic local head elections. Election organizers can develop a policy to classify blank ballots, as well as those deemed invalid or damaged by voters (BNS), as valid votes, thereby providing an alternative option to the single candidate presented. This concept posits that votes in this category are not deemed "invalid" but are acknowledged as expressions of voter dissent against the sole candidate available. This policy is expected to enhance voter participation rates, as it ensures that no votes are rendered ineffective. Conversely, the concerns of individuals expressing disappointment with the uncompetitive local head election system can be effectively addressed. This concept aligns with Chiara Superti's perspective that blank votes or those intentionally spoiled by voters (BNS) serve as a protest mechanism akin to the actions of informed voters who deliberately dismiss specific political candidates, parties, or electoral systems.⁶⁸ Thus, it is only right that this voice be heard and acknowledged, not just left as a wasted vote.

3.2.3. Recognition of Empty Columns as "None Of The Above" (NOTA) and Prohibition of Re-running for Losing Single Candidate

According to Schumpeter in Lay et al., the fundamental characteristic of democracy is the ability of society to accept or reject its leaders or governors.⁶⁹ A group of political scientists has proposed the inclusion of a NOTA option on the ballot to enable the rejection of proposed leadership candidates through protest votes.⁷⁰ India, Ukraine, Thailand, Colombia, and the U.S. state of Nevada have officially made this option available to voters.

In the 2014 Democratic gubernatorial primary in Nevada, the NOTA option received the highest proportion of votes, totaling 30%. Democratic candidate Robert Goodman secured 25%, placing second to NOTA.⁷¹ Nevada remains the only U.S. jurisdiction with a formal NOTA-equivalent, known as "None of These Candidates," available since 1975 (Nevada Revised Statutes § 293.269). While this option appears on ballots for statewide and federal offices, its outcome is non-binding—the candidate with the most votes among named candidates is still elected, even if "None" receives the highest vote total. Its legality was upheld in *Donovan v. State of Nevada* in 2012.

The occurrence of blank and spoiled ballots is attributable not only to technical errors made by voters but is also significantly associated with various forms of voter dissatisfaction. This ambiguity has led numerous reformers across various countries to support the inclusion of the

⁶⁵ Patrick Cunha Silva and Brian F. Crisp, "Ballot Spoilage as a Response to Limitations on Choice and Influence," *Party Politics* 28, no. 3 (2022): 521–27, <https://doi.org/10.1177/1354068821990258>.

⁶⁶ Kouba and Lysek, "The Return of Silent Elections: Democracy, Uncontested Elections and Citizen Participation in Czechia."

⁶⁷ Kristin Eichhorn and Eric Linhart, "Estimating the Effect of Competitiveness on Turnout across Regime Types," *Political Studies* 69, no. 3 (2021): 602–22, <https://doi.org/10.1177/0032321720914645>.

⁶⁸ Chiara Superti, "Vanguard of Discontent: Comparing Individual Blank Voting, Mobilized Protest Voting, and Voting Abstention." (United State, 2015).

⁶⁹ Lay et al., "The Rise of Uncontested Elections in Indonesia: Case Studies of Pati and Jayapura."

⁷⁰ Prajakta B Thube, "Understanding Voter Preferences: An Investigation Into Nota Voting Patterns In The 2018 Assembly Election Of Chhattisgarh" 1 (2023): 228–37.

⁷¹ Adam R. Brown, "Losing to Nobody? Nevada's 'None of These Candidates' Ballot Reform," *Social Science Journal* 48, no. 2 (2011): 364–70, <https://doi.org/10.1016/j.soscij.2010.12.005>.

NOTA option on ballots.⁷² According to Damore, by giving voters the choice of ballot papers, they can send a clear signal of dissatisfaction or protest.⁷³ In this case, the NOTA option can be seen as a tool given to citizens to protest the electoral process while still participating.

Since 2013, the Supreme Court of India has ruled that the NOTA option must be included on all electronic ballots to allow voters to participate without having to vote for any candidate.⁷⁴ India introduced NOTA through judicial mandate in *People's Union for Civil Liberties v. Union of India* (2013), where the Supreme Court ruled that the right to reject candidates is a form of protected expression under Article 19(1)(a) of the Constitution. Subsequently, the Election Commission of India added NOTA as an option on electronic voting machines (EVMs) in all elections. However, the mechanism remains non-binding; even if NOTA receives the highest votes, the candidate with the next highest votes is declared the winner.

