

## CHAPTER FIVE

### CONCLUSION AND RECOMMENDATION

#### A. Conclusion

Based on the previous discussion, it can be concluded that the ex-convicted has the right to be nominated in the regional election for example in South Bengkulu, the ex-convicted become the regional head as a Regent in South Bengkulu. This is based on Article 28D Paragraph (3) of the 1945 Constitution which stated that “Every citizen has the right to the equal opportunity in government.” Article 43 Paragraph (1) of Law No. 39 of 1999 on Human Rights also states that “Every citizen has the right to be elected and to vote in the general election or in the regional election, through the voting which is direct, public, free, honest and fair. It is also followed by the Constitutional Court Decision No. 42/PUU-XIII/2015 which allows the ex-convicted to be the candidate. However, there is requirement to ex-convicted who want to be the regional head candidate that must be fulfilled the requirement. The requirement is the ex-convicted has to announce openly and honestly that he/she have ever been in the prison.

## **B. Recommendation**

Based on the problem of the ex-convicted from the previous discussion, the author would like to give a suggestion as follow: The General Election Commission has responsibility for finalizing the general election to create technical regulation which regulate the detail procedure of candidate registration which is in line with the decision of the Constitutional Court Decision No. 42/PUU-XIII/2015.