

Constitutionality of Parliamentary Threshold for 2029 General Election After Constitutional Court Decision No 116/PUU-XXI/2023

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Abstract: This study aims to analyze the constitutionality of the parliamentary threshold for the 2029 general election following Constitutional Court Decision No. 116/PUU-XXI/2023. The research applies a normative juridical method with statutory and conceptual approaches, focusing on legal norms, constitutional principles, and relevant court decisions. Data are collected through literature review, including legislation, constitutional court rulings, and academic writings, and are analyzed qualitatively. The findings reveal that the parliamentary threshold remains constitutionally valid as a mechanism to simplify the party system and support the effectiveness of the presidential system. However, its implementation must adhere to democratic principles, particularly popular sovereignty, equality of political rights, and fair representation. The Constitutional Court's decision reflects a model of conditional constitutionality, requiring that any threshold policy be rational, proportional, and not excessively limit political participation. This study concludes that future regulation of the parliamentary threshold must carefully balance electoral system efficiency with the protection of citizens' constitutional rights. The academic contribution of this research lies in offering a comprehensive interpretation of constitutional law in the field of electoral governance, especially in linking democratic theory with constitutional adjudication. Additionally, this study provides insights into the broader implications of judicial review decisions on legislative policy-making and electoral reform in Indonesia.

Keywords: Constitutional Court, Constitutionality, Electoral Law, General Election, Parliamentary Threshold

1. Introduction

The issue of the parliamentary threshold has become one of the most debated aspects of electoral system design in Indonesia, particularly in the context of strengthening democratic governance and ensuring effective representation.¹ As a mechanism intended to simplify the party system, the parliamentary threshold plays a crucial role in shaping the composition of legislative bodies and influencing the stability of the presidential system. However, its implementation often raises fundamental questions regarding fairness,² inclusivity, and the protection of citizens' political rights. In recent electoral cycles,³ the application of increasingly higher thresholds has generated concerns about the marginalization of smaller political parties and the potential erosion of representative democracy. These concerns are further intensified by the dynamic nature of Indonesia's political landscape,⁴ where diversity

¹ Elias Dinas and Florian Foos, "The National Effects of Subnational Representation: Access to Regional Parliaments and National Electoral Performance," *Quarterly Journal of Political Science* 12, no. 1 (May 16, 2017): 1–35, <https://doi.org/10.1561/100.00015068>.

² Burcu Taşkın, "Voter Turnout in Turkey's Parliamentary and Local Elections (1950–2014): Does Participation Increase When Competition Decreases?," *Turkish Studies* 16, no. 4 (October 2, 2015): 465–86, <https://doi.org/10.1080/14683849.2015.1101350>.

³ Sri Budi Eko Wardani and Valina Singka Subekti, "Political Dynasties and Women Candidates in Indonesia's 2019 Election," *Journal of Current Southeast Asian Affairs* 40, no. 1 (April 3, 2021): 28–49, <https://doi.org/10.1177/1868103421991144>.

⁴ Thomas Däubler, "The Personalization of Electoral Rules: How Shifting Influence From Selectors to Voters Affects Party Unity," *Political Research Quarterly* 75, no. 1 (March 29, 2022): 160–74, <https://doi.org/10.1177/1065912920987898>.

and pluralism are essential characteristics.⁵ Therefore, examining the constitutionality of the parliamentary threshold becomes highly significant, particularly in light of recent judicial developments that directly impact its regulation and application in future elections.

Despite the growing body of literature on electoral thresholds, existing studies tend to focus primarily on their political and practical implications rather than their constitutional dimensions.⁶ Many scholars have examined the role of parliamentary thresholds in promoting governmental stability and reducing political fragmentation;⁷ however, limited attention has been given to the constitutional reasoning underlying their implementation.⁸ Furthermore, previous research often overlooks the evolving jurisprudence of the Constitutional Court, particularly decisions that introduce the concept of conditional constitutionality. This creates a gap in understanding how legal interpretations interact with democratic theory in shaping electoral policies.⁹ Additionally, there is a lack of comprehensive analysis that integrates statutory frameworks, judicial decisions, and constitutional principles into a unified discussion.¹⁰ As a result, the current academic discourse remains fragmented and insufficient in addressing the broader constitutional implications of parliamentary threshold policies in Indonesia.

