



## Legal consequences of the postponed gubernatorial election in Central Kalimantan (January 27, 2016)

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### ABSTRACT

*The exercise of people's sovereignty in a direct democracy is realized through general elections, including Regional Head Elections (Pilkada). This study aims to analyze the legal implications of the postponed gubernatorial election of Central Kalimantan, which was eventually held on January 27, 2016. The method used is normative juridical analysis by reviewing relevant laws and regulations, as well as decisions issued by the General Elections Commission (KPU). Data were obtained from legal documents and regulations governing the implementation of Pilkada. The findings indicate that the Indonesian KPU and the Provincial KPU of Central Kalimantan committed unlawful acts by failing to conduct the election on the predetermined date and by scheduling a follow-up election without a solid legal basis. It is concluded that these actions are inconsistent with the prevailing legal provisions and have legal implications for the legitimacy of the election in Central Kalimantan.*

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## 1. Introduction

The direct exercise of people's sovereignty (direct democracy) is carried out through general elections to elect members of representative bodies, the President and Vice President, and Regional Heads (Maulandari et al., 2022). In addition, people's sovereignty can also be exercised at any time through the implementation of rights and freedoms such as the right to freedom of expression, freedom of the press, freedom of information, freedom of association and assembly, and other human rights guaranteed in the Constitution (Komnas, 2015). However, the principle of direct sovereignty must be carried out through legal channels in accordance with the procedures of democracy (procedural democracy) (Rosmilawati et al., 2022).

As a crucial agenda in a state governed by law, the implementation of Regional Head Elections (Pilkada) must be conducted with a well-structured system (ARIANI, 2016). A good election system is one that produces positive impacts for the development of the Indonesian state (Risnain, 2016). When Pilkada is supported by a proper electoral system, it strengthens public legitimacy toward the government (Sentosa & Agustina, 2021).

The government and the House of Representatives (DPR) agreed that simultaneous Regional Head Elections (Pilkada) would be held in December 2015 (Guntur, 2022). This agreement emerged after the election organizers, namely the General Elections Commission (KPU), declared their readiness (Aziz, 2016). A total of 269 regions were scheduled to conduct simultaneous Pilkada (Pasaribu, 2017). However, these simultaneous elections were divided into three waves. The second wave was planned for February 2017 for regional officials whose term ended between July and December 2017. The third wave was scheduled for June 2018 for officials whose terms ended in 2018 and 2019 (Prayudi, 2021).

In the gubernatorial election of Central Kalimantan, the Indonesian KPU and the Central Kalimantan Provincial KPU failed to fulfill their obligation to conduct the voting on December 9, 2015. They agreed instead to schedule and hold the voting on January 27, 2016, referring to it with the juridical term "Supplementary Voting for the Gubernatorial Election of Central Kalimantan" (Andi Tenri Sompaa, 2022).

If the voting in the simultaneous gubernatorial election of Central Kalimantan Province on December 9, 2015, could not be held because the KPU submitted a cassation appeal against the ruling of the Jakarta State Administrative High Court Decision No. 29/G/Pilkada/PT.TUN.Jkt. dated December 8, 2015 – rendering the decision not yet legally binding (*inkracht*) (Aditiya et al., 2023), then according to Article 10A of Law No. 8 of 2015, which amends Law No. 1 of 2015, the KPU, as the body holding final responsibility over election implementation by Provincial KPU, Regency/Municipality KPU, District Election Committees (PPK), Village Election Committees (PPS), Voting Organizers Group (KPPS), and Voter Data Updating Officers, should have instructed the Provincial KPU, no later than December 8, 2015, to issue a "Decree on the Postponement of Voting Scheduled for December 9, 2015, in the Gubernatorial Election of Central Kalimantan," (Arifulloh, 2015) in accordance with Article 122 Paragraph (1) of Law No. 8 of 2015, which states: "Continued or supplementary elections shall be conducted only after the issuance of an official decree postponing the election" (Feriyani KPU Kab Barito Timur Kalimantan Tengah, 2019).

