JURNAL KONSTITUSI
Published by The Registrar and Secretariat General of the Constitutional Court of the Republic of Indonesia
Volume 22 Issue 2, June 2025 ISSN (Print) **1829-7706** ISSN (Online) **2548-1657**
Journal Homepage: https://jurnalkonstitusi.mkri.id

Electoral Reform Through the Indonesian Constitutional Court: Constitutionality of Presidential Candidacy Threshold in Indonesia

Reformasi Elektoral Melalui Mahkamah Konstitusi: Konstitutionalitas Ambang Batas Pencalonan Presiden di Indonesia

Djayadi Hanan[1], **Tri Sulistianing Astuti**[1], **dan Luthfi Widagdo Eddyono**[2]
[1]Faculty of Social Sciences, Universitas Islam Internasional Indonesia, Indonesia
[2]Faculty of Law, Victoria University of Wellington, New Zealand

Article Info

Corresponding Author:
Tri Sulistianing Astuti
tri.sulistianing@uiii.ac.id

History:
Submitted: 20-04-2025
Revised: 23-05-2025
Accepted: 05-06-2025

Keyword:
Electoral Reform; Indonesia; Presidential Threshold; the Indonesian Constitutional Court.

Kata Kunci:
Ambang Batas Pencalonan Presiden; Indonesia; Mahkamah Konstitusi; Reformasi Elektoral.

Abstract

The Indonesian Constitutional Court has emerged as a key avenue for electoral reform, substantially altering the landscape of Indonesia's electoral governance. In its Decision Number 62/PUU-XXII/2024, the Court abolished the long-standing presidential threshold—a norm that had been in place for two decades—citing the need to protect citizens' constitutional rights. Through a normative juridical approach, this study examines the reasons behind the Court's shift in stance and explores its potential implications for electoral reform in Indonesia. The findings indicate that the Court's decision reflects a prioritization of the value of representativeness over that of governability. This shift also suggests a reduction in political influence over judicial decisions concerning the presidential threshold. The Court's change in position was possible because it considered the adverse real-world consequences of the rule, moving beyond a purely textual interpretation of the Constitution and its original intent. Consequently, the Court has established itself as an essential avenue for reform, particularly for actors with limited political power, such as ordinary citizens, NGOs, and minority political parties that are either outside the parliament or otherwise excluded from the legislative review process for election laws.

Abstrak

Mahkamah Konstitusi Indonesia telah menjadi jalur utama reformasi pemilu, yang secara substansial mengubah lanskap tata kelola pemilu di Indonesia. Melalui Putusan Nomor 62/PUU-XXII/2024, Mahkamah menghapuskan ambang batas pencalonan presiden (presidential threshold) yang telah lama berlaku—sebuah norma yang telah eksis selama dua dekade—dengan alasan perlunya melindungi hak-hak konstitusional warga negara. Dengan menggunakan pendekatan yuridis normatif, penelitian ini mengkaji alasan di balik pergeseran sikap Mahkamah dan mengeksplorasi potensi implikasinya terhadap reformasi pemilu di Indonesia. Hasil studi menunjukkan bahwa putusan Mahkamah merefleksikan pemrioritasan nilai keterwakilan (representativeness) di atas nilai stabilitas pemerintahan (governability). Pergeseran ini juga mengindikasikan adanya pengurangan pengaruh politik terhadap putusan yudisial terkait ambang batas pencalonan presiden. Perubahan sikap Mahkamah ini dimungkinkan karena Mahkamah mempertimbangkan dampak buruk dari aturan tersebut dalam tataran praktis, melampaui interpretasi tekstual semata terhadap Konstitusi dan maksud asli pembentuknya (original intent). Akibatnya, Mahkamah telah memantapkan dirinya sebagai jalur reformasi yang esensial, terutama bagi para aktor dengan kekuatan politik terbatas, seperti warga negara biasa, LSM, dan partai politik minoritas yang berada di luar parlemen atau yang tidak dilibatkan dalam proses pembahasan legislatif undang-undang pemilu.

https://doi.org/10.31078/jk2223

A. INTRODUCTION

1. Background

Studies on electoral reform suggest that electoral reform was produced through several avenues, such as a referendum in New Zealand (Vowles, 1995).[1] Specifically, Renwick (2010) mentions that the interaction of politicians and citizens in the electoral system produces two routes of electoral reform: the politician retains the power, and the politician loses control over the decisions on electoral change. The latter route includes the judiciary role, in this case, the judges[2] as a critical electoral reform actor that can change the landscape of political competition in elections. Moreover, when we talk about electoral reform, it refers to a positive change that happened under an electoral system, which aims to promote fairness in elections,[3] representativeness,[4] government accountability,[5] efficiency in the electoral system, a desire to improve governability[6] through the adoption of the new mechanism, institutional reform, and rules that derive from the flaws of the existing electoral system.[7]

In Indonesia, the judiciary, with the authority and the role to proceed with electoral reform, has been in the hands of the Indonesian Constitutional Court since 2003. The Court has issued many decisions that substantially changed the electoral governance in Indonesia. One of the election rules most frequently tested by the Court is the presidential candidacy threshold (presidential threshold) in the direct presidential election system. The presidential threshold is the minimum share of votes that a political party/parties must obtain in an election to nominate a presidential candidate. The presidential threshold in Indonesia uses a combination of the minimum secured number of seats in the House of Representatives (DPR) or valid votes nationally in the DPR legislative elections to nominate a pair of presidential and vice-presidential candidates for the presidential election. It was first issued in the 2004 presidential elections under Law No. 23/2003 with the formula of at least 15% of the number of seats in the DPR or obtaining 20% of valid votes nationally

---

1 Jack Vowles, "The Politics of Electoral Reform in New Zealand," *International Political Science Review* 16, no. 1 (1995): 95–115.

2 Alan Renwick, *The Politics of Electoral Reform: Changing the Rules of Democracy*, *The Politics of Electoral Reform: Changing the Rule of Democracy* (Cambridge: Cambridge University Press, 2010), 12–15, https://doi.org/10.1017/cbo9780511676390.003.

3 Ying Hooi Khoo dan Carmen Leong, "Policy Advocacy Strategies of Malaysia's Electoral Reform Movement," in *Lobbying the Autocrat: the Dynamics of Policy Advocacy in Nondemocracries*, ed. oleh Max Gromping dan Jessica C. Teets, Michigan U (Michigan, 2023), 202–24.

4 Pippa Norris, "Do Rules Matter?," in *Electoral Engineering: Voting Rules and Electoral Behavior.* (Cambridge: Cambridge University Press, 2004), 3–38; Kai Ostwald dan Steven Oliver, "Four arenas: Malaysia's 2018 election, reform, and democratization," *Democratization* 27, no. 4 (2020): 662–80, https://doi.org/10.1080/13510347.2020.1713757.

5 Vowles, "The Politics of Electoral Reform in New Zealand."

6 Pippa Norris, "Party Systems," in *DemocraciesElectoral Engineering: Voting Rules and Electoral Behavior*, 2004, 81–150, https://doi.org/10.2307/j.ctt1ww3w2t.11.

7 Richard S. Katz, "Why Are There So Many (or So Few) Electoral Reforms?," in *The Politics of Electoral Systems*, ed. oleh Michael Gallagher dan Paul Mitchell (New York: Oxford University Press, 2009), 57–78, https://doi.org/10.1093/0199257566.003.0003.

in the DPR legislative elections. The presidential threshold percentage number changed over a period. The latest was in Election Law Number 7/2017 increased into 20% the number of seats in the DPR or obtaining 25% of the valid voters nationally in the DPR legislative elections. These rules gained intense criticism and rejection, leading to the submission of judicial review through the Court.

As a minor change under the direct presidential electoral system, until 2024, judicial review on presidential threshold issues had been submitted 36 times, with two primaries underlying. First, it strengthened the presidential threshold legality such as in Decision Number 51-52-59/PUU-VI/2008 and Decision Number 53/PUU-XV/2017, and on the contrary, the latest, Decision Number 62/PUU-XXII/2024, removes the presidential threshold rule for the forthcoming presidential election, thereby providing an opportunity for political parties that participate in the election to nominate presidential and vice-presidential candidates without having obligation to form a coalition with other political parties.[8]

Many studies have explicitly discussed the court's decision on the presidential threshold before its abolishment in 2025.[9] Some scholars underline criticism and dissatisfaction over the Court's decision to strengthen the legality of the implementation of the presidential threshold until the 2024 election by comparing it with the Turkiye presidential election nomination rules.[10] Other studies discuss the idea of a presidential threshold as an entry barrier in the Indonesian electoral system to ensure political parties' role in the presidential election, promote political stability, while causing a negative impact on electoral competition by reducing the number of candidate nominations and raising ideological polarization.[11] Those studies imprinted the need for electoral reform, an electoral engineering for better democratic elections. However, little is known about the Court's latest decision, which we consider a substantial reform for electoral engineering in Indonesia.

---

8 Mahkamah Konstitusi Republik Indonesia, "Decision Number 62/PUU-XXII/2024" (the Indonesian Constitutional Court, 2024).

9 Mochamad Rizky Soeoed, "Analisis Pengaturan Ambang Batas Pencalonan Presiden Menurut Putusan Mahkamah Konstitusi Tahun 2022-2023," *Jurnal Konstitusi dan Demokrasi* 3, no. 2 (2023), https://doi.org/10.7454/jkd.v3i2.1309; Abdul Ghoffar, "Problematika Presidential Threshold: Putusan Mahkamah Konstitusi dan Pengalaman di Negara Lain," *Jurnal Konstitusi* 15, no. 3 (2018): 480, https://doi.org/10.31078/jk1532; Denny Indra Sukmawan dan Syaugi Pratama, "Critical Review of the Constitutional Court's Decision on the Presidential Threshold," *Jurnal Konstitusi* 20, no. 4 (2023): 556–75, https://doi.org/10.31078/jk2041; Rahmat Muhajir Nugroho et al., *Comparison of Threshold Provisions for Presidential Candidacy in Indonesia and Turkey*, *Proceedings of the International Conference on Sustainable Innovation on Humanities, Education, and Social Sciences (ICOSI-HESS 2022)* (Atlantis Press SARL, 2022), https://doi.org/10.2991/978-2-494069-65-7; Songga Aurora Abadi dan Fitra Arsil, "Mekanisme Penetapan Ambang Batas (Threshold) Terhadap Stabilitas Sistem Presidensial Dan Sistem Multipartai Sederhana Di Indonesia," *Jurnal Konstitusi dan Demokrasi* 2, no. 1 (2022): 10–35, https://doi.org/10.7454/jkd.v2i1.1202.