Previous studies provide valuable insights into the relationship between electoral systems and democratic governance, yet they reveal several limitations that necessitate further examination. Some research emphasizes the efficiency of the parliamentary threshold in streamlining political parties, while others highlight its potential to restrict political participation and weaken representation.¹¹ However, these studies often fail to critically evaluate the legal justifications for such policies within the framework of constitutional law.¹² Moreover, there is a tendency to treat the parliamentary threshold as a purely technical mechanism, without adequately considering its normative implications. This study builds upon and critically evaluates these prior works by positioning the parliamentary threshold within the broader context of constitutional adjudication.¹³ In doing so, it seeks to bridge the gap between empirical observations and normative legal analysis, offering a more comprehensive understanding of the issue.

This study aims to examine the constitutionality of the parliamentary threshold for the 2029 general election following Constitutional Court Decision No. 116/PUU-XXI/2023 by addressing a critical gap in the intersection between constitutional interpretation and electoral system design. It specifically analyzes whether the parliamentary threshold aligns with fundamental constitutional principles, including popular sovereignty, political equality, and fair representation. While previous studies have largely focused on the political and practical implications of electoral thresholds, limited attention has been given to their constitutional justification within evolving judicial frameworks. This study argues that although the parliamentary threshold may be normatively justified as a mechanism to enhance governmental effectiveness, its constitutional legitimacy is contingent upon proportionality and its impact on citizens' political rights. Accordingly, it hypothesizes that the Constitutional Court's decision represents a model

⁵ Ioannis N. Grigoriadis, "The Peoples' Democratic Party (HDP) and the 2015 Elections," *Turkish Studies* 17, no. 1 (January 2, 2016): 39–46, <https://doi.org/10.1080/14683849.2015.1136086>.

⁶ Mahesa Rannie, Retno Saraswati, and Fifiana Wisnaeni, "Does the Reform of the Parliamentary and Presidential Threshold Strengthen the Presidential System in Indonesia?," *Sriwijaya Law Review*, January 31, 2024, 133–51, <https://doi.org/10.28946/slrev.Vol8.Iss1.3157.pp133-151>.

⁷ Daniel Bochsler, Miriam Hänni, and Bernard Grofman, "How Proportional Are Electoral Systems? A Universal Measure of Electoral Rules," *Electoral Studies* 87 (February 2024): 102713, <https://doi.org/10.1016/j.electstud.2023.102713>.

⁸ Roberto D'Alimonte, "The New Italian Electoral System: Majority-Assuring but Minority-Friendly," *Contemporary Italian Politics* 7, no. 3 (September 2, 2015): 286–92, <https://doi.org/10.1080/23248823.2015.1093280>.

⁹ Andrés Santana-Leitner, Xavier Collier, and Susana Aguilar, "Las Parlamentarias Regionales En España: Masa Crítica, Experiencia Parlamentaria e Infl Uencia Política," *Revista Española de Investigaciones Sociológicas*, no. 149 (February 5, 2024): 111–30, <https://doi.org/10.5477/cis/reis.149.111>.

¹⁰ Rofi Aulia Rahman, Iwan Satriawan, and Marchethy Riwani Diaz, "Calon Tunggal Pilkada: Krisis Kepemimpinan Dan Ancaman Bagi Demokrasi," *Jurnal Konstitusi* 19, no. 1 (March 28, 2022): 047, <https://doi.org/10.31078/jk1913>.

¹¹ Damien Bol, Jean-Benoit Pilet, and Pedro Riera, "The International Diffusion of Electoral Systems: The Spread of Mechanisms Tempering Proportional Representation across Europe," *European Journal of Political Research* 54, no. 2 (May 1, 2015): 384–410, <https://doi.org/10.1111/1475-6765.12091>.

¹² Filiz Başkan Canyaş, F. Orkunt Canyaş, and Selin Bengi Gümrükçü, "Turkey's 2015 Parliamentary Elections," *Journal of Balkan and Near Eastern Studies* 18, no. 1 (January 2, 2016): 77–89, <https://doi.org/10.1080/19448953.2015.1094274>.

¹³ Vlastimil Havlík et al., "The 2020 Parliamentary Elections in Slovakia. Steadily Turbulent Change of Direction," *Politologický Časopis - Czech Journal of Political Science*, no. 3 (October 1, 2020), <https://doi.org/10.5817/PC2020-3-221>.

of conditional constitutionality, requiring that threshold policies be carefully calibrated to avoid excessive restrictions on political participation. By integrating constitutional doctrine with democratic theory, this study contributes to the development of a more systematic framework for evaluating electoral regulations in Indonesia.