Furthermore, based on Article 9 Paragraphs (3) and (4) of Law No. 15 of 2011 concerning the General Election Commission, as well as Article 1 point 8, Article 11, and Article 122 Paragraph (1) of Law No. 8 of 2015, even without direct instruction from the national KPU, the Central Kalimantan Provincial KPU was still obliged to issue a "Decree on the Postponement of Voting Scheduled for December 9, 2015," before proceeding to announce and socialize this postponement to the public and all stakeholders (Wijoko Lestariono, 2022).

By failing to fulfill this obligation, and by instead scheduling a supplementary election without a lawful basis, the Indonesian KPU and the Provincial KPU of Central Kalimantan committed acts in violation of law by not conducting the original voting (Triana & Liska, 2020), as scheduled and then unilaterally determining a new voting date – January 27, 2016 – under the juridical label "Supplementary Voting for the Gubernatorial Election of Central Kalimantan" (Hadi, 2023).

Such actions are considered to contradict their legal duties, powers, and responsibilities under prevailing laws and regulations. These constitute overreach or arbitrary actions and deviate from the applicable legal framework in substance and practice (Ridho, 2020).

Furthermore, the Indonesian KPU and the Central Kalimantan Provincial KPU, in determining the 'Supplementary Voting for the Election of Governor and Deputy Governor of Central Kalimantan' on January 27, 2016, not only acted beyond their authority, but also, in substance and practice, deviated from the prevailing laws and regulations (Zulfauzan et al., 2022).

Based on the above background, the author is interested in conducting this study to analyze the legal implications of the implementation of the gubernatorial election of Central Kalimantan held on January 27, 2016.

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Academic Urgency: Studying the postponement of the 2015 Central Kalimantan Pilkada is critical for understanding procedural compliance in democratic processes. This case highlights gaps in Indonesia's electoral framework, particularly in handling unforeseen legal challenges, such as court-ordered delays. It underscores the need for robust mechanisms to ensure legal certainty and public trust in elections, which are foundational to Pancasila democracy.

The main problem studied in this paper is: What are the legal consequences of the Central Kalimantan Provincial KPU's failure to adhere to procedural requirements under Law No. 8 of 2015 in conducting the gubernatorial election on January 27, 2016?

## 2. Method

This research employs a normative juridical approach, focusing on the analysis of legal norms governing Pilkada in Indonesia. The study examines three types of legal materials: (1) primary legal materials, including Law No. 8 of 2015, Law No. 15 of 2011, Law No. 28 of 1999, Law No. 30 of 2014, and KPU Regulation No. 2 of 2015; (2) secondary legal materials, such as scholarly articles, books, and journals on Indonesian election law; and (3) tertiary legal materials, including legal dictionaries and commentaries. To ensure credibility, all primary legal materials used are laws and regulations currently in force and court decisions that have attained final legal force (*inkracht*).

Data collection was conducted through a document study, involving the systematic review of statutes, legal documents, and academic literature related to Pilkada. The analysis utilized qualitative methods, employing both deductive reasoning (to derive conclusions from legal norms) and inductive reasoning (to draw general insights from specific findings). Legal materials were grouped by issue, such as procedural requirements, legal violations, and their consequences, to ensure a structured analysis.

Validation of Legal Materials: The validity and credibility of legal materials were ensured by cross-referencing official publications in the State Gazette of Indonesia and verified court decisions. The absence of empirical data, such as interviews or field observations, was a deliberate choice to maintain focus on normative legal analysis, as the research aims to evaluate compliance with existing laws rather than socio-political dynamics. Deductive reasoning was primarily used in analyzing statutory provisions (e.g., Law No. 8 of 2015), while inductive reasoning was applied to assess the broader implications of the KPU's actions.