Russia introduced a "Against All" option in 1991 during its democratic transition but abolished it in 2006 amid concerns of political destabilization.⁷⁵ Reintroduced in 2014, it now applies only to local elections. In contrast to India, if "Against All" secures a majority, a re-election is triggered, and previous candidates may be barred from contesting again. This gives Russia one of the few binding NOTA systems in practice. A study conducted in Russia in 2006 found a strong correlation between NOTA choice and higher participation and education levels.⁷⁶ This indicates that NOTA voters are a group of intelligent voters who are consciously protesting all the candidates offered to them.

Table 2.
Comparison of NOTA Vote in Three Countries

Aspect	India	Russia	United States (Nevada)
Legal Introduction	Supreme Court judgment in <i>PUCL v. Union of India</i> (2013)	Introduced in 1991, abolished in 2006, reintroduced in 2014 (local level only)	Enacted via state law in 1975 (NRS § 293.269)
Legal Basis	Article 19(1)(a) – Freedom of expression	Federal Law on Basic Guarantees of Electoral Rights	Nevada Revised Statutes
Administering Body	Election Commission of India (ECI)	Central Election Commission of the Russian Federation (local elections only)	Nevada Secretary of State
Binding Effect	Non-binding: Candidate with most votes wins, even if NOTA receives plurality	Binding at local level: If "Against All" wins, re-election is triggered; previous candidates may be disqualified	Non-binding: If "None" wins, candidate with most actual votes still elected
Scope of Application	National, state, and local elections	Local elections only	Statewide and federal elections in Nevada only

⁷² Carolina Plescia, Sylvia Kritzing, and Shane P. Singh, "Who Would Vote NOTA? Explaining a 'None of the above' Choice in Eight Countries," *European Journal of Political Research* 62, no. 1 (2023): 118–34, <https://doi.org/10.1111/1475-6765.12497>.

⁷³ David F. Damore, Mallory M. Waters, and Shaun Bowler, "Unhappy, Uninformed, or Uninterested? Understanding 'None of the Above' Voting," *Political Research Quarterly* 65, no. 4 (2012): 895–907, <https://doi.org/10.1177/1065912911424286>.

⁷⁴ Ekta Walia Sanjay Kumar, "Analysis of Electronic Voting System in Various Countries," *International Journal of Computer Science Engineering* 3, no. 5 (2011): 1825–30.

⁷⁵ I. White, S., & McAllister, "Voting 'Against All' in Postcommunist Russia," *Europe-Asia Studies* 60, no. 1 (2008): 67–87., <https://doi.org/https://doi.org/10.1080/09668130701760349>.

⁷⁶ Derek S. Hutcheson, "Disengaged or Disenchanted? The Vote 'against All' in Post-Communist Russia," *Journal of Communist Studies and Transition Politics* 20, no. 1 (2004): 98–121, <https://doi.org/10.1080/13523270410001687127>.

Aspect	India	Russia	United States (Nevada)
Naming of Option	"None of the Above" (NOTA)	"Against All"	"None of These Candidates"
Motivation/Justification	Uphold voter autonomy and freedom of expression	Provide voters with disapproval mechanism; limited reformist function	Offer symbolic outlet for voter dissatisfaction
Legal Challenge or Precedent	<i>PUCL v. Union of India</i> (2013)	Criticized for enabling protest votes during unstable transitions	<i>Donovan v. State of Nevada</i> (2012) upheld its legality
Key Criticism	Lacks legal consequence despite symbolic value	Potentially destabilizing; limited to local level only	Purely symbolic; does not affect outcomes
Reform Debates	Proposals for binding NOTA, re-election mandates, candidate disqualification	No major recent reform proposals	No significant reform movement at federal level

Source: Author, 2025 (edited)

The institutionalization of protest votes in the NOTA column on the ballot paper is necessary for enhancing the democratic nature of local head elections. Particularly relevant for candidates in single local head elections. Nonetheless, this holds little significance if the candidate who is defeated by NOTA votes or protest votes is permitted to participate in the subsequent local head election. Article 54D paragraph (2) stipulates that if a candidate pair receives less than 50% of the votes, they may participate again in the subsequent election. This regulation appears peculiar, as the loss of a single candidate indicates that the individual has been rejected and is not favored by the electorate. Consequently, it is reasonable that the individual in question is prohibited from participating in the local head election for the subsequent year/period. This implies compelling voters to purchase "stale rice".