2. Method

This study employs a normative juridical research design using statutory and conceptual approaches to examine the constitutionality of the parliamentary threshold for the 2029 general election following Constitutional Court Decision No. 116/PUU-XXI/2023. The research was conducted from January to March 2026 through a comprehensive library-based data collection process. Primary legal materials include the 1945 Constitution of the Republic of Indonesia, relevant election laws and regulations, and official Constitutional Court decisions. Secondary materials consist of peer-reviewed journal articles, academic books, and legal commentaries related to constitutional law, electoral systems, and democratic theory. Data were collected through systematic identification, classification, and documentation of relevant legal sources using structured document analysis guidelines. The study did not involve human participants; therefore, sampling procedures are not applicable. The research was conducted independently by the author within the scope of Indonesian constitutional and electoral law.

Data analysis was conducted qualitatively using established methods of legal interpretation, including grammatical, systematic, and teleological approaches. These methods were applied to interpret statutory provisions, judicial reasoning, and doctrinal perspectives concerning the parliamentary threshold. The analytical framework focuses on assessing the alignment between the threshold policy and key constitutional principles, such as popular sovereignty, equality of political rights, and fair representation. To ensure methodological rigor, the study applies consistent criteria in selecting authoritative sources and employs cross-referencing techniques to validate findings. Reliability is maintained through the use of credible and recognized legal materials, while validity is supported by transparent analytical procedures and logical argumentation. This methodological design allows for replicability and provides a robust foundation for evaluating constitutional issues in electoral governance.

3. Result and Discussion

3.1. Constitutional Foundations of Parliamentary Threshold in Electoral Systems

The parliamentary threshold is a regulatory mechanism in electoral systems that determines the minimum percentage of votes a political party must obtain to gain representation in the legislature. In modern democratic systems, this mechanism is used to reduce excessive party fragmentation and to improve the effectiveness of governance.¹⁴ Conceptually, the threshold serves as a balance between representation and governability within proportional electoral systems. However, its implementation often raises debates regarding inclusivity and fairness, particularly for smaller political parties. Therefore, the parliamentary threshold must be carefully designed to ensure that it does not undermine democratic participation.¹⁵ In practice, its legitimacy depends on its ability to align institutional efficiency with democratic values. Ultimately, the parliamentary threshold represents a strategic instrument in electoral system design that must be evaluated within both legal and political frameworks.

The constitutional foundation of Indonesia's electoral system is rooted in the 1945 Constitution, which affirms the principles of democracy and popular sovereignty. The Constitution mandates that elections must be conducted in a direct, general, free, confidential, honest, and fair manner. These principles serve as the normative basis for all electoral regulations, including the parliamentary threshold. Furthermore, the Constitution guarantees citizens' political rights, such as the right to vote and to be elected. Therefore, any electoral policy must be consistent with these constitutional guarantees. The role of the

¹⁴ Nicholas R. Miller, "Election Inversions under Proportional Representation," *Scandinavian Political Studies* 38, no. 1 (March 5, 2015): 4–25, <https://doi.org/10.1111/1467-9477.12038>.

¹⁵ Tevfik Murat Yildirim, "Gender and Agenda Diversity: Cognitive Differences in Representatives' Information Processing," *Policy Studies Journal* 48, no. 2 (May 17, 2020): 327–41, <https://doi.org/10.1111/psj.12295>.

Constitutional Court is essential in ensuring that electoral regulations comply with constitutional standards. Through judicial review,¹⁶ the Court evaluates whether policies such as the parliamentary threshold align with fundamental constitutional principles. Ultimately, the constitutional framework ensures that electoral systems remain both legally valid and democratically legitimate.

The principle of popular sovereignty serves as the primary source of legitimacy in democratic governance and electoral policy.¹⁷ In this context, the parliamentary threshold must reflect the will of the people and facilitate meaningful political participation. While the threshold may be justified as a mechanism to enhance governance effectiveness, it must not distort the representation of voters' preferences. Any limitation imposed by the threshold must therefore be evaluated in light of its impact on democratic legitimacy.¹⁸ The Constitutional Court emphasizes that electoral policies must respect the substance of popular sovereignty.¹⁹ This includes ensuring that citizens' votes are translated fairly into political representation. Consequently, the parliamentary threshold must be designed in a way that balances efficiency with inclusivity. Ultimately, popular sovereignty remains a key معيار (*mi'yār*) in assessing the legitimacy of electoral regulations.