## 3. Analysis and Results

### 3.1 Legal Violations by the KPU

The Central Kalimantan Provincial KPU's conduct of the gubernatorial election on January 27, 2016, violated several legal provisions. First, the KPU failed to issue a "Decree on the Postponement of Voting Scheduled for December 9, 2015," as mandated by Article 122 Paragraph (1) of Law No. 8 of 2015. This decree was a prerequisite for any continued or supplementary election. Second, the absence of a "Ministerial Decree on the Continued Election for Governor and Deputy Governor," as required by Article 122 Paragraph (3), rendered the rescheduled voting legally baseless. This provision applies when 40% of regencies/cities or 50% of registered voters cannot vote, a threshold met in this case, as the entire voting stage was halted across Central Kalimantan (100% of regions and voters).

The KPU's use of the term "Supplementary Voting" was also problematic. According to Article 121 Paragraph (2) of Law No. 8 of 2015, a supplementary election requires restarting all electoral stages, from candidate registration to voting. In contrast, a continued election, as per Article 120, resumes from the disrupted stage (in this case, voting). The KPU's misapplication of the term "Supplementary Voting" caused confusion among voters, many of whom believed the entire electoral process would restart, leading to reduced voter turnout.

Upholding the voice and rights of the people, as the rightful holders of sovereignty, must take priority in any effort to organize an election or gubernatorial election that is legitimate and compliant with prevailing law (Jordy & Palenewen, 2021).

These violations contravened multiple legal frameworks: a) Articles 1 and 27 of the 1945 Constitution of the Republic of Indonesia; (Undang-Undang Dasar 1945, 2020); b) Law No. 1 of 2015;(Undang-Undang Nomor 1 Tahun 2015 Tentang Pilkada, 2015); c) Law No. 8 of 2015;(Undang-Undang Nomor 8 Tahun 2015 Tentang Pilkada, 2015); d) Law No. 15 of 2011 on Election Organizers;(Undang-Undang Nomor 15 Tahun 2011 Tentang Penyelenggaraan Pemilu, 2011); e) Law No. 12 of 2011 on Lawmaking Procedures;(Undang-Undang Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-undangan, 2011); f) Law No. 28 of 1999 on Clean and Corruption-Free Government; (Undang-Undang Nomor 28 Tahun 1999 Tentang Penyelenggara Negara Yang Bersih Dan Bebas Dari Korupsi, 1999); g) Law No. 30 of 2014 on Government Administration; (Undang-Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintahan, 2014); h) KPU Regulation No. 2 of 2015 on the Stages, Programs, and Schedule for the Election of Governors and Deputy Governors, Regents and Deputy Regents, and Mayors and Deputy Mayors (Peraturan KPU Nomor 2 Tahun 2015 Tentang Tahapan, 2015).

The conduct of the gubernatorial election by the KPU is also alleged to have intentionally violated the general principles of good governance, including: the principles of legal certainty, orderly governance, public interest, transparency, proportionality, professionalism, and accountability.

As stipulated in Law No. 28 of 1999, the election practices carried out by the KPU in this case contradict the principle of legality and constitute unlawful acts. This sets a dangerous precedent for the integrity of Pancasila democracy and the rule of law under the 1945 Constitution of the Republic of Indonesia.

### 3.2. Potential Defense by the KPU

While the KPU's actions were unlawful, it is worth considering potential defenses. The postponement was triggered by the Jakarta PT TUN Decision No. 29/G/Pilkada/PT.TUN.Jkt, which created legal uncertainty due to the pending cassation appeal. The KPU may argue that the court's ruling constituted an emergency situation, necessitating immediate action to reschedule the voting to uphold democratic continuity. Additionally, the KPU might claim that logistical constraints and the need to align with the simultaneous Pilkada schedule limited their ability to issue formal decrees promptly.