The current regulations require revision, specifically by prohibiting unsuccessful single candidates from the empty box/NOTA vote from participating in the subsequent year's local head elections, and mandating political parties to replace their candidates. Candidates who lose should be required to observe a waiting period of at least one election before being eligible to run again in local head elections within the same region. This policy aims to promote prudence among political parties in the nomination of single candidates within a region, while simultaneously fostering openness to other parties to facilitate their self-nomination.

3.2.4. Guarantees and Protection of the Right to Campaign Protest Voting against a Single Candidate

The protest vote movement is often viewed as an individual decision; however, numerous elite activists or civil society leaders frequently orchestrate more structured and large-scale protest movements. This indicates that an individual protest vote can evolve into a collective voter sentiment. Altomonte et al. refer to this phenomenon as collective emotions. The research findings utilizing a social psychology framework to analyze the protest vote phenomenon in the 2010 and 2015 British elections indicate that when a dissatisfied voter identifies with a community sharing similar sentiments, it fosters solidarity and a pronounced inclination to penalize traditional parties and elites' perceived as detrimental to their interests. Consequently, increased identification with the community correlates with greater support for the protest vote.⁷⁷

In organizing the voice of protest voters, it is very possible to involve civil society groups. Budiman stated that the role of civil society in democracy has several contributions, namely: (1) providing a means of political, cultural, and moral resources to maintain and monitor the state; (2) encouraging democratic competition in a pluralistic society; (3) increasing political effectiveness and citizenship awareness; (4) maintaining stability and preventing the birth of an authoritarian regime; and (5) as a means of selecting and giving birth to new political leaders. In line with this

⁷⁷ Altomonte, Gennaro, and Passarelli, "Collective Emotions and Protest Vote."

statement, Boulding stated that Non-Governmental Organizations (NGOs) have played many strategic roles in mobilizing the community to participate in elections and protest movements in Bolivia.⁷⁸ In this context, NGOs are often seen as promoting democracy at the local level by encouraging political engagement, educating voters, and strengthening the capacity of democratic institutions through advice and training.⁷⁹

In India, while the Supreme Court in *PUCCL v. Union of India* (2013) recognized NOTA as part of the citizen's freedom of expression, the right to campaign for protest voting remains legally ambiguous. The Election Commission of India (ECI) does not formally prohibit campaigning for NOTA but has issued advisories discouraging it, especially to prevent electoral confusion or manipulation (Bhushan, 2014). Political parties cannot officially stand on a "NOTA" platform, and candidates who seek to promote NOTA directly may be disqualified under Model Code of Conduct violations. Nevertheless, civil society groups have engaged in voter education initiatives that indirectly support protest voting by emphasizing ethical rejection of corrupt candidates.

Nevada, and more broadly the United States, protest voting campaigns are protected under the First Amendment, which guarantees broad political speech rights. In *Donovan v. State of Nevada*, 788 F. Supp. 2d 975 (D. Nev. 2012), the U.S. District Court for the District of Nevada upheld the constitutionality of Nevada's "None of These Candidates" voting option. The plaintiff, a political activist, challenged the statute (Nev. Rev. Stat. § 293.269). The court rejected this claim, holding that Nevada's NOTC law served a legitimate state interest in enhancing voter expression and did not infringe on the rights of candidates or voters. "The State of Nevada is not constitutionally obligated to make 'None of These Candidates' a candidate capable of winning, but it is permitted to offer it as a means of expressive choice". Individuals, civil society, and even political organizations may openly campaign for "None of These Candidates" without fear of legal reprisal. Courts have consistently upheld this freedom, and protest voting is commonly expressed through satire, public demonstrations, and strategic voting guides. Unlike India or Russia, there are no legal or regulatory efforts to suppress such advocacy.