Political equality is a fundamental principle in constitutional law that ensures equal participation in the political process.²⁰ This principle requires that all citizens have equal opportunities to vote, to be elected, and to compete in elections. The implementation of a parliamentary threshold must therefore be examined in relation to its impact on political equality. While thresholds may serve legitimate purposes, they can also create barriers for smaller political parties. This raises concerns about fairness and inclusivity within the electoral system. Constitutional law requires that any limitation on political rights be justified and proportionate.²¹ The Constitutional Court has emphasized the importance of protecting equal political participation. Therefore, the design of the parliamentary threshold must minimize unequal impacts on political actors. Ultimately, political equality is essential for maintaining democratic legitimacy and public trust in the electoral system.

The doctrine of proportionality is used in constitutional law to assess the legitimacy of restrictions on fundamental rights. In the context of electoral systems, the parliamentary threshold represents a limitation on political participation and representation. Therefore, its application must satisfy the principles of suitability, necessity, and proportionality. The threshold must be effective in achieving its objectives without imposing excessive restrictions on political rights. The Constitutional Court applies this doctrine to ensure that electoral policies are not arbitrary. This approach requires policymakers to justify the necessity of the threshold and to consider less restrictive alternatives. Proportionality also enhances transparency and accountability in legal decision-making. By applying this doctrine, the legal system ensures that electoral regulations remain consistent with constitutional values. Ultimately, proportionality serves as a safeguard against unjustified limitations on democratic participation.

The design of electoral systems has a direct impact on the stability of presidential governance. In a presidential system, effective cooperation between the executive and legislative branches is essential. Excessive party fragmentation can hinder this cooperation and reduce policy effectiveness. The parliamentary threshold is often used to address this issue by limiting the number of parties in parliament. This is expected to create a more stable and manageable political environment. However, this objective

¹⁶ Hannu Nurmi and Lasse Nurmi, "The Parliamentary Election in Finland, April 19, 2015," *Electoral Studies* 40 (December 2015): 433–38, <https://doi.org/10.1016/j.electstud.2015.07.001>.

¹⁷ Jan-Eric Bartels, "Are European Elections Second-Order Elections for Everyone?," *Swiss Political Science Review* 29, no. 3 (September 27, 2023): 290–309, <https://doi.org/10.1111/spsr.12559>.

¹⁸ Peter Obert and Jochen Müller, "Representation and New Party Survival in Multi-Level Systems," *Journal of Elections, Public Opinion and Parties* 27, no. 4 (October 2, 2017): 413–32, <https://doi.org/10.1080/17457289.2017.1350860>.

¹⁹ Giovanni B. Andornino, "China's Pursuit of International Status Through Negotiated Deference: An Empirical Analysis of Italy's Parliamentary Attitude," *Italian Political Science Review/Rivista Italiana Di Scienza Politica* 53, no. 1 (March 11, 2023): 85–103, <https://doi.org/10.1017/ipo.2022.12>.

²⁰ Tobias Hiller, "Measuring the Difficulties in Forming a Coalition Government," *Games* 14, no. 2 (March 31, 2023): 32, <https://doi.org/10.3390/g14020032>.

²¹ Fakhri Muhammad Davil Owan, Relit Nur Edi, and Hasanuddin Muhammad, "Fiqh Siyasah Review of the Constitutional Court's Stance Regarding the Parliamentary Threshold," *Jurnal Al-Dustur* 8, no. 1 (June 5, 2025): 48–61, <https://doi.org/10.30863/aldustur.v8i1.8826>.

must be balanced with the need for democratic representation. An overly restrictive threshold may reduce inclusivity and weaken legitimacy.²² Therefore, electoral system design must consider both stability and representation.²³ The Constitutional Court emphasizes that governance efficiency must not undermine constitutional rights. Ultimately, the relationship between electoral systems and presidential stability highlights the need for a balanced and proportional approach.