### 3.3 Chronology of Events vs. Legal Obligations

**Table 1.** The following table summarizes the key events and corresponding legal obligations violated by the KPU

Date/Event	Description	Legal Obligation (Law No. 8 of 2015)	Violation
Dec 8, 2015	Jakarta PT TUN Decision No. 29/G/Pilkada/PT.TUN.Jkt orders postponement of voting.	Article 122(1): Provincial KPU must issue a decree postponing voting.	No decree issued by Provincial KPU.
Dec 9, 2015	Voting halted across Central Kalimantan (100% of regions/voters).	Article 122(3): Minister of Home Affairs must issue a decree for continued/supplementary election based on Provincial KPU's proposal.	No Ministerial Decree issued; no proposal submitted by Provincial KPU.
Jan 27, 2016	Voting conducted, termed "Supplementary Voting."	Article 120/121: Correct terminology (continued vs. supplementary election) must be used; voting must follow a legal decree.	Incorrect terminology used; voting conducted without legal basis.

### 3.4 Socio-Political Impacts

The absence of a Ministerial Decree and the KPU's procedural lapses had significant socio-political consequences. Data from the Central Kalimantan Provincial KPU indicates that voter

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turnout on January 27, 2016, was approximately 58%, compared to an average of 65–70% in other simultaneous Pilkada regions in 2015. This decline, representing roughly 150,000–200,000 fewer voters (based on an estimated 1.5 million registered voters), was partly due to public confusion over the term “Supplementary Voting.” Many voters believed the election required restarting all stages, leading to disillusionment and reduced participation.

The socio-political impacts included: a) Erosion of Public Trust: The KPU’s failure to provide clear information undermined confidence in the electoral process; b) Impact on Candidates: Candidate pairs faced uncertainty, as the lack of legal clarity affected campaign strategies and public perception of their legitimacy; c) Weakened Democratic Legitimacy: The reduced turnout and procedural violations compromised the election’s alignment with the principle of people’s sovereignty (Article 1(2) of the 1945 Constitution).

### 3.5 Comparison with Other Regions

Similar cases of postponed Pilkada have occurred in Indonesia, though none were as procedurally flawed as Central Kalimantan’s. For instance, the 2015 Pilkada in Papua was delayed in certain regencies due to logistical challenges, but the Provincial KPU issued formal decrees, and the Minister of Home Affairs approved the rescheduling, ensuring compliance with Law No. 8 of 2015. This highlights the Central Kalimantan case as an outlier, where procedural lapses were both systemic and avoidable.

### 3.6 Sufficiency of the Legislative Approach

The legislative approach was sufficient to identify the KPU’s abuse of authority, as it clearly revealed violations of Law No. 8 of 2015 and related regulations. However, complementing this with an empirical approach (e.g., interviews with KPU officials or voters) could have provided deeper insights into the practical challenges faced by the KPU. The normative approach was chosen to maintain focus on legal compliance, as the primary issue was the KPU’s failure to adhere to statutory requirements.

## 4. Conclusion

The Central Kalimantan Provincial KPU’s conduct of the gubernatorial election on January 27, 2016, was unconstitutional and illegal due to the absence of a Provincial KPU Decree postponing the original voting (Article 122(1) of Law No. 8 of 2015) and a Ministerial Decree authorizing the continued election (Article 122(3)). The misapplication of the term “Supplementary Voting” further exacerbated voter confusion, leading to a significant decline in turnout. These actions violated the principles of legal certainty, transparency, and accountability, rendering the election results null and void (*nietigheid van rechtswege*) under Indonesian administrative law.

**Contributions and Implications:** This research contributes to constitutional law and electoral studies by highlighting the importance of procedural compliance in upholding democratic legitimacy. It underscores the need for clear legal frameworks to address unforeseen disruptions in elections, such as court-ordered delays. Practically, the findings emphasize the necessity for robust socialization to prevent voter confusion and ensure public trust. For candidate pairs, the study highlights the importance of legal clarity to protect their rights and campaign efficacy. For future elections, mechanisms such as mandatory KPU training and stricter oversight by Bawaslu (Election Supervisory Agency) are recommended.

**Limitations and Recommendations:** The study is limited by its normative focus, which excludes empirical perspectives on voter behavior or KPU decision-making. Future research could explore these aspects through interviews or surveys. Additionally, comparative studies of other postponed Pilkada cases could provide broader insights into improving Indonesia’s electoral

system. Recommendations include revising Law No. 8 of 2015 to clarify procedures for election postponements and enhancing coordination between KPU, Bawaslu, and the Ministry of Home Affairs to ensure compliance.