In the case of Indonesia, Article 28E, paragraph (3) of the 1945 Constitution of the Republic of Indonesia guarantees every citizen the right to freedom of association, assembly, and expression of opinion. Article 28F asserts that individuals possess the right to communicate and access information essential for personal and social development. It further establishes the right to seek, obtain, possess, store, process, and disseminate information through all available channels. This provides a constitutional foundation for ensuring the individual right of voters to cast protest votes, as well as the ability to organize collective social movements.

In Indonesia, indications of the role of civil society groups or NGOs in local democracy are evident in a number of local head elections in various regions. In response to the single candidate in the 2020 Humbang Hasundutan Regency local head election, the Humbang Hasundutan Democracy Care Forum (FPDHH) held its first plenary meeting to discuss empty box politics. In the meeting, the Daily Chair of FPDHH expressed that there was disappointment and hatred towards the oligarchy's efforts to kill the rights of the sons of Humbahas.⁸⁰ On that basis, FPDHH took action by establishing 1400 empty box winning posts, and forming the Koko (kotak kosong/blank box) political movement. Although it has not succeeded in winning the empty box, this protest movement was able to obtain 46,941 votes, or the equivalent of 47.5%. Likewise with the involvement of the Empty Box Network Political Movement (JKK) in the 2020 Balikpapan City

⁷⁸ Carew Boulding, "NGOs, Political Protest, and Civil Society," *NGOs, Political Protest, and Civil Society*, 2012, 1–213, <https://doi.org/10.1017/CBO9781107588561>.

⁷⁹ Moh. Arief Rakhman and Haryadi Haryadi, "Dinamika Peran Ngo Lingkungan Hidup Dalam Arena Politik Lokal Di Provinsi Jambi," *JISIP (Jurnal Ilmu Sosial Dan Pendidikan)* 4, no. 4 (2020), <https://doi.org/10.58258/jisip.v4i4.1468>.

⁸⁰ Marbun, Silas, and Nurzaman, "Gerakan Koko (Kotak Kosong): Studi Kasus Pada Pilkada Humbang Hasundutan Tahun 2020."

Regional Head Election. JKK is considered a form of protest and resistance from the community to punish parties and political elites who support single candidates.⁸¹

The institutionalization of protest votes requires the establishment of protections for social actors and the freedom of political movements conducted by protest voter groups. The Local head election Law should incorporate provisions that ensure the right to consolidate protest movements or advocate for alternative options to the candidates presented, including initiatives like the empty box campaign or NOTA. The Local head election Law does not prohibit empty box campaigns; however, the General Election Commission (KPU) has decided against facilitating such campaigns in the 2024 Local head elections. This raises questions regarding the ambiguous rights of empty boxes as campaign props and their representation in the discourse surrounding regional head candidates' visions and missions.

4. Conclusion

The phenomenon of single candidates in each local head election period has consistently increased, indicating a tendency among political elites to undermine democratic elections. The erosion of democratic values, including the lack of contestation and voter representation, negatively affects the quality of outcomes in local head elections. The regulation of empty boxes as a procedural requirement for local head elections limits the ability to make predictions. Protest votes represent a form of political participation, reflecting the concerns and awareness of voters who utilize their voting rights to convey dissatisfaction with the party and individual candidates within the political elite. A reformulation of the local head election Law is necessary to institutionalize Protest Votes as an alternative option for voters.

The institutionalization of protest votes may commence with the regulation of freedom of expression and the right to protest against actions that could undermine democracy. This includes recognizing and counting BNS votes as legitimate options, designating NOTA votes (not all) as official alternatives, and prohibiting losing single candidates from participating in the subsequent election cycle. These efforts must also include assurances of campaign rights and the representation of NOTA and BNS votes alongside individual candidates. The implementation of various policies aims to mitigate the adverse effects of single candidates in local head elections. This includes enhancing awareness and participation among informed voters, facilitating access to political party support for prospective candidates, promoting political and democratic education, and reducing the likelihood of collusion among cartels to nominate single candidates.

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⁸¹ Syahid, Imam, Muhammad Adnan, and Laila Kholid Alfirdaus. "Membuka Jalan Baru: Jaringan Kotak Kosong (JKK) dalam Pemilihan Umum Kepala Daerah Kota Balikpapan." *NeoRespublica: Jurnal Ilmu Pemerintahan* 5, no. 2 (2024): 531-544.

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