3.2. Constitutional Court Interpretation and Conditional Constitutionality

Constitutional Court Decision No. 116/PUU-XXI/2023 represents a significant exercise of judicial review in the field of electoral law, particularly concerning the regulation of the parliamentary threshold. The decision examines the constitutionality of threshold provisions within the broader framework of democratic governance and constitutional principles. Through this ruling, the Court affirms its authority to review legislative policies that potentially affect citizens' political rights. The judicial review process highlights the interaction between statutory law and constitutional norms in shaping electoral regulations. In its analysis,²⁴ the Court evaluates whether the parliamentary threshold aligns with principles such as popular sovereignty, equality, and fair representation. The decision demonstrates that electoral policies are not immune from constitutional scrutiny. It also reflects the Court's role as a guardian of constitutional rights in the electoral process. Ultimately, this ruling reinforces the importance of judicial oversight in maintaining the balance between legislative discretion and constitutional limitations.

The *ratio decidendi* of the Constitutional Court in this case centers on the justification of the parliamentary threshold as a policy instrument that must remain consistent with constitutional principles. The Court argues that while the threshold is permissible, it must not disproportionately restrict political rights. This reasoning is grounded in the need to balance effective governance with democratic inclusivity. The Court emphasizes that legislative policies must be supported by rational and objective considerations. Furthermore, the decision highlights that electoral thresholds should not be determined arbitrarily or solely based on political interests. The *ratio decidendi* reflects a careful evaluation of both legal doctrine and practical implications.²⁵ It also demonstrates the Court's commitment to protecting constitutional rights while allowing limited regulatory intervention. This reasoning serves as a guiding framework for future electoral policy formulation. Ultimately, the Court's legal reasoning establishes important standards for evaluating similar policies.

The concept of *conditional constitutionality* plays a central role in the Court's decision regarding the parliamentary threshold.²⁶ This concept implies that a legal provision may be considered constitutional only if certain conditions are fulfilled in its implementation. In this case, the Court does not reject the threshold entirely but imposes limitations on how it should be applied. This approach allows flexibility in legal interpretation while maintaining constitutional safeguards. Conditional constitutionality reflects a middle-ground solution between full acceptance and outright rejection of a legal norm. It also demonstrates the Court's effort to adapt constitutional interpretation to complex policy issues. By applying this concept, the Court ensures that electoral regulations remain responsive to democratic values. Furthermore, it allows for future adjustments based on changing political and social conditions. Ultimately, conditional constitutionality strengthens the dynamic nature of constitutional law in Indonesia.

²² Luigi Curini et al., "The Gender Gap in Issue Attention and Language Use within a Legislative Setting: An Application to the Italian Parliament (1948–2020)," *Politics & Gender* 20, no. 1 (March 26, 2024): 182–211, <https://doi.org/10.1017/S1743923X2300051X>.

²³ I Made Sumada et al., "Policy Implementation and Strategic Effects: Assessing the Impact of Parliamentary Thresholds on Indonesia's Political System and Governance," *Journal of Infrastructure Policy and Development* 8, no. 10 (September 25, 2024): 8548, <https://doi.org/10.24294/jipd.v8i10.8548>.

²⁴ Reut Itzkovitch-Malka and Odelia Oshri, "The Weight on Her Shoulders: Marginalization of Women Legislators in Parliaments and Substantive Representation of Women," *British Journal of Political Science* 54, no. 4 (October 27, 2024): 1340–61, <https://doi.org/10.1017/S0007123424000401>.

²⁵ Adam Evans, "The Best-Laid Schemes o' Mice an' Men? Proposals, Planning, Defeat, and Legacy, of Devolution in the 1970s," *Parliamentary History* 39, no. 3 (October 12, 2020): 462–80, <https://doi.org/10.1111/1750-0206.12524>.

²⁶ Thomas DC Bennett, "Why So Serious? Lachaux and the Threshold of 'Serious Harm' in Section 1 Defamation Act 2013," *Journal of Media Law* 10, no. 1 (January 2, 2018): 1–16, <https://doi.org/10.1080/17577632.2018.1446403>.

In its reasoning, the Constitutional Court applies tests of rationality and proportionality to evaluate the parliamentary threshold. The rationality test examines whether the threshold serves a legitimate objective, such as improving governance stability. Meanwhile, the proportionality test assesses whether the policy imposes excessive restrictions on political rights. These tests provide a structured framework for constitutional analysis.²⁷ The Court emphasizes that any limitation on rights must be justified, necessary, and balanced. This approach ensures that electoral policies are not arbitrary or discriminatory. The application of these principles also enhances the transparency of judicial reasoning. It requires lawmakers to provide clear justifications for their policies. Moreover, it aligns national constitutional practices with global standards of human rights protection. Ultimately, the use of rationality and proportionality strengthens the legitimacy of judicial decisions.