10 Ghoffar, "Problematika Presidential Threshold: Putusan Mahkamah Konstitusi dan Pengalaman di Negara Lain"; Nugroho et al., *Comparison of Threshold Provisions for Presidential Candidacy in Indonesia and Turkey*.

11 Marcus Mietzner, "Indonesias Electoral System: Why It Needs Reform," *New Mandala*, no. November (2019): 1–17.

This paper aims to discuss the Indonesian Constitutional Court Decision Number 62/PUU-XXII/2024 under the theory of electoral reform. We limit our study to the cause of electoral reform, which signifies the Court as the crucial electoral reform actor and avenue. Our paper does not cover the consequences of electoral reform, as this decision will take effect in the 2029 presidential election. It also requires further studies with different theories that focus on the implications of reform to the party system, society, as well as electoral governance. We argue that the Court has embraced representativeness in its latest decision on the presidential threshold compared to the previous decisions, which focused more on governability consequences over the electoral system. In this context, the Court's considerations may reflect that politicians lose control over the judicial process, which brings equal opportunity for big and small political parties participating in elections to nominate presidential and vice-presidential candidates.

2. Research Questions

Despite the nature of its decision as final and binding, recently, the Court shifted its stance on the presidential threshold in Decision Number 62/PUU-XXII/2024, which previously refused to change the presidential threshold rule to state that the presidential threshold implementation is contrary to the Constitution. This crucial change raises the questions: (1) Why did the Court shift its stance? (2) Does this decision contribute to the electoral reform progress in Indonesia?

3. Research Methods

This study employed a qualitative normative juridical method since we analyzed the judge's decisions *in concreto* to obtain practical goals, namely solving specific legal issues, as well as theoretical goals to discover philosophy, legal principles, and a framework of thinking about the Law that regulates particular problems.[12] In addition, we conducted thematic analysis by identifying, analyzing, and reporting the pattern or theme found in the dataset, which uncovers new insights and understandings of the events.[13]

We gathered data primarily from the Indonesian Constitutional Court Decisions about the presidential threshold, election laws, and legal experts' opinions. Particularly, we emphasized three decisions that reveal the Court's shifting stance on the presidential threshold issue: Decision Number 51-52-59/PUU-VI/2008, Decision Number 53/PUU-XV/2017, and Decision Number 62/PUU-XXII/2024.

---

[12] S. Irianto, "Metode Penelitian Kualitatif dan Metodologi Penelitian Hukum," *Hukum dan Pembangunan* xxxii, no. 2 (2002): 155–72.

[13] Virginia Braun dan Victoria Clarke, "Using thematic analysis in psycology," *Qualitative Research in Psychology* 3, no. 2 (2006): 77–101; Richard E. Boyatzis, *Transforming qualitative information: Thematic analysis and code development* (SAGE Publication, Inc, 1998); Muhammad Naeem et al., "A Step-by-Step Process of Thematic Analysis to Develop a Conceptual Model in Qualitative Research," *International Journal of Qualitative Methods* 22, no. October (2023): 1–18, https://doi.org/10.1177/16094069231205789.

B. DISCUSSION/ ANALYSIS

1. Electoral Reform: Presidential Threshold in Indonesia

a. Type of Reform

Horowitz (2006) mentions that "new electoral systems have effects on party formation, party behavior, and party system"; at the same time, it implicates conflicting preferences and uncertain predictions about the potential effects.[14] Hence, the choice of the electoral system and its consequences has become the underlying reason for electoral reform in many countries.[15] The basic electoral system had embedded the trade-off normative value between governability and representativeness.[16] For example, a majoritarian system prioritizes government effectiveness and accountability. On the contrary, a proportional representative (PR) system favors greater fairness to minority parties and promotes social representation.[17]

There are two types of electoral reform: major reform and minor reform. Major reforms refer to the change from one basic electoral system to another system, such as from a majoritarian to a PR system.[18] On the other hand, minor reform refers to changing rules under the electoral system, such as electoral registration and administration, campaign finance, and legal status and party rules.[19] In other words, minor reform does not change the electoral system like major reform.

This definition was brought to Indonesia's context after the collapse of the New Order, and the decision to hold a direct presidential election starting from the 2004 election is one of the major reforms produced by the Third Amendment of the 1945 Constitution. Previously, the President and Vice President were voted through the People's Consultative Assembly (MPR) mechanism. The minor reform subsequently imposed in the 2004 elections inevitably asks political parties to adapt to the effect of direct presidential election regulations' impact on party strategy to compete in presidential elections and, simultaneously, legislative elections. In this sense, political parties have a direct "role in the nomination of presidential candidates"[20] as stated in Article 6A, paragraph (2) of the 1945 Constitution.

---

[14] Donald L. Horowitz, "A Primer for Decision Makers," in *Electoral System and Democracy*, ed. oleh Larry Diamond dan Marc F Plattner (The John Hopkins University Press, 2006), 9.

[15] Pippa Norris, "Choosing electoral systems: Proportional, majoritarian and mixed systems," *International Political Science Review* 18, no. 3 (1997): 297–312, https://doi.org/10.1177/019251297018003005; André Blais, "The Debate over Electoral Systems," *International Political Science Review* 12, no. 3 (1991): 239–60.

[16] Larry Diamond dan Marc F Plattner, "Introduction," in *Electoral Systems and Democracy*, ed. oleh Larry Diamond dan marc (Baltimore: The John Hopskins University Press, 2006), xvii, https://doi.org/10.56021/9780801891816.

[17] Diamond dan Plattner, "Introduction"; Norris, "Choosing electoral systems: Proportional, majoritarian and mixed systems."

[18] Katz, "Why Are There So Many (or So Few) Electoral Reforms?"

[19] Norris, "Do Rules Matter?"

[20] Benjamin Reilly, "Designing and Reforming Electoral System in Southeast Asia," in *Strong Patronage, Weak Parties: the Case for Electoral System Redesign in the Philippines* (Mandaluyong City: Anvil Publishing, 2019), 52.

Specifically, the presidential threshold is a minor reform of the direct presidential election. This rule uses a combination of presentations of seats in DPR or valid votes nationally in the DPR legislative elections, and was planned to be implemented in the 2004 elections. However, the dynamic of political bargaining in parliament ahead of the election resulted in the delay of presidential threshold implementation, which offered a lower threshold than the presidential threshold. As the threshold is a part of minor reform, the direct presidential election with a majoritarian system, 'one man, one vote', still took place.

b. Electoral Reform Actors and Routes in Indonesia

Theoretically, electoral reform is facilitated through several channels. Renwick (2010) divides two reform routes by seeing politicians and citizens interact in the electoral system: first, politicians retain control over the reform decision. This route highlights the conditions where politicians in power adopt/reject electoral reform. Second, politicians lose control over the decisions of three actors: judges, external actors, and ordinary citizens. The judges produced judicial decisions that politicians may lose or partially (not fully) influence the case decision. Moreover, reform through external forces, which do not directly participate in domestic politics, such as a foreign government. External imposition is very rare. Lastly, politicians lose control over the ordinary citizens, which is the most relevant, creating reform by mass imposition.[21] Like in New Zealand, a 1993 referendum was the means of shifting from the traditional simple plurality system to a new proportional electoral system for the 1995 Election.[22]

In Indonesia, there are three avenues to proceed with electoral reform: the constitutional amendment, the legislative process, and judicial review in the Indonesian Constitutional Court. The new mechanism of the direct presidential election was legalized through the constitutional amendment process[23], or politicians retained control of the route, which signifies the role of the elite in parliament at that time, and was conceived through elite settlement, as decisions arrived based on consensus. Meanwhile, the rules for implementing direct presidential elections in the form of election laws were born from the legislative process and contained presidential threshold rules. The last avenue was added in 2003 with the establishment of the Indonesian Constitutional Court, which opened the door for ordinary Indonesian citizens, not limited to politicians, to submit a judicial review of election regulations in the Law that harmed the fulfillment of their constitutional rights.

---

21 Renwick, *The Politics of Electoral Reform: Changing the Rules of Democracy*.

22 Vowles, "The Politics of Electoral Reform in New Zealand."

23 Valina Singka Subekti, *Menyusun Konstitusi Transisi: Pergulatan Kepentingan dan Pemikiran dalam Proses Perubahan UUD 1945* (Jakarta: Rajagrafindo Persada, 2008); Tim Penyusun Revisi Naskah Komprehensif Perubahan Undang-Undang Dasar 1945, *Naskah Komprehensif Undang-Undang Dasar Negara Republik Indonesia Tahun 1945: Latar Belakang, Proses, dan Hasil Pembahasan 1999-2002, Buku IV Kekuasaan Pemerintah Negara, Jilid I* (Jakarta: Sekretarian Jenderal dan Kepaniteraan Mahkamah Konstitusi, 2010).

c. The Dynamics of the Presidential Threshold Rule from 2003-2025

Until recently, there have been four presidential threshold rules for the post-reform era. The three rules were enacted through the legislative process in the form of the Election Law, one from the Indonesian Constitutional Court Decision in 2025, as in Table 1. The first presidential threshold rule was introduced in Law Number 23/2003, which required 15% of the number of seats in the DPR or obtaining 20% of valid votes nationally in the DPR legislative elections to nominate the President and vice president in the 2004 direct presidential election. The proposed threshold amount of 20% that came from the government received strong resistance from factions in the DPR, namely Faction of Partai Daulah Ummah (F-PDU), Faction of Partai Bulan Bintang (F-PBB), and Faction of Reformasi (F-Reform). Even though the government argued that the 20% figure is to strengthen the role of political parties as channels for political participation, as initial selectors of presidential and vice-presidential candidates with integrity and quality, factions opposing the threshold consider the 20% figure unclear and not in line with the Constitution.[24] Since there was no threshold discussion during the UUD 1945 amendment, the proposal was an original idea from the executive.