## References

- Aditiya, N., Putra, A., Mataram, U., & Saleh, M. (2023). Fungsi Bawaslu Dalam Penyelenggaraan Pemilu Ditinjau Dari Hukum Administrasi Negara The Function Of Bawaslu In The Conduct Of Elections From The Perspective Of Administrative Law Chrisdianto Eko Purnomo. In *Jurnal Diskresi* (Vol. 2, Issue 1). <https://journal.unram.ac.id/index.php/diskresi>
- Andi Tenri Sempa, O. F. M. M. N. S. (2022). *Partisipasi Politik Masyarakat Kecamatan Kapuas Murung Pada Pemilihan Gubernur Dan Wakil Gubernur Kalimantan Tengah Tahun 2020*. 07.
- Ariani, R. (2016). *Impression Management Dalam Kampanye Politik Pilkada Kalimantan Tengah Tahun 2015 (Analisis Semiotik Baliho Calon Gubernur Dan Wakil Gubernur Periode 27 Agustus–27 September 2015)*.
- Arifulloh, A. (2015). Pelaksanaan pilkada serentak yang demokratis, damai dan bermartabat. *Jurnal Pembaharuan Hukum*, 3(3), 301–311.
- Aziz, N. L. L. (2016). Politik Anggaran Dalam Pelaksanaan Pilkada Serentak Di Indonesia. *Masyarakat Indonesia*, 42(1), 51–64.
- Feriyani Kpu Kab Barito Timur Kalimantan Tengah, N. (2019). *Analisis Yuridis Terhadap Putusan Dewan Kehormatan Penyelenggara Pemilu Bagi Komisi Pemilihan Umum Sebagai Penyelenggara Pemilu*.
- Guntur, S. (2022). *Lakidende Law Review Daya Mengikat Putusan Panitia Pengawas Pemilu Dalam Penyelesaian Sengketa Pemilihan Kepala Daerah*.
- Hadi, K. (2023). Politik Etnik Dan Kekeluargaan Sebagai Sumber Perilaku Politik Masyarakat Pedesaan Di Barito Selatan. *Jurnal Kawistara*, 13(1). <https://doi.org/10.22146/kawistara.84336>
- Jordy, M., & Palenewen, J. D. O. (2021). Persepsi Pemilih Pemula Dalam Pemilihan Gubernur Dan Wakil Gubernur Provinsi Kalimantan Tengah Tahun 2020: (Studi Di Kelurahan Muara Laung, Kecamatan Laung Tuhup, Kabupaten Murung Raya). *Wacana: Jurnal Ilmu Sosial Dan Ilmu Politik Interdisiplin*, 8(1), 199–220.
- Komnas, H. A. M. (2015). *Pemenuhan Hak Konstitusional Warga Negara Dalam Pilkada Serentak 2015*. Jakarta: Komnas Ham.
- Maulandari, N., Uhaib As, H., Kalimantan Muhammad Arsyad Al Banjari Banjarmasin, I., & Kalimantan Muhammad Arsyad Al Banjari, I. (2022). *Partisipasi Politik Pemilih Pemula Pada Pilkada Gubernur Kalimantan Tengah 2020 (Studi Kasus Di Kecamatan Selat Kabupaten Kapuas)*.
- Pasaribu, I. (2017). Pilkada Serentak Dan Hukum Politik: Kontroversi Kebijakan Pemerintah Pusat Terkait Putusan Hukum Pilkada Kabupaten, Simalungun Sumatera Utara Tahun 2015. *Politika: Jurnal Ilmu Politik*, 8(1), 82–91.
- Peraturan Kpu Nomor 2 Tahun 2015 Tentang Tahapan, P. Dan J. P. P. (2015). *Peraturan Kpu Nomor 2 Tahun 2015 Tentang Tahapan, Program, Dan Jadwal Penyelenggaraan Pilkada*.
- Prayudi, P. (2021). Agenda Pemilu Serentak: Pemisahan Pemilu Nasional Dan Pemilu Lokal [Concurrent Elections: Separating The National And Local Elections. *Jurnal Politica Dinamika Masalah Politik Dalam Negeri Dan Hubungan Internasional*, 12(1), 67–84. <https://doi.org/10.22212/jp.v12i1.1768>
- Ridho, M. Rosyid. (2020). Pelaksanaan Pilkada Susulan Gubernur Dan Wakil Gubernur Kalimantan Tengah Pada Tanggal 27 Januari 2016. *Negara Dan Keadilan*, 8(2). <https://doi.org/10.33474/hukum.v8i2.4646>
- Risnain, M. (2016). Evaluasi Sistem Hukum Pemilu Pilkada Serentak Tahun 2015: Pelajaran Untuk Pemilu Pilkada Serentak Berikutnya. *Daftar Isi*, 68.
- Rosmilawati, S., Anda, A. R., & Rahman, S. (2022). Analisis Framing Pemberitaantentang Pemilihan Umum Kepala Daerah Calon Gubernur Dan Wakil Gubernur Kalteng Tahun 2020 Pada Portal Berita Online Tabengan.Co.Id Dan Prokalteng.Co. *Jurnal Darma Agung*, 30(3). <https://doi.org/10.46930/ojsuda.v30i3.2391>
- Sentosa, A., & Agustina, M. (2021). Panitia Pemungutan Suara Dalam Kesiapan Pelaksanaan Pemilihan Gubernur Dan Wakil Gubernur Kalimantan Tengah Tahun 2020. *Jurnal Sociopolitico*, 3(2). <https://doi.org/10.54683/sociopolitico.v3i2.47>
- Triana, R., & Liska, R. (2020). Politik Identitas: Apakah Politik Identitas Akan Mempengaruhi Popularitas? (Kajian Politik Identitas Dalam Pilkada Kalteng). *Wacana: Jurnal Ilmu Sosial Dan Ilmu Politik Interdisiplin*, 7(2), 163–172.
- Undang-Undang Dasar 1945. (2020). *Undang-Undang Dasar 1945*.
- Undang-Undang Nomor 1 Tahun 2015 Tentang Pilkada. (2015). *UU Nomor 1 Tahun 2015 Tentang Pilkada*.
- Undang-Undang Nomor 8 Tahun 2015 Tentang Pilkada. (2015). *UU Nomor 8 Tahun 2015 Tentang Pilkada*.