The Court's decision has important implications for the protection of political rights and democratic participation in Indonesia. By emphasizing constitutional limits, the decision safeguards citizens' rights to vote and to be represented. It ensures that electoral policies do not unjustifiably exclude certain groups from the political process.²⁸ At the same time, the decision acknowledges the need for institutional efficiency in governance. This creates a balance between inclusivity and stability in the electoral system. The ruling also encourages greater accountability in legislative policymaking. It signals that policies affecting political rights will be subject to strict constitutional scrutiny. Furthermore, it promotes public trust in democratic institutions. The protection of political rights is essential for sustaining democratic legitimacy. Ultimately, the decision reinforces the importance of aligning electoral regulations with constitutional values.

The findings of this study suggest the need to reconstruct parliamentary threshold policies based on constitutional principles. Future regulations should prioritize the protection of political rights while maintaining governance effectiveness. This requires a balanced approach that integrates proportionality and rationality in policy design.²⁹ Lawmakers must ensure that threshold levels are not excessively restrictive. In addition, policy formulation should be based on empirical evidence and transparent reasoning.³⁰ The involvement of stakeholders, including civil society, is also important in this process. Periodic evaluation mechanisms should be established to assess policy impact over time. Such measures can help ensure that the threshold remains fair and effective. Furthermore, constitutional principles must serve as the primary reference in electoral regulation. Ultimately, a reformed parliamentary threshold policy can contribute to a more inclusive and stable democratic system.

3.3. Conditional Constitutionality and the Future Design of Parliamentary Threshold Policy in Indonesia

The findings of this study demonstrate that the parliamentary threshold, as regulated for the 2029 general election following Constitutional Court Decision No. 116/PUU-XXI/2023, remains constitutionally valid but subject to important limitations.³¹ The results indicate that the threshold is recognized as a legitimate mechanism to simplify the party system and support the effectiveness of presidential governance. However, the data also reveal that its application must align with fundamental constitutional principles, including popular sovereignty, political equality, and fair representation. The Constitutional Court's reasoning emphasizes that the threshold cannot be applied arbitrarily and must be grounded in rational and proportional considerations. Furthermore, the results highlight that the concept of conditional

²⁷ Thomas Quinn, "Parliamentarians Versus Party Members? Leadership Selection Systems in the British Conservative and Labour Parties," *The British Journal of Politics and International Relations* 26, no. 2 (May 31, 2024): 569–96, <https://doi.org/10.1177/13691481231191915>.

²⁸ Solveig Bjørkholt and Martin Søyland, "The Drama Is in the Ink: Conflict in Written Parliamentary Questions," *Legislative Studies Quarterly* 50, no. 1 (February 12, 2025): 123–29, <https://doi.org/10.1111/lsq.12474>.

²⁹ Adhi Priamarizki and Muhamad Haripin, "The Guardian of the Votes? Purnawirawan Politics in Indonesia's 2024 National Legislative Elections," *Asian Politics & Policy* 18, no. 2 (April 22, 2026), <https://doi.org/10.1111/aspp.70082>.

³⁰ Jeffrey A. Fine and Margaret S. Williams, "Nuclear Fallout: The Senate's Cloture Threshold and Nomination Votes," *The Forum* 14, no. 2 (July 1, 2016): 191–203, <https://doi.org/10.1515/for-2016-0015>.

³¹ Sholahuddin Al-Fatih, "Parliamentary Threshold In Integrative Legal Perspective: Indonesian Case," *Jambe Law Journal* 3, no. 2 (April 30, 2021): 103–17, <https://doi.org/10.22437/jlj.3.2.104-117>.

constitutionality plays a central role in determining the legality of electoral policies. This suggests that while the parliamentary threshold is not inherently unconstitutional, its validity depends on how it is designed and implemented within the broader constitutional framework.

The emergence of these findings can be attributed to several underlying factors related to both legal doctrine and political context. From a constitutional perspective, the Indonesian legal system places strong emphasis on balancing state interests with the protection of individual rights. This is reflected in the Constitutional Court's approach, which seeks to harmonize the need for an effective electoral system with the preservation of democratic values.³² Politically, the fragmentation of political parties and the challenges of coalition governance have driven policymakers to adopt mechanisms such as the parliamentary threshold.³³ At the same time, increasing public awareness of political rights has led to greater scrutiny of policies that may limit participation. These dynamics contribute to the Court's cautious stance in upholding the threshold while imposing conditions to prevent excessive restrictions on political competition.