Table 1. Presidential Threshold Change from 2003-2025

Legal Framework	Rules	Effective Year	Channel	Status
Law No. 23/2003	15% of the number of seats in the DPR or obtaining 20% of the valid votes nationally in the DPR legislative elections.	2004 (change into electoral threshold)	Legislative	Not valid
Law No. 42/2008	25% of the number of seats in the DPR, or obtaining 20% of the valid votes nationally in the DPR legislative elections	2009-2014	Legislative	Not valid
Law No. 7/2017	20% of the number of seats in the DPR or obtaining 25% of the valid votes nationally in the DPR legislative elections	2019-2024	Legislative	Not valid

[24] DPR RI, "Risalah Rapat Pembahasan Rancangan Undang-Undang tentang Pemilihan Umum Presiden dan Wakil Presiden, Rapat Kerja ke-3, 26 Maret 2003" (DPR RI, 2003), 7–13.

Legal Framework	Rules	Effective Year	Channel	Status
Decision Number 62/PUU-XXII/2024	No threshold; political parties participating in elections can nominate a presidential-vice presidential candidate by themselves or through a coalition.	2029	Indonesian Constitutional Court	Valid

***Source**: Author production*

Nevertheless, the first rule had never been implemented. The absence of common ground between the government and factions in the DPR resulted in the decision to postpone the implementation of the presidential threshold for the 2009 presidential election. Instead, the 2004 presidential election used the electoral threshold rule proposed by Jimly Asshiddiqie;[25]namely, 3% of the DPR seats or 5% of the valid national votes from the legislative election can nominate candidate pairs, as stated in the transitional provisions of Article 101. In this sense, it was unsurprising, as the low threshold was beneficial for large and small parties so that all factions easily agreed upon it.

In the 2009 presidential election, the presidential threshold increased to 20% seats/25% votes under Article 9 Law Number 42/2008 during the Susilo Bambang Yudhoyono (SBY) administration. In the first period of the SBY presidency, the party coalition consisted of seven political parties (Democratic Party (PD), Golongan Karya Party (Partai Golkar), Prosperous Justice Party (PKS), National Mandate Party (PAN), Star Moon Party (PBB), Indonesian Justice and Unity Party (PKPI), United Development Party (PPP)) which controlled 63,8% of DPR seats.[26] Consequently, the change over the threshold was easy to conceive through the imposition of the elite majority.

Even though PBB was part of coalitions, the party responded to this regulation by submitting a judicial review, Number 52/PUU-VI/2008, to the Constitutional Court because the high threshold causes discrimination. However, this effort failed because the Court mentioned that the presidential threshold is an open legal policy.[27] At the 2004 Election, the PBB only secured 11 seats or 2,62%. Surely, this decision created an entry barrier for PBB and other small parties to nominate president and vice president candidates and forced them to build a coalition with other parties despite their different party ideologies.

[25] DPR RI, "Risalah Rapat Pembahasan Rancangan Undang-Undang tentang Pemilihan Umum Presiden dan Wakil Presiden, Rapat Kerja ke-3, 26 Maret 2003."

[26] Djayadi Hanan, *Menakar Presidensialisme Multipartai di Indonesia: Upaya Mencari Format Demokrasi yang Stabil dan Dinamis dalam Konteks Indonesia* (Bandung: Mizan, 2014), 179.

[27] Mahkamah Konstitusi Republik Indonesia, "Decision Number 51-52-59/PUU-VI/2008" (the Indonesian Constitutional Court, 2008).

The third presidential threshold rule had a similar nuance to the former, driven by the winning parties. While legislating the Election Law 2017, it was clear that the presidential threshold had become a fierce issue, so several parties walked out. The threshold decision was greatly influenced by the political bargaining of the major parties and the Joko Widodo (Jokowi) government coalition parties to prepare for the forthcoming election. Based on the short report of the 6th Leadership Meeting of the Special Election Law Draft Committee on 12 April 2017, three options remained on the table:

1. Without presidential threshold: Greater Indonesia Movement Party (Gerindra), PAN, PPP, People's Conscience Party (Hanura), Democratic Party (Demokrat);
2. Following parliamentary threshold: National Awakening Party (PKB), PAN, PD, Hanura, PKS;
3. 20% seats/25% votes: Democratic National Party (Nasdem), Indonesian Democratic Party of Struggle (PDI-P), Partai Golkar, PPP.

Option number three was from the government/President Jokowi.

In the 2014 elections, Jokowi-Jusuf Kalla was nominated by the joint coalition between PDI-P, PKB, Nasdem, Hanura, and PKPI. PDI-P gained the highest votes at 18.95%, followed by Golkar at 14.75%; Gerindra achieved 11.81%; Demokrat was fourth at 10.9%; and PKB at 9.04%. The composition of the parties' coalition shows that PDI-P and Nasdem were on the same page, while others supported a lower threshold because their votes in the election were low. Partai Golkar's choice to put option three was likely affected by Jusuf Kalla, since he was an active member of the Partai Golkar cadre. In the end, the parliamentary threshold was decided by voting at the DPR Plenary Meeting on 21 July 2017, accompanied by a walk-out from the Gerindra, Democrat, PAN, and PKS factions who supported the elimination of the presidential threshold.

Undoubtedly, the presidential threshold was perceived to hinder new parties from being able to nominate candidates for the presidency[28] and has faced criticism from society and NGOs. Association for Elections and Democracy (Perludem) argued that the presidential threshold is irrelevant, as it did not contribute to strengthening the presidential system, a key reason why political parties support it.[29] Moreover, in March 2021, the DPR Legislative Body and the government agreed to exclude a revision of the Election Law from the 2021 National Legislation Program list because there was no urgency to revise the Election Law, as the government aimed to focus on the COVID-19 pandemic recovery.[30] Hence, it is no

[28] www.bbc.com, "Penetapan ambang batas pencalonan presiden 20% dianggap 'tak relevan,'" 21 July 2017, 2017.
[29] Fadil Ramadanil, "Kontroversi Ambang Batas Pencalonan Presiden: Bermasalah Sejak Pikiran," in *Reformasi Pemilu Jalur Mahkamah Konstitusi* (Jakarta: Perkumpulan untuk Pemilu dan Demokrasi (Perludem), 2024), 55–72.
[30] Debora Sanur, "Dampak Batalnya Revisi Undang-Undang Nomor 7 Tahun 2017 Tentang Pemilihan Umum," *Info Singkat: Kajian Singkat Terhadap Isu Aktual dan Strategis*, 2021, 25.

surprise that many actors in electoral reform submitted judicial reviews to the Indonesian Constitutional Court when the window of opportunity to change the presidential threshold through the election laws was closed.

The endless efforts to change the presidential threshold rule finally succeeded through the Indonesian Constitutional Court and produced radical change: abolishing the presidential threshold, which was stipulated in Decision No. 62/PUU-XXII/2024. This case was submitted by four university students from UIN Sunan Kalijaga Yogyakarta on 23 February 2024. The Court decided that the norm on Article 222 of Law Number 7/2017 is contrary to the 1945 Constitution and has no binding legal force for the 2029 Election. This decision was granted by a majority of judges – seven judges; while two judges expressed a dissenting opinion, emphasizing that the petitioners did not meet the legal standing requirements.[31]

2. Shifted from Governability Stance to Improving Representativeness: Analysis of Constitutional Court Decisions Concerning Presidential Threshold

Since its establishment in 2003, the Indonesian Constitutional Court has issued decisions that have significantly impacted electoral processes in Indonesia. The Court has emerged as a key institution for electoral reform. In general, we see that changes about the presidential threshold in the Constitutional Court were driven by the adverse effect of previous elections derived from flaws of the existing Law and were mostly initiated by non-politicians, which could be individuals or groups that have no political bargaining in the legislation process. Some politicians also submitted petitions, but their seats in the DPR were relatively small to influence the legislative process. In other words, the absence of sufficient political power in the legislation process to pursue electoral reform affected the choice of reform avenue through the judicial review process in the Court.

The presidential threshold rule in Article 222 of Law Number 7/2017 has similar substance to Article 5 paragraph (4) of Law Number 23/2003, as well as Article 9 of Law Number 42/2008. Before the Court granted the presidential threshold abolishment in Decision Number 62/PUU-XXII/2024, the Court had issued 13 decisions on the review of Article 5 paragraph (4) Law Number 23/2003 and Article 9 Law Number 42/2008; and 33 decisions regarding the constitutionality of Article 222 Law Number 7/2017. Of 13 decisions, 12 strengthen presidential threshold implementation, and only 1 decision is against it, as shown in Table 2.

[31] Mahkamah Konstitusi Republik Indonesia, "Decision Number 62/PUU-XXII/2024."

Table 2 The Indonesian Constitutional Court Decision with Considerations on Presidential Issue (2008-2024)

No.	Decision Number	Petitioner	Petition	Decision
1.	56/PUU-VI/2008	Individual (Fadjroel Rachman, Mariana, Bob Febrian)	The presidential threshold causes the people's choice of presidential and vice presidential candidates to be dominated and determined by the major parties. There is no room for independent candidates.	Rejected with 3 dissenting opinions (The phrase "political party or coalition of political parties" means the President and Vice President must be nominated through political party or political parties coalitions and is non-discriminatory).
2.	51-52-59/PUU-VI/2008	Individual 51/PUU-VI/2008: Saurip Kadi Political party - 52/PUU-VI/2008: PBB - 59/PUU-VI/2008: Hanura, PDP, PIS, PB, PPRN, RepublikaN.	The presidential threshold hinders citizens' political rights and violates human rights. Discriminating against political parties participating in the election.	Rejected with 3 dissenting opinions (Open legal policy; based on theoretical argument to strengthen presidential system; to strengthen the presidential institution reflected socio-political legitimacy)
3.	4/PUU-XI/2013	Regional Representative Council (DPD RI); PBB	The presidential threshold does not provide room for producing leaders from the people.	Rejected (Open legal policy)
4.	14/PUU-XI/2013	Individual (Effendi Ghazali)	Presidential threshold against the spirit of Simultaneous Elections	Partially Granted with 1 dissenting opinion related to simultaneous election. Rejected on the issue of the presidential threshold (Open legal policy; no discrimination as it is applied to all parties)

No.	Decision Number	Petitioner	Petition	Decision
5.	46/PUU-XI/2013	Individual (Farhat Abbas, Narliz Wandi Piliang Iwan Piliang)	The presidential threshold did not reflect the people's wishes due to distrust of political parties.	Rejected (referred to Decision Number 56/PUU-VI/2008)
6.	56/PUU-XI/2013	Individual (M. Fadjroel Rachman); Mariana; Bob Febrian)	The presidential threshold violates the constitutional mandate and human rights guarantees and causes monopoly and oligarchic power.	Rejected with 3 dissenting opinions (no independent candidates; no discrimination as it is applied to all parties)
7.	108/PUU-XII/2013	Individual Yusril Ihza Mahendra	The presidential threshold has no constitutional basis or logical reasoning.	Rejected (Open legal policy)
8.	53/PUU-XV/2017	Political Party Partai Idaman	The presidential threshold is irrelevant to the 2019 elections as it contradicts the logic of election simultaneity.	Partially granted with 2 dissenting opinions. Rejected for the presidential Threshold (Presidential threshold is constitutional; referred to Decision Number 51-52-59/PUU-VI/2008)
9.	49/PUU-XVI/2018	Individual (Muhammad Busyro Muqoddas; Muhammad Chatib Basri; Hadar Nafis Gumay; Bambang Widjojanto; Rocky Gerung; Robertus Robet; Angga Dwimas; Feri Amsari; Hasan. NGO (Muhammadiyah; Perludem)	The presidential threshold eliminates the essence of presidential elections because it has more potential to produce a single presidential candidate.	Rejected (The presidential threshold is constitutional; open legal policy)

No.	Decision Number	Petitioner	Petition	Decision
10.	54/PUU-XVI/2018	Individual Effendi Gazali; Reza Indragiri A; Khoe Seng Seng; Usman	Article 222 Law No. 7/2027 is considered constitutional if implemented for the 2024 elections because voters are deemed to know already that their votes in the 2019 legislative election will be used as the basis for calculating the presidential threshold.	Rejected (Open legal policy)
11.	52/PUU-XX/2022	DPRD Political Party PBB	The presidential threshold causes elections to be controlled by oligarchs and capital rulers.	Rejected (Open legal policy; removing the presidential threshold does not guarantee that harmful oligarchic excesses and polarization will not occur).
12.	4/PUU-XXI/2023	Individual Herryfudin Daulay	The absence of logical reasoning on the presidential threshold limits the number of nominations for President and Vice President.	Rejected with 2 dissenting opinions (Presidential threshold is constitutional).

No.	Decision Number	Petitioner	Petition	Decision
13.	62/PUU-XXII/2024	Individual (Enika Maya Oktavia; Rizki Maulana Syafei; Faisal Nasirul Haq; Tsalis Khoirul Fatna).	The presidential threshold contradicts the Constitution and has no binding legal force.	Granted (The presidential threshold does not have strong rationality, obstructing the fulfillment of the people's political rights to obtain diverse presidential and vice presidential pairs; has the potential to hinder the implementation of a direct presidential election by the people with diverse candidates; based on theoretical in line with the idea of purifying the presidential system and perfecting democratic countries and in fact countries with multiparty presidential systems do not recognize a presidential threshold; Article 6A of the 1945 Constitution is not related to nominating presidential and vice presidential candidate pairs and the facts in the five election periods show the dominance of certain political parties due to open legal policy).

***Source**: Author production based on The Indonesian Constitutional Court Decision on www.mkri.go.id*

We only discuss three decisions that we consider as the Court's decision landmarks from 2008 to 2025 to show the shift in the Court's stance from emphasizing aspects of governance to representativeness. First, Decision Number 51-52-59/PUU-VI/2008 was the first decision of the Court to establish the presidential threshold rule as an open legal policy. This decision was a reference for other presidential threshold judicial review decisions. Second, Decision Number 53/PUU-XV/2017 is *mutatis mutandis* for five other decisions

(Decision Number 59/PUU-XV/2017; Decision Number 70/PUU-XV/2017; Decision Number 71/PUU-XV/2017; Decision Number 72/PUU-XV/2017; and Decision Number 50/PUU/XVI/2018), so it further confirmed the presidential threshold as legislative authority to issue open legal policy in Article 222 of Law Number 7/2017. On the contrary, the latest landmark decision, Decision Number 62/PUU-XXII/2024, abolished the presidential threshold for the first time in the post-reform era.

a. Governability, Strong Government for the Multiparty Presidentialism

A study by Lestari et al. (2024) about the changing electoral system in Indonesia in the period from 2000-2019 found that the ideal goal of the electoral reform "is to produce effective government (governability) by focusing on maximizing seats for large parties (general welfare)" and embedded with self-interest motivated office seeking tendency.[32] The two perspectives were explicitly reflected in the legislation process, the explanatory narrative of election laws, as well as the Court Decision related to the presidential threshold before Decision Number 62/PUU-XXII/2024.

The Court's considerations on Decision Number 51-52-59/PUU-VI/2008 are more likely to underline the reasons for governability. The foremost is the strong government idea that requires dual legitimacy from the people and the legislature. Legitimacy from the Indonesian people is rooted in the procedure of the direct presidential election. Meanwhile, legislative legitimacy is rooted in the role of a political party as the only legitimate institution to nominate Presidential and Vice Presidential candidates. Hence, judicial review that asked for other President and Vice President nomination mechanisms outside the political party, in this case through independent candidates, was consistently against Article 6A paragraph (3) of the 1945 Constitution. While the presidential threshold falls under Article 6A paragraph (5) of the 1945 Constitution, which is about the procedures for holding presidential elections, it depends on the Court's interpretation.

In general, all election laws after the reform era aim for a strong and effective presidential system, such as in the Explanation of Law Law Number 42/2008, which clearly states:

> *"The regulations for the Presidential and Vice Presidential Elections in this Law are also intended to emphasize a strong and effective presidential system, where the elected President and Vice President do not only obtain strong legitimacy from the people but in order to realize government effectiveness, basic support from the People's Representative Council is also required."*

[32] Kalimah Wasis Lestari et al., "Evaluating electoral reforms and its consequences in Indonesia and Thailand (2000–2023)," *Asian Journal of Comparative Politics*, no. July (2024): 11–12, https://doi.org/10.1177/20578911241263617.highlighting important dimensions of the electoral changes and their consequences in disproportionality and the effective number of parties. In the first stage, we identify electoral changes and the ideal goals of electoral reform. Second, we compare each election's results by calculating disproportional results and the effective number of parties, followed by in-depth interviews with key stakeholders (N = 8

Aligning with that, the latest Election Law Number 7/2017 also emphasized the need for government effectiveness in its Explanation.

Either Decision Number 51-52-59/PUU-VI/2008 or Decision Number 53/PUU-XV/2017 has similar arguments to the abovementioned election laws. In Decision Number 51-52-59/PUU-VI/2008, PBB, as the Petitioner, asked for judicial review of Article 9 Law Number 42/20078, the Court argued that the threshold of 20% of DPR seats or 25% of valid national votes is an open legal policy delegated by Article 6A paragraph (5) and Article 22E paragraph (6) of the 1945 Constitution. Thus, the legislative policy regarding the procedures for electing the President and Vice President is legal and constitutional. Apart from that, based on petition Number 59/PUU-VI/2008, which stated that presidential thresholds have the potential to prevent the implementation of the direct, general, free, secret, honest, and fair election, the Court mentioned that there is no correlation between the threshold and the achievement of the election principle. Instead, the Court explained the relationship between the threshold amount and society's support for political parties.

> *"...because, in fact, the party's achievement of these conditions was obtained through a democratic process handed over to the sovereign voting people. This is also to prove whether the party proposing Presidential and Vice Presidential Candidates has broad support from the voting public."* [33]

Furthermore, the Court also stated that the presidential threshold reflected initial support for candidates whose candidacy had been supported by the people through political parties since the beginning. Thus, actual support will be determined by the election results. In other words, only political parties or coalition political parties with sufficient support from the legislative election could nominate candidates. In the final decision consideration, the Court addressed that even when the legal policy is considered bad, the Court still cannot cancel it since the substance considered bad is not always unconstitutional. A product's legal policy can only be canceled if it violates morality, rationality, and intolerable injustice.[34]

In a similar vein, Decision Number 53/PUU-XV/2017, which Partai Idaman submitted, the Court reminded that one of the important agreements in the amendment to the 1945 Constitution was strengthening the presidential system with a multiparty system. On the one hand, the characteristics of the presidential system were emphasized by the amendment to the 1945 Constitution. On the other hand, the characteristics of the parliamentary system were eliminated. Aside from that, the Court also argued that strengthening the presidential system also has an inherent meaning in the socio-political context, the diversity of Indonesian society. Hence, the executive position becomes a symbol of national unity, which reflects the plurality of society and the embodiment of a sense of belonging to the Indonesian people. Those two aspects became the spirit of Article 6A paragraph (3) of

[33] Mahkamah Konstitusi Republik Indonesia, "Decision Number 51-52-59/PUU-VI/2008."
[34] Mahkamah Konstitusi Republik Indonesia.

constitutional engineering. Therefore, the considerations in Decision Number 51-52-59/PUU-VI/2008 remain relevant.

One of the distinct and crucial considerations that reflected the governability value that emerged in Decision Number 53/PUU-XV/2017 is the Court raising and highlighting the importance of simplifying the number of political parties for the government as an ideal condition in the presidential system. The requirement to nominate presidential and vice presidential candidates in the election must be through political parties/coalitions of political parties, a constitutional engineering to simplify political parties. In other words, the ultimate expectation of this rule produces a permanent coalition that encourages a natural simplification of the number of political parties. Unfortunately, the factual condition until the 2014 elections showed that the simplification of political parties had not materialized. Still, it did not mean that constitutional engineering failed since it relied more on the maturity of democracy.[35]

> *"The spirit of constitutional engineering in this formulation is that the Constitution encourages parties with the same or similar platforms, visions, or ideologies to form a coalition in nominating the President and Vice President, which are the top executive positions in the Presidential system."*

Signifying the importance of having a political party's simplicity for governability in the multiparty presidential system, the Court illustrated the possibility of government deadlock due to the low support of the President in parliament. The President will have difficulty realizing its work program if not supported by political parties with a majority of parliament seats, because every draft law requires joint approval between the President and the DPR. Consequently, the President tends to conduct political bargaining with parties in the DPR, such as giving ministerial quotas to parties, thus forming a coalition government like the parliamentary system, which contradicts the goal of strengthening the presidential system. Therefore, constitutional engineering in Article 222 of Law Number 7/2017 aims to avoid this stalemate by creating conditions that strengthen the presidential system through efforts to fulfill sufficient support from political parties or a coalition of political parties supporting the president and vice president candidate, and simplifying political parties. Under this logic, the presidential threshold was taken place.

First, the minimum percentage of the presidential threshold pointed out the initial support estimate for the DPR and its cabinet personnel in the future, so that the "parliamentary-style presidential system" could be suppressed. Second, the minimum threshold leads to the simplification of political parties because when political parties form a coalition, there would be discussions that favor the alignment of the vision and mission of political parties, which are then formulated in the campaign programs of candidate pairs and political parties.

[35] Mahkamah Konstitusi Republik Indonesia, "Decision Number 53/PUU-XV/2017" (the Indonesian Constitutional Court, 2017), 125.

Thus, during simultaneous elections, voters would have the same references and preferences when choosing the President and Vice President as well as members of the DPR. When the president and vice president candidates won, its supporting political parties became the ruling parties that shared similar political views and goals, so they metamorphosed into one large political party. In this context, the Court suggested:

> *"...in terms of ethics and political practice, these political parties have metamorphosed into one large political party so that in political reality, there has been a simplification of the number of political parties, even though formally they still have a certain identity as a differentiator."*[36]

Unfortunately, these predicted sequences that led to the simplification of the number of political parties never happened and became one of the reasons for the submission of a judicial review and the shift in the Constitutional Court's stance in Decision Number 62/PUU-XXII/2024.

b. The Spirit of Representativeness and the Factual Failure of Simplifying Party Politics Through Presidential Threshold

The idea of removing the presidential threshold has been in the Constitutional Court Justice discourse since 2008 and can be traced from dissenting opinions that emerged with relatively consistent reasons. First is the dissenting opinion on interpreting Article 6A paragraph (2) of the 1945 Constitution. Some judges argued that the Article does not require political parties/coalitions of political parties to nominate presidential and vice presidential candidates with a minimum presidential threshold. Second, the presidential threshold has not been considered an open legal policy. This means the presidential threshold relevance diminishes when the elections are held simultaneously.

Three Constitutional Court Justices - Abdul Mukthie Fajar, Maruarar Siahaan, and M. Akil Mochtar – proposed dissenting opinions in Decision Number 51-52-59/PUU-VI/2008. Based on the factual practice of the Court Decisions under the constitutional interpretation, which had tendencies to emphasize more on textual interpretation and original intent, such as in Decision Number 56/PUU-VI/2008 and Decision Number 3/PUU-VII/2009, Article 6A paragraph (2) *expressive verbis* does not provide an opportunity for the legislature to produce legal policy with "subterfuge" contaminated by ad hoc political motives to determine the presidential threshold." [37] In this sense, the 1945 Constitution only mandates that presidential and vice presidential nominations be carried out through political parties/coalitions of political parties without any threshold.

Another important dissenting point was about the legislative reason that Article 6A paragraph (5) was used as the basis for the threshold rule, which was inappropriate because the Article mandates the regulation of procedures, not requirements. In addition,

[36] Mahkamah Konstitusi Republik Indonesia, "Decision Number 53/PUU-XV/2017."
[37] Mahkamah Konstitusi Republik Indonesia, "Decision Number 51-52-59/PUU-VI/2008."

the presidential threshold argument showed that the amount of public support was not factually proven in the 2004 election. The 2004 election results revealed no compatibility between the results of the presidential election and the supporting parties in the legislative election. Aside from that, the simultaneous general election policy that implemented the DPR, DPRD, and DPR elections simultaneously with the presidential election made the presidential threshold lose relevance and contradict the 1945 Constitution. [38]

In Decision Number 53/PUU-XV/2017, two Judges, Suhartoyo and Saldi Isra, expressed dissenting opinions. First, regarding the guarantee of equal rights for every political party participating in the election to nominate a Presidential and Vice Presidential pair, they argued that the Court should prioritize the constitutional rights fulfillment of political parties participating in the election in Article 6A paragraph (2) of the 1945 Constitution rather than that constitutional engineering to simplify the number of political parties. The simplification of the number of political parties participating in the election is not regulated in the 1945 Constitution and is more in the realm of interpretation.[39] Moreover, according to Decision Number 14/PUU-XI/2013, the presidential threshold becomes irrelevant and unconstitutional with the holding of simultaneous elections. This damages the logic of the presidential system because it uses the results of legislative elections as a requirement for nominating executives, as in the parliamentary system. In fact, the key spirit of the 1945 Constitutional Amendment is the purification of the presidential system.

Specifically, the dissenting opinion also discussed the phrase "previous DPR member elections" in Article 222 of Law Number 7/2017 as an open legal policy. They argued that Article 222 violated morality. [40]

> *"It was deliberately designed to benefit the political forces that drafted the norms themselves, and on the other hand, it actually harms the political forces that did not participate in formulating the norms of Article 222 of the Election Law."*

Furthermore, this Article was considered to violate rationality because the results of the 2014 election were used for the 2019 election. In addition, injustice emerged when the reference for political parties entitled to nominate presidential and vice presidential candidates was a political party that had a certain number of seats in the DPR based on the results of the previous election so that new political parties participating in the election lost their constitutional rights to nominate presidential and vice presidential candidate pairs as in Article 222 Law Number 7/2017[41]. These thoughts in various dissenting opinions frequently emerged and became the legal reason to remove the presidential threshold rules in Decision Number 62/PUU-XXII/2024.

---

38 Mahkamah Konstitusi Republik Indonesia.
39 Mahkamah Konstitusi Republik Indonesia, "Decision Number 53/PUU-XV/2017."
40 Mahkamah Konstitusi Republik Indonesia.
41 Mahkamah Konstitusi Republik Indonesia.

Decision Number 62/PUU-XXII/2024 marks the end of the presidential threshold regime in elections in Indonesia. Four students from UIN Sunan Kalijaga succeeded in shifting the Constitutional Court's stance. It was previously consistently stated that the presidential threshold is an open legal policy and constitutional, which is unconstitutional. As a result, the nomination of presidential and vice presidential candidate pairs is submitted by political parties/coalitions of political parties participating in the election without a minimum threshold.

The Court decided that the Petitioners fulfilled the requirements of legal standing as follows: first, the existence of actual and specific constitutional rights losses. Implementing the presidential threshold limits alternative President and Vice President candidate pairs in the elections, thus reducing the fulfillment of the right to vote and the right to be a candidate. In addition, the Court also pointed out the factual conditions in several presidential elections; candidate pairs were dominated by several political parties that limited the number of candidates, hence limiting the constitutional rights of voters to have a variety of candidates to be elected.[42] In short, in considering this legal standing, it is emphasized that either candidate or voter has constitutional rights in an election in the form of the right to the candidate and right to vote, the reasons that can be referred to as a legal standing to pursue other electoral reform from the ordinary citizens that are not part of political parties or NGOs.

Despite the normative substance of the minimum presidential threshold norm being similar to previous cases, petitioners could explain distinctive reasons that are the basis for the Court to process the case. In previous decisions, the petitioners submitted judicial review on the presidential threshold fell under five reasons:

> *"(i) reasons for the application that wants independent presidential and vice presidential candidates; (ii) reasons for the application that wants equal opportunities for each political party in proposing presidential and vice presidential candidate pairs; (iii) reasons for the application that are related to the implementation of simultaneous elections; (iv) reasons for the application that do not want a single presidential and vice presidential candidate pair; (v) reasons for the application that agree with the existence of a presidential threshold but question the percentage figure in the presidential threshold."* [43]

Meanwhile, in this case, the Court considered that the applicant had new reasons, stating that[44]

> *"...(i) the presidential threshold implementation had exceeded the limits of the open legal policy; (ii) it made it difficult for small parties to realize their aspirations directly in the presidential election even though they had quality cadres; (iii) structurally, the*

[42] Mahkamah Konstitusi Republik Indonesia, "Decision Number 62/PUU-XXII/2024."
[43] Mahkamah Konstitusi Republik Indonesia.
[44] Mahkamah Konstitusi Republik Indonesia.

presidential threshold was not desired by the formulators of the Constitution; (iv) it did not have a strong academic basis because the election was held simultaneously."

The Court's strong emphasis can be seen as a catalyst for reviewing the substance of the Law, especially when that substance has previously been deemed constitutional by the Court. After evaluating the reasons provided in the Petitioners' application and considering the developments since the establishment of the minimum threshold norm, specifically outlined in Article 222 of Law Number 7/2017, the Court deliberated on several key issues. These include whether there is a compelling reason for the Court to change its previous stance on the constitutionality of Article 222 of Law Number 7/2017, which holds that the presidential threshold is a legal policy that forms part of the law. Furthermore, in several past rulings, the Court has indicated that legal policies constituting law cannot be assessed or challenged for their constitutionality unless they violate principles of morality and rationality, lead to intolerable injustice, contradict the political rights and sovereignty of the people, exceed the lawmaker's authority, constitute an abuse of power, or contravene the 1945 Constitution.[45]

The existence of the presidential threshold remains a central issue in the implementation of presidential elections and continues to be a topic of debate. To date, there have been 33 court decisions reviewed and assessed the constitutionality of Article 222 of Law Number 7/2017, which were submitted by political parties, voters, politicians, and community organizations concerned with the democratic election process. This ongoing scrutiny reflects the persistent aspirations of voters, community groups, and political entities who are questioning and challenging the constitutionality of the presidential threshold. Consequently, if there is a valid reason to remove the threshold, the court has the authority to evaluate the legality of this policy, including the possibility of shifting from its previous position.[46]

There are two important phrases in the norms of Article 6A paragraph (2) that are carefully read by the Court: "proposed by a political party or a coalition of political parties participating in the general election" and the phrase "before the implementation of the general election." Upon reviewing the discussions surrounding the amendment of the 1945 Constitution, the Court noted that there was never a debate regarding the requirement for political parties or coalitions participating in the election to propose a pair of presidential and vice-presidential candidates based on a specific percentage derived from the election results for members of the DPR. Additionally, the minutes from the discussions on the amendment indicate that the inclusion of "political parties or coalitions of political parties" was intended to address the potential emergence of independent or individual candidates. This phrase serves as a "middle ground" between the desire to allow individuals to run for president or vice president and the interest in limiting candidate proposals to those from

45 Mahkamah Konstitusi Republik Indonesia.
46 Mahkamah Konstitusi Republik Indonesia.

the political parties receiving the most votes in the DPR elections. Therefore, according to the Court, the proposal of presidential and vice-presidential candidate pairs should be understood, interpreted, and recognized as a constitutional right belonging to the political parties participating in the election.[47]

The term "political parties participating in the elections," as mentioned in the amendment to the 1945 Constitution, lacks clarity. The Court noted that after the 1945 Constitution was amended, the definition of this phrase was established in Law Number 12 of 2003. According to Article 1, Number 10 of Law Number 12/2003, "Political Parties Participating in the Election are political parties that have met the requirements to be election participants." Along with that, Article 1, Number 29 of Law Number 7/2017, which is still in effect today, further clarifies this by stating, "Political Parties Participating in the Election are political parties that have met the requirements as election participants for members of the DPR, members of the provincial DPRD (Regional House of Representatives), and members of the district/city DPRD." Therefore, it is evident that the phrase "political parties participating in the election" is used to differentiate between those political parties that are eligible to participate in elections and those that are not election participants.[48]

Second, there was no discussion regarding the phrase "before the implementation of the general election" in the discussion of the amendment of the 1945 Constitution. Referring to Article 6A, paragraph (2) of the Constitution, this phrase holds no significance, as indicated by previous members of the DPR. Therefore, if these two phrases are connected to the rationality of the presidential threshold and the use of election results from DPR members to strengthen the presidential system of government, the Court states that this argument is subject to review by the Court.[49]

According to the Court, several problems arise when the presidential threshold is based on the election results of previous members of the DPR, particularly in the context of simultaneous elections that include both the presidential and legislative elections. First, how to ensure that the political parties that participated in the previous election for DPR members can still secure seats or valid votes nationally that are at least equal to their prior achievements in the upcoming election. Second, what happens if the number of seats or valid votes obtained in the current election is lower than those won in the previous elections? Another concern is that there is a situation where a political party that nominates presidential and vice-presidential candidates using results from the prior DPR election may not win any seats in the current election. Then the Court raised a significant question: how can we rationally justify using previous election results as a basis for proposing presidential and vice-presidential candidates when political dynamics

47 Mahkamah Konstitusi Republik Indonesia.
48 Mahkamah Konstitusi Republik Indonesia.
49 Mahkamah Konstitusi Republik Indonesia.

can change drastically from one election cycle to the next? Moreover, based on the stretch of elections, the Court mentioned that the existence of a presidential threshold does not appear to directly contribute to simplifying the number of political parties participating in the election.[50] Instead, using past DPR election results to determine which political parties or coalitions can propose presidential and vice-presidential candidates unfairly disadvantages new political parties that have qualified as election participants. Consequently, these new parties are effectively stripped of their constitutional rights to propose their candidates. According to the Court, this situation highlights the potential injustice inherent in relying on previous election results.[51]

The Court observed that, the phrase "obtaining at least 20% of the total number of seats in the DPR or obtaining 25% of the valid votes nationally in the previous election of members of the DPR" in Article 222 of Law Number 7/2017 effectively restricts the constitutional rights of political parties participating in elections that do not meet the presidential threshold requirement. Furthermore, according to the Court, the application of the presidential threshold has not effectively simplified the number of political parties participating in elections. The determination of the threshold percentage lacks a clear calculation based on strong rationale. The Court recognized that establishing such a percentage primarily benefits major political parties—or at least favors those already holding seats in the DPR. In this light, it is challenging to argue that the parties setting the threshold amount or percentage do not have a conflict of interest. Additionally, the Court states that the minimum presidential threshold risks undermining the constitutional principles outlined in Article 6A, paragraph (3) of the 1945 Constitution, which implicitly allows for the possibility of more than two pairs of presidential and vice-presidential candidates.[52]

The ongoing discussion emphasizes the need for a broader range of candidates for the president and vice president positions. The Court highlighted that the spirit of Article 6A, Paragraph (3) of the 1945 Constitution aims to secure leaders who both reflect and represent Indonesia's diversity. However, the current situation suggests that the lack of adequate choices for presidential and vice-presidential candidates undermines citizens' political rights and sovereignty. The restrictions on voting options limit the public's ability to choose between diverse candidates. The Court states that it prioritizes guaranteeing citizens' constitutional rights, particularly voters' rights to a broader selection of candidates through fair and open contests by political parties or coalitions participating in the elections. Protecting these constitutional rights, according to the Court, including the right to vote and the right to be elected, takes precedence over efforts to simplify political party structures aimed at strengthening the presidential system. Moreover, offering a wider variety of presidential and vice-presidential candidates is viewed as essential for realizing the principle of people's

50 Mahkamah Konstitusi Republik Indonesia.
51 Mahkamah Konstitusi Republik Indonesia.
52 Mahkamah Konstitusi Republik Indonesia.

sovereignty, as stated in Article 1, Paragraph (2) of the 1945 Constitution. In this context, the Court asserts that any arrangements that hinder citizens from exercising their political rights, including the right to access a diverse slate of candidates, are inconsistent with the principles of people's sovereignty guaranteed by the Constitution.[53]

The Court argued that maintaining the presidential threshold, especially after observing the recent political trends in Indonesia, tends to result in elections featuring only two pairs of presidential and vice-presidential candidates. This situation, according to the Court, can lead to polarization within society, which, if left unaddressed, threatens the integrity of Indonesia's diversity. If this practice continues unchecked, there is a risk that presidential and vice-presidential elections could be dominated by a single candidate. The Court mentioned that this trend is already evident in regional elections, where there is an increasing likelihood of a single candidate emerging or elections occurring with only an empty box on the ballot. The Court states that allowing or maintaining the presidential threshold could hinder the implementation of direct presidential elections by limiting the variety of candidate options available to voters. If this occurs, the fundamental purpose of Article 6A, paragraph (1) of the 1945 Constitution will be undermined. According to the Court, this article was initially amended to improve the foundational rules that ensure the implementation of people's sovereignty and to enhance public participation by developing democracy.[54]

The Court also addressed the relationship between the executive and legislative powers, emphasizing that legislative support can enhance the functioning of the presidential system, although its effectiveness cannot always be guaranteed. In a presidential system, according to the Court, the legislative and executive branches operate as separate entities since they receive their mandates from voters in different ways and through distinct election outcomes. Even when legislative and presidential elections occur simultaneously, the voters provide separate mandates to each institution. In contrast, in a parliamentary system, elections focus solely on selecting parliamentarians. Voters only elect members of the parliament, and the results of these elections directly determine the formation of the executive branch. Therefore, the Court argued, implementing a presidential threshold based on votes or seats in the DPR implies adopting a logic more aligned with the parliamentary system, rather than adhering to the principles of Indonesia's presidential system.[55]

One of the key ideas behind amending the 1945 Constitution is to refine the presidential system. Furthermore, comparative studies, as shown by the Court, indicate that countries with a multiparty presidential system do not impose presidential thresholds. For instance, many Latin American countries, which primarily follow a presidential system with a pluralistic

[53] Mahkamah Konstitusi Republik Indonesia.
[54] Mahkamah Konstitusi Republik Indonesia.
[55] Mahkamah Konstitusi Republik Indonesia.

party model, do not have a minimum threshold for the percentage of votes required for presidential and vice-presidential candidates. Even the United States, often regarded as a model for the presidential system, does not recognize a presidential threshold.[56]

The Court argued, the relationship between Article 6A, paragraph (2) and Article 6A, paragraph (5) of the 1945 Constitution is significant. Article 6A, paragraph (5) explicitly allows for further regulation through law. The Court examined the original intent discussions surrounding Article 6A and revealed that the delegation is intended only for specifying the procedures for conducting presidential and vice-presidential elections. It does not extend to the qualifications for nominating presidential and vice-presidential candidate pairs. According to the Court, even if lawmakers wish to create regulations regarding the requirements for candidates, such regulations must not contradict what is outlined in the 1945 Constitution. Article 6A, paragraph (2) clearly states that presidential and vice-presidential candidates must be proposed by a political party or a coalition of political parties before the general election takes place. The Court emphasized that, as long as a political party has been recognized as a participant in the relevant election period, it has the constitutional right to propose a pair of presidential and vice-presidential candidates..[57]

The Court mentioned that while political parties have the right to propose presidential and vice-presidential candidates, this right serves the crucial purpose of fulfilling the constitutional rights of citizens and voters. At the same time, the constitutional rights of these political parties come with an obligation that must be upheld. Furthermore, after five direct presidential elections since 2004, the Court believed it was sufficient to declare the presidential threshold as an open legal policy that guides the formation of laws. The Court noted that in several presidential elections, certain political parties have dominated the candidate nomination process. This dominance has limited voters' constitutional rights to access a diverse range of candidate options. Therefore, after carefully considering the dynamics and needs of state administration, the Court determined that now is the appropriate time to shift from its previous stance. The Court states that the presidential threshold not only undermines the political rights and sovereignty of the people but also violates principles of morality, rationality, and justice, which are deemed intolerable and inconsistent with the 1945 Constitution. According to the Court, there is a strong and fundamental reason to change its stance from previous rulings. The shift in perspective is not merely about the specific amount or percentage of the threshold; rather, it is fundamentally about the threshold regime for proposing a presidential candidate, which is contrary to Article 6A, paragraph (2) of the 1945 Constitution.[58]

Another important point is the Court's warning about the potential impact of abolishing the presidential threshold on the large number of presidential and vice-presidential

[56] Mahkamah Konstitusi Republik Indonesia.
[57] Mahkamah Konstitusi Republik Indonesia.
[58] Mahkamah Konstitusi Republik Indonesia.

candidates in a country that has a presidential system with a multiparty framework. According to the Court, the potential number of pairs of presidential and vice-presidential candidates corresponds to the number of parties participating in the election. In its decision, the Court affirmed that proposing pairs of presidential and vice-presidential candidates is a constitutional right of all political parties that have been declared eligible to participate in elections. According to the Court, lawmakers can regulate this in the revision of Law Number 7/2017 to prevent the emergence of an excessively large number of candidate pairs, which could be detrimental. Although Article 6A, paragraph (4) of the 1945 Constitution anticipates the possibility of a second round of presidential elections, the Court stated that having too many presidential and vice-presidential candidate pairs does not guarantee a positive impact on the development and sustainability of Indonesia's presidential democratic process and practice.[59]

Therefore, the Court determined that the lawmakers, in the revision of Law Number 7/2017, can carry out constitutional engineering by paying attention to the following matters:[60]

> *"1) All political parties participating in the election have the right to propose a pair of presidential and vice presidential candidates ; 2) The proposal of presidential and vice presidential candidate pairs by political parties or a combination of political parties participating in the election is not based on the percentage of the number of seats in DPR or the acquisition of valid votes nationally; 3) In proposing a pair of presidential and vice presidential candidates, political parties participating in the election can join as long as the combination of political parties participating in the election does not cause the dominance of political parties or a combination of political parties, resulting in limited pairs of presidential and vice presidential candidates and limited voter choices; 4) Political parties participating in the election that do not propose a pair of presidential and vice presidential candidates are subject to sanctions that prohibit them from participating in the next period of elections; and 5) The formulation of constitutional engineering, including the amendment of Law Number 7/2017, involves the participation of all parties who have concerns about the implementation of elections, including political parties that do not obtain seats in DPR by applying the principle of meaningful participation."*

Obviously, this decision demonstrates the shift in the stance of the Court, and this is part of a precedent that has been done repeatedly by the Constitutional Court. In principle, changes in the decisions of judicial institutions can significantly contribute to the development of the law. The Constitutional Court, in particular, can adjust its rulings or legal interpretations as new insights arise. Such changes are possible and demonstrate the court's responsiveness to evolving societal values and legal principles. Embracing shifts in opinion or perspective is essential for the growth and progress of constitutional justice throughout the court's history. The Constitutional Court in Decision 85/PUU-XX/2022

[59] Mahkamah Konstitusi Republik Indonesia.
[60] Mahkamah Konstitusi Republik Indonesia.

stated: "*...Such a shift or change in interpretation may be made by the Court but must still be based on very strong and fundamental reasons*." [61]

For instance, in Decision Number 51-52-59/PUU-VI/2008, the court stated that the Presidential and Legislative Elections did not have to occur simultaneously. However, this stance was altered by Decision 14/PUU-XI/2013, which determined that the Presidential Election would now be held at the same time as the election for members of the representative institution. The Constitutional Court made this change based on original meaning interpretation, systematic interpretation, and comprehensive grammatical interpretation.

Another example involves the authority of the Court in resolving disputes related to regional head election results. Initially, Law Number 12 of 2008 transferred the responsibility for handling regional head election disputes from the Supreme Court to the Constitutional Court. However, after addressing cases concerning disruptions in regional head election results, the Constitutional Court issued Decision Number 97/PUU-XI/2013. This decision stated that disruptions in the election results for regional heads and their deputies "should" not be handled by the Constitutional Court. The Court opined that lawmakers needed to establish a special judicial body specifically tasked with adjudicating these disruptions. Despite this, the Constitutional Court retained the authority to resolve termination cases. This position changed with Decision Number 85/PUU-XX/2022, which affirmed that the Constitutional Court's authority to examine and adjudicate election result disputes is no longer restricted to the time "until the formation of a special judicial body," but is now permanent.

Furthermore, it is evident that this decision produces substantial reform to increase the representativeness of people in a direct presidential election who are represented through the political parties participating in elections without any requirement of the presidential threshold. The failure of the consequences of the presidential threshold rule to simplify political parties, which was expected to be a causal mechanism in strengthening governance effectiveness, threatened the fulfillment of constitutional rights of political parties participating in the election, as well as voter rights to have diverse candidates for President and Vice President pair in elections. Hence, the flaws of the existing electoral system have been proven to be the cause of reform.[62]

Inevitably, the change in electoral rules influences party behavior.[63] Small political parties do not need to align their preference with big parties, as they have the right to nominate presidential and vice-presidential candidates. They have the chance to nominate their cadre or the candidate who is the aspiration of their voters to guarantee that all political parties exercise their right, which is an extension of voters' aspirations and

[61] Mahkamah Konstitusi Republik Indonesia, "Decision Number 85/PUU-XX/2022" (the Indonesian Constitutional Court, 2022), 37.
[62] Katz, "Why Are There So Many (or So Few) Electoral Reforms?"
[63] Horowitz, "A Primer for Decision Makers."

representation, the right of political parties participating in the election to nominate presidential and vice presidential candidates also becomes an obligation with sanctions attached, namely a ban on becoming participants in subsequent elections. In this sense, the Court attempted to guarantee that the people's aspirations regarding presidential and vice presidential candidates are conveyed and represented through candidate pairs supported by their chosen political parties, which in previous elections failed or were limited because of the presidential threshold rules. The concern over representativeness also emerged in the Court's determination that allows political parties to form coalitions on the condition that it does not cause the dominance of certain political parties, which limits the number of presidential and vice-presidential candidate pairs and ultimately limits voters' choices. The Court referred to several presidential elections that showed the dominance of certain political parties participating in the election in nominating presidential and vice-presidential candidate pairs.[64]

Concerns regarding weak support for the President in parliament, particularly in the absence of a presidential threshold, have been somewhat alleviated by the Constitution, which grants the President an equal standing with the DPR. It has been emphasized that while the approval of the DPR is crucial for the implementation of executive actions, and the DPR plays a significant role in legislating, the President can resist compromising, as the DPR cannot impose its agenda on the President. Additionally, the President possesses greater institutional capacity than the DPR. Ultimately, the effectiveness of the presidential system depends significantly on the President's abilities and leadership style.[65]

Another crucial takeaway from the perspective of electoral reform is the court decision reflected electoral reform through the route "politicians lose control to judges," as Renwick (2010) predicted.[66] The winning parties and big parties in parliament lost control over the judges' decision, resulting in a policy of eliminating the presidential threshold. This outcome is contrary to the preferences of these parties, which aimed to maintain a presidential threshold for nominating the president and vice president, which may unlikely to happen if the reform were pursued through the route "politician retains control."[67] During the Court proceedings, the three relatively big parties in parliament – Gerindra, Partai Golkar, and PKS – as the informants in judicial review Number 62/PUU-XXII/2024, brought the government stability arguments. Gerindra and Partai Golkar stated that the presidential threshold is an open legal policy and does not conflict with the Constitution. [68] PKS did not explicitly support the presidential threshold and asked the Court to narrow it as an open

[64] Mahkamah Konstitusi Republik Indonesia, "Decision Number 62/PUU-XXII/2024."
[65] Hanan, *Menakar Presidensialisme Multipartai di Indonesia: Upaya Mencari Format Demokrasi yang Stabil dan Dinamis dalam Konteks Indonesia*.
[66] Renwick, *The Politics of Electoral Reform: Changing the Rules of Democracy*
[67] Renwick.
[68] Mahkamah Konstitusi Republik Indonesia, "Decision Number 62/PUU-XXII/2024."

legal policy by determining the threshold number based on scientific studies and calculating the Effective Numbers of Parliamentary Parties Index that indicated the threshold amount as the legislative domain. On the contrary, small political parties, such as the Labor Party, Hanura, PBB, PKN, and Perindo, clearly asked the Court to eliminate the threshold and provide an opportunity for all political parties participating in the election to nominate presidential and vice presidential candidates, as in the petitioners' request. [69]

In the 2024 election, Gerindra secured 86 seats and Partai Golkar 102 seats in the DPR, and their presidential and vice presidential candidates won the presidential election. Moreover, with the President securing the majority parties' support in parliament as a government coalition, the DPR and the President have a 'relatively huge power' to request favors in return for the Judge position as the President, the DPR, and the Supreme Court have an equal number of proposed judges in the recruitment of Constitutional Judges. Thus, it can be said that the influence of the institutions proposing Constitutional Judges was proven to be minimal. The seven judges who granted decisions were proposed by the DPR (Arif Hidayat, M. Guntur Hamzah, Asrul Sani), the President (Saldi Isra, Enny Nurbaningsih), and the Supreme Court (Suhartoyo, Ridwan Mansyur). Meanwhile, the two judges who gave dissenting opinions were proposed by the Supreme Court (Anwar Usman) and the President (Daniel Yusmic). But, dissenting opinions are related to legal standing, not substance.

Most importantly, normatively speaking, Law on the Constitutional Court Number 7/2020, Third Amendment of Law Number 24/2003, in Article 87 paragraph (b), provides space for judges to be independent of "politicians retain control" over judges decisions since the Article stipulates that Constitutional Judges since this Law was implemented, serve until the age of 70 years or a maximum of 15 years in total. Before this change, Constitutional Judges only had a term of office of 5 years per period with a maximum of 2 terms. The proposing institution will recruit judges every five years so that the Judges who produced decisions not in line with the institution's interest might not be re-elected. Unfortunately, in its implementation, this Law was not complied with by the DPR and the President in the case of the dismissal of Judge Aswanto in 2022, because he was considered to have often annulled laws formed by the DPR. Constitutionally, the DPR is only given the authority to propose Constitutional Judges, not to dismiss them.[70]

Notwithstanding, the Court's genuine concern about increasing representativeness in direct presidential elections has been handed over to lawmakers to formulate constitutional engineering to adopt this value. While the consequences of electoral change always involve a

[69] Mahkamah Konstitusi Republik Indonesia.
[70] pshk.or.id, "Penggantian Hakim Konstitusi Aswanto oleh DPR: Melanggar Hukum, Menghina Akal Sehat, Mengkhianati Konstitusi, dan Menghancurkan Independensi Peradilan," 2022.

trade-off between governance effectiveness versus representation,[71] The lawmakers who are used to formulating the Law more on substance, on how to develop a strong government, inevitably have to start to adapt and adopt a greater value of representativeness during the revision of the latest election law, and at the same time, still promote a strong governance capacity to realize the executive campaign promises.