- Undang-Undang Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-undangan. (2011). *Undang-Undang Nomor 12 Tahun 2011 Tentang Pembentukan Peraturan Perundang-undangan*.
- Undang-Undang Nomor 15 Tahun 2011 Tentang Penyelenggaraan Pemilu. (2011). *UU Nomor 15 Tahun 2011 Tentang Penyelenggaraan Pemilu*.
- Undang-Undang Nomor 28 Tahun 1999 Tentang Penyelenggara Negara Yang Bersih Dan Bebas Dari Korupsi, K. N. (1999). *Undang-Undang Nomor 28 Tahun 1999 Tentang Penyelenggara Negara Yang Bersih Dan Bebas Dari Korupsi, Kolusi, Nepotisme*.
- Undang-Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintahan. (2014). *Undang-Undang Nomor 30 Tahun 2014 Tentang Administrasi Pemerintahan*.
- Wijoko Lestari, A. S. (2022). Partisipasi Politik Masyarakat Dalam Pemilihan Gubernur Dan Wakil Gubernur Kalimantan Tengah Tahun 2020 Dikecamatan Bukit Batu Kota Palangkaraya. *Jurnal Wacana*.
- Zulfauzan, R., Hutapea, C., & Mitharie, N. E. (2022). Deskripsi Perilaku Pemilih Etnis Banjar: Pelajaran dari Pemilihan Kepala Daerah Serentak Gubernur dan Wakil Gubernur Kalimantan Tengah Tahun 2020. *Jurnal Society*, 10(2), 326-334.