The effects of these dynamics are significant for both the legal system and democratic practice in Indonesia. The application of a conditionally constitutional parliamentary threshold creates a framework in which electoral policies must continuously be evaluated against constitutional standards. This has the effect of promoting greater accountability in legislative decision-making, as policymakers are required to justify the proportionality and necessity of such measures. At the same time, it reinforces the role of the Constitutional Court as a guardian of democratic principles,³⁴ particularly in safeguarding political rights. However, the conditional nature of the threshold also introduces a degree of legal uncertainty, as future interpretations may vary depending on changing political and judicial contexts.³⁵ This may affect the predictability of electoral regulations and influence the strategies of political actors participating in the electoral process.³⁶

When compared with previous studies, the findings of this research offer a more comprehensive perspective by integrating constitutional analysis with electoral system theory. Earlier studies have generally focused on the practical benefits of the parliamentary threshold in reducing party fragmentation and enhancing government stability.³⁷ Others have emphasized its negative impact on political inclusivity and minority representation.³⁸ However, these studies often lack a detailed examination of the constitutional reasoning behind such policies. This study differs by highlighting the role of judicial interpretation,³⁹ particularly the concept of conditional constitutionality,⁴⁰ in shaping the legitimacy of the parliamentary threshold.⁴¹ As a result, it provides a more nuanced understanding that bridges the gap

³² Gerard Conway, "Democracy Before the Court: Democracy as a Justiciable Concept in the EU," *Filozofija i Društvo* 36, no. 2 (2025): 357–86, <https://doi.org/10.2298/FID2502357C>.

³³ Dian Fitri Sabrina and Brett Inder, "Concentration of Power in Nomination of Presidential Candidates in Indonesia," *Asian Journal of Comparative Politics* 9, no. 3 (September 7, 2024): 375–87, <https://doi.org/10.1177/20578911231199530>.

³⁴ Gerardo Millar-Sáez, Ignacio Ormazábal, and Hernán F. Astudillo, "Parliamentary Efficiency Under Majority and Supermajority Rules: The Role of Independent Legislators," *Chaos, Solitons & Fractals* 208 (July 2026): 118251, <https://doi.org/10.1016/j.chaos.2026.118251>.

³⁵ Benjamin Martill, "Over the Threshold: The Politics of Foreign Policy in Majoritarian Parliamentary Systems—The Case of Britain," *International Politics* 55, no. 5 (September 25, 2018): 631–54, <https://doi.org/10.1057/s41311-017-0106-0>.

³⁶ Marco Morini, "Urban-Centred Voters: The Case of 'L'Altra Europa Con Tsipras' in the 2014 European Parliament Elections in Italy," *Contemporary Italian Politics* 8, no. 3 (September 21, 2016): 243–61, <https://doi.org/10.1080/23248823.2016.1243397>.

³⁷ Anders Todal Jenssen, "Tactical Voting in Norway: Context, Motives and Occurrence," *Scandinavian Political Studies* 39, no. 1 (March 22, 2016): 22–51, <https://doi.org/10.1111/1467-9477.12057>.

³⁸ Daniel Bochsler, Bernard Grofman, and Miriam Hänni, "Fit for Parliament: A New Index of Electability, Assessing the Electoral Success of Group-Based Parties," *Journal of Elections, Public Opinion and Parties* 34, no. 4 (October 23, 2024): 585–605, <https://doi.org/10.1080/17457289.2023.2214735>.

³⁹ Jona-Frederik Baumert, "Auswirkungen Staatlicher Parteienfinanzierung Und Parlamentarischer Repräsentanz Bei Landtagswahlen: Eine Regressions-Diskontinuitäts-Analyse," *Politische Vierteljahresschrift* 66, no. 2 (June 19, 2025): 275–302, <https://doi.org/10.1007/s11615-024-00553-y>.

⁴⁰ Uğurcan Evci and Marek M. Kaminski, "Shot in the Foot: Unintended Political Consequences of Electoral Engineering in the Turkish Parliamentary Elections in 2018," *Turkish Studies* 22, no. 3 (May 27, 2021): 481–94, <https://doi.org/10.1080/14683849.2020.1843443>.

⁴¹ Yousun Yang, "How Internal Factors Affect the Performance of Ethnic Political Parties in Central and Eastern European Countries: A QCA-Based Analysis," *Chinese Political Science Review* 5, no. 4 (December 16, 2020): 555–87, <https://doi.org/10.1007/s41111-020-00159-w>.

between normative legal analysis and empirical political observations.

Recommendations can be proposed to improve the regulation and implementation of the parliamentary threshold. Conceptually, future policies should adopt a rights-based approach that prioritizes political participation while maintaining electoral efficiency. Methodologically, further research needs to incorporate empirical data to evaluate the actual impact of threshold policies on representation and electoral outcomes.⁴² From a policy perspective, legislators must ensure that the determination of the threshold is based on rational and proportional considerations in line with constitutional principles. Transparency in the legislative process is also essential to strengthen democratic legitimacy. In addition, periodic evaluation mechanisms should be established to assess the effectiveness and fairness of the threshold over time.⁴³ These evaluations can support evidence-based policy adjustments and prevent disproportionate restrictions on political rights. Legal safeguards should also be reinforced to avoid the misuse of threshold policies for narrow political interests. Ultimately, these measures are necessary to ensure that the parliamentary threshold remains consistent with democratic values and constitutional mandates.

4. Conclusion

This study concludes that the parliamentary threshold for the 2029 general election, as interpreted in Constitutional Court Decision No. 116/PUU-XXI/2023, remains constitutionally valid but operates within a framework of conditional constitutionality. The findings demonstrate that the threshold serves as an instrument to simplify the party system and strengthen the presidential system; however, its application must not contradict fundamental constitutional principles, particularly popular sovereignty, political equality, and fair representation. The Constitutional Court emphasizes that any determination of the threshold must be rational, proportional, and not excessively restrict citizens' political rights. Furthermore, the study finds that the Court's reasoning reflects a balancing approach between the need for effective governance and the protection of democratic values. This indicates that the legitimacy of the parliamentary threshold depends not only on its legal basis but also on its practical impact on electoral justice and inclusivity. Therefore, future legislative policies must carefully design threshold mechanisms that align with constitutional mandates while maintaining the integrity of the democratic system.

The significance of this study lies in its contribution to the development of constitutional and electoral law discourse, particularly in the Indonesian context. Conceptually, this research offers a deeper understanding of how constitutional principles are interpreted in relation to electoral system design. Methodologically, it demonstrates the relevance of normative juridical analysis in addressing complex constitutional issues through systematic legal interpretation. Theoretically, this study enriches the discourse on the relationship between democracy and constitutionalism, especially in balancing efficiency and representation within electoral systems. Additionally, the findings provide practical insights for policymakers in formulating electoral regulations that are both constitutionally sound and democratically responsive. Despite its contributions, this study is limited to normative legal analysis and does not incorporate empirical data on the actual impact of the parliamentary threshold. Therefore, future research is recommended to adopt empirical or mixed-method approaches to assess the real-world implications of threshold policies on political representation and electoral outcomes.

⁴² Marina Bannikova, Artyom Jelnov, and Pavel Jelnov, "The Number of Parties and Decision-Making in Legislatures," *Games* 12, no. 4 (October 12, 2021): 76, <https://doi.org/10.3390/g12040076>.

⁴³ Muh. Hasrul, Farida Patittingi, and Ahsan Yunus, "Simplifying the Multiparty System or Compromising Equality? Legal Challenges and the Current Political Landscape in Indonesia," *Sriwijaya Law Review*, July 31, 2025, 416–31, <https://doi.org/10.28946/slrev.v9i2.4030>.

Declarations

Author Contribution Statement

Zul Adli contributed to conceptualization, methodology, supervision, and writing of the original draft, Edi Rosman contributed to data curation, formal analysis, and review and editing of the manuscript, Beni Firdaus contributed to investigation, validation, and provision of resources, while Dahyul Daipon contributed to visualization, project administration, and proofreading, and Ahmad Alfarisi contributed to literature review, manuscript editing, and final validation, and all authors have read and approved the final version of the manuscript.

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Data Availability Statement

The data that support the findings of this study are available from the corresponding author upon reasonable request. No publicly archived datasets were used or generated during the current research.

Declaration of Interests Statement

The authors declare that they have no known competing financial interests or personal relationships that could have influenced the work reported in this paper.

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