C. CONCLUSIONS

The Decision Number 62/PUU-XXII/2024 ended the presidential threshold regime, signifying the Indonesian Constitutional Court's shift toward representativeness rather than governance by looking at the bearing consequences of the rules for over 20 years after its implementation, not only to the textual interpretation of the Constitution and its original intent. As a minor reform, abolishing the presidential threshold took a long process and repeated efforts from many electoral reform actors, who were unable to reform the rules through the legislative process. The Court independence from "politicians" may contribute in the future to making the Indonesian Constitutional Court as the most popular avenue for electoral reform actors with less political power, such as ordinary citizens, NGOs, and minority political parties outside the parliament as well as those that not involved in parliamentary review during the election law making process such as new political parties participating in upcoming elections. While the new rule's impact is still not proven, the spirit of representativeness echoes what Sartori (2005) mentioned about the political parties as a channel of expression representing the people's demands.[72] In the context of Indonesia, one important aspect is the electoral reform progress toward a fair and non-discriminatory opportunity for all political parties participating in the election to nominate presidential and vice-presidential candidates without a presidential threshold that fulfils the right to vote and the right to nominate a candidate in a direct presidential election. Hence, further studies on the consequences of abolishing the presidential threshold on improving the representation and aspirations of people through political parties in elections would be beneficial to monitoring the progress of the presidential threshold decision as an electoral reform.

ACKNOWLEDGEMENT

This research was funded by UIII FACULTY-BASED RESEARCH 2024, UIII Research Funding 2024 (No. 034/WR.RKSP/UIII/UM.01/2024), Universitas Islam Internasional Indonesia.

[71] Norris, "Choosing electoral systems: Proportional, majoritarian and mixed systems"; Diamond dan Plattner, "Introduction"; Blais, "The Debate over Electoral Systems."

[72] Giovanni Sartori, *Parties and Party Systems: a Framework for Analysis* (ECPR Press, 2005).

REFERENCES

Abadi, Songga Aurora, dan Fitra Arsil. "Mekanisme Penetapan Ambang Batas (Threshold) Terhadap Stabilitas Sistem Presidensial Dan Sistem Multipartai Sederhana Di Indonesia." *Jurnal Konstitusi dan Demokrasi* 2, no. 1 (2022): 10–35. https://doi.org/10.7454/jkd.v2i1.1202.

Blais, André. "The Debate over Electoral Systems." *International Political Science Review* 12, no. 3 (1991): 239–60.

Boyatzis, Richard E. *Transforming qualitative information: Thematic analysis and code development*. SAGE Publication, Inc, 1998.

Braun, Virginia, dan Victoria Clarke. "Using thematic analysis in psycology." *Qualitative Research in Psychology* 3, no. 2 (2006): 77–101.

Diamond, Larry, dan Marc F Plattner. "Introduction." In *Electoral Systems and Democracy*, diedit oleh Larry Diamond dan marc, ix–xxvi. Baltimore: The John Hopskins University Press, 2006. https://doi.org/10.56021/9780801891816.

DPR RI. "Risalah Rapat Pembahasan Rancangan Undang-Undang tentang Pemilihan Umum Presiden dan Wakil Presiden, Rapat Kerja ke-3, 26 Maret 2003." DPR RI, 2003.

Ghoffar, Abdul. "Problematika Presidential Threshold: Putusan Mahkamah Konstitusi dan Pengalaman di Negara Lain." *Jurnal Konstitusi* 15, no. 3 (2018): 480. https://doi.org/10.31078/jk1532.

Hanan, Djayadi. *Menakar Presidensialisme Multipartai di Indonesia: Upaya Mencari Format Demokrasi yang Stabil dan Dinamis dalam Konteks Indonesia*. Bandung: Mizan, 2014.

Horowitz, Donald L. "A Primer for Decision Makers." In *Electoral System and Democracy*, diedit oleh Larry Diamond dan Marc F Plattner, 3–15. The John Hopkins University Press, 2006.

Irianto, S. "Metode Penelitian Kualitatif dan Metodologi Penelitian Hukum." *Hukum dan Pembangunan* xxxii, no. 2 (2002): 155–72.

Katz, Richard S. "Why Are There So Many (or So Few) Electoral Reforms?" In *The Politics of Electoral Systems*, diedit oleh Michael Gallagher dan Paul Mitchell, 57–78. New York: Oxford University Press, 2009. https://doi.org/10.1093/0199257566.003.0003.

Khoo, Ying Hooi, dan Carmen Leong. "Policy Advocacy Strategies of Malaysia's Electoral Reform Movement." In *Lobbying the Autocrat: the Dynamics of Policy Advocacy in Nondemocracries*, diedit oleh Max Gromping dan Jessica C. Teets, Michigan U., 202–24. Michigan, 2023.

Lestari, Kalimah Wasis, Hari Fitrianto, Asama Mungkornchai, Fahrul Muzaqqi, dan Nuke Faridha Wardhani. "Evaluating electoral reforms and its consequences in Indonesia and

Thailand (2000–2023)." *Asian Journal of Comparative Politics*, no. July (2024). https://doi.org/10.1177/20578911241263617.

Mahkamah Konstitusi Republik Indonesia. "Decision Number 51-52-59/PUU-VI/2008." the Indonesian Constitutional Court, 2008.

———. "Decision Number 53/PUU-XV/2017." the Indonesian Constitutional Court, 2017.

———. "Decision Number 62/PUU-XXII/2024." the Indonesian Constitutional Court, 2024.

———. "Decision Number 85/PUU-XX/2022." the Indonesian Constitutional Court, 2022.

Mietzner, Marcus. "Indonesias Electoral System: Why It Needs Reform." *New Mandala*, no. November (2019): 1–17.

Naeem, Muhammad, Wilson Ozuem, Kerry Howell, dan Silvia Ranfagni. "A Step-by-Step Process of Thematic Analysis to Develop a Conceptual Model in Qualitative Research." *International Journal of Qualitative Methods* 22, no. October (2023): 1–18. https://doi.org/10.1177/16094069231205789.

Norris, Pippa. "Choosing electoral systems: Proportional, majoritarian and mixed systems." *International Political Science Review* 18, no. 3 (1997): 297–312. https://doi.org/10.1177/019251297018003005.

———. "Do Rules Matter?" In *Electoral Engineering: Voting Rules and Electoral Behavior.*, 3–38. Cambridge: Cambridge University Press, 2004.

———. "Party Systems." In *DemocraciesElectoral Engineering: Voting Rules and Electoral Behavior*, 81–150, 2004. https://doi.org/10.2307/j.ctt1ww3w2t.11.

Nugroho, Rahmat Muhajir, Sudarsono, Istislam, dan Muchamad Ali Safa'at. *Comparison of Threshold Provisions for Presidential Candidacy in Indonesia and Turkey*. *Proceedings of the International Conference on Sustainable Innovation on Humanities, Education, and Social Sciences (ICOSI-HESS 2022)*. Atlantis Press SARL, 2022. https://doi.org/10.2991/978-2-494069-65-7.

Ostwald, Kai, dan Steven Oliver. "Four arenas: Malaysia's 2018 election, reform, and democratization." *Democratization* 27, no. 4 (2020): 662–80. https://doi.org/10.1080/13510347.2020.1713757.

pshk.or.id. "Penggantian Hakim Konstitusi Aswanto oleh DPR: Melanggar Hukum, Menghina Akal Sehat, Mengkhianati Konstitusi, dan Menghancurkan Independensi Peradilan," 2022.

Ramadanil, Fadil. "Kontroversi Ambang Batas Pencalonan Presiden: Bermasalah Sejak Pikiran." In *Reformasi Pemilu Jalur Mahkamah Konstitusi*, 55–72. Jakarta: Perkumpulan untuk Pemilu dan Demokrasi (Perludem), 2024.

Reilly, Benjamin. "Designing and Reforming Electoral System in Southeast Asia." In *Strong Patronage, Weak Parties: the Case for Electoral System Redesign in the Philippines*, 43–58. Mandaluyong City: Anvil Publishing, 2019.

Renwick, Alan. *The Politics of Electoral Reform: Changing the Rules of Democracy*. *The Politics of Electoral Reform: Changing the Rule of Democracy*. Cambridge: Cambridge University Press, 2010. https://doi.org/10.1017/cbo9780511676390.003.

Sanur, Debora. "Dampak Batalnya Revisi Undang-Undang Nomor 7 Tahun 2017 Tentang Pemilihan Umum." *Info Singkat: Kajian Singkat Terhadap Isu Aktual dan Strategis*, 2021.

Sartori, Giovanni. *Parties and Party Systems: a Framework for Analysis*. ECPR Press, 2005.

Soeoed, Mochamad Rizky. "Analisis Pengaturan Ambang Batas Pencalonan Presiden Menurut Putusan Mahkamah Konstitusi Tahun 2022-2023." *Jurnal Konstitusi dan Demokrasi* 3, no. 2 (2023). https://doi.org/10.7454/jkd.v3i2.1309.

Subekti, Valina Singka. *Menyusun Konstitusi Transisi: Pergulatan Kepentingan dan Pemikiran dalam Proses Perubahan UUD 1945*. Jakarta: Rajagrafindo Persada, 2008.

Sukmawan, Denny Indra, dan Syaugi Pratama. "Critical Review of the Constitutional Court's Decision on the Presidential Threshold." *Jurnal Konstitusi* 20, no. 4 (2023): 556–75. https://doi.org/10.31078/jk2041.

Tim Penyusun Revisi Naskah Komprehensif Perubahan Undang-Undang Dasar 1945. *Naskah Komprehensif Undang-Undang Dasar Negara Republik Indonesia Tahun 1945: Latar Belakang, Proses, dan Hasil Pembahasan 1999-2002, Buku IV Kekuasaan Pemerintah Negara, Jilid I*. Jakarta: Sekretarian Jenderal dan Kepaniteraan Mahkamah Konstitusi, 2010.

Vowles, Jack. "The Politics of Electoral Reform in New Zealand." *International Political Science Review* 16, no. 1 (1995): 95–115.

www.bbc.com. "Penetapan ambang batas pencalonan presiden 20% dianggap 'tak relevan.'" 21 July 2017, 